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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ISSA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 8, 2001.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

LIVABLE COMMUNITIES

Mr. BLUMENAUER. Mr. Speaker, if Members care about livable communities, they should be encouraged with the recent discussions surrounding the flooding in the Upper Mississippi.

We cannot make families safe, healthy, and economically secure unless we squarely address how we manage these disasters. Despite massive construction efforts to stave off harm over the last 40 years, losses adjusted for inflation are six times greater than before we started. The reasons are quite clear.

First, we have often made the problems worse by our efforts to prevent disasters. We have channelized the rivers, we have narrowed them, we have reduced the capacity to carry water while they increase the velocity. And we leave no place for the water to go when it floods.

Number two, we have a decided lack of careful planning for land around the edges of rivers and other bodies of water. Water is a magnet for development, especially when we implement things that appear to increase safety, like build more and higher sea walls and dikes. This has encouraged people to develop in flood plains, which by their very nature puts people at risk. There is a reason why they are called flood plains.

Nationally, we have developed over half our Nation's wetlands with houses and parking lots. In some communities 90 percent or more of the original wetlands have disappeared, taking with it the capacity for the ground in low-lying areas to soak up water and to have relatively benign pools, ponds, and temporary lakes. The swamps, which are always targeted to be eliminated, were actually very effective devices to prevent floodwater from inflicting more damage.

Into this volatile mix, we need to factor global climate change. There are some who still argue, well, we should just study it. But the strong consensus from the scientific community is that global warming and climate change is a reality. There is a very high degree of probability that the warming we have seen in the last century will continue and even accelerate. And while many people associate this with severe droughts and much higher temperature in urban areas and nighttime temperatures, there is another significant factor, extreme storm events. There have been many incidents recently where communities have set all-time records for rainfall in a 24-hour period. This combination of mismanaged flood protection, inappropriate development, and the likelihood of things getting worse in terms of increased precipitation makes these questions even more significant.

There is a golden opportunity for environmentalists to join with the administration, for fiscal conservatives to join with people who are concerned about preventing human misery to agree to simple, common sense steps that will provide for true improvement.

First, there ought to be an incentive, an emphasis, on prevention. We should not discourage or eliminate promising programs like Project Impact, which help people prepare to resist disasters before the fact.

Second, there ought to be increased local responsibility. There is no question that local communities must bear the consequences for decisions they make about the location and nature of development. There is no question that more expensive or intrusive measures should require more local or State support. However, the Federal match should be higher for things that are going to be preventative in nature while subsidy should be reduced or eliminated for things that are more likely to make it worse. Local communities should implement sound land-use planning and building codes to help themselves.

There is no excuse to put hog waste lagoons in flood plains, to not have reasonable building requirements for window covering for areas that are subject to extreme tropical storm damage, or to allow people to maintain a residence in repeatedly flooded areas. All these people should be given clear signals that they are going to have to accept responsibility to mitigate these clearly avoidable damages.

Finally, a simple, common sense step should be to reform the flood insurance program to eliminate Federal subsidy for repetitive flood-loss payments.

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It is critical that we not make this into a political tug of war at a time when there is consensus in the scientific community, environmentalists, the professionals who work in disaster mitigation about what will work, what will make things better, what will keep people out of harm's way. We need to work cooperatively to make our communities more livable with a better match between private responsibility and government policy at all levels.

ARSENIC STANDARDS IN DRINKING WATER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized during morning hour debates for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I have been concerned about attacks made on the Bush administration for their decision to not immediately implement the Environmental Protection Agency's decision to reduce the standard on arsenic in drinking water from 50 parts per billion to 10 parts per billion until further research and data is provided. Since nearly everyone has heard of individuals being poisoned with arsenic, it is assumed that any amount of arsenic is detrimental and that not immediately implementing a lower standard of 10 parts per billion is anti-environment and insensitive to human health concerns. The 50 parts per billion standard has been in effect since 1942, and there is no sound evidence that having a standard of 50 parts per billion has led to increased health problems in the United States.

Most people are not aware of the fact that arsenic is a naturally-occurring substance and is present in the groundwater in most western States and parts of the Midwest and even some parts of New England. It is not put there by pesticides, fertilizers or human beings. Ninety-seven percent of the communities exceeding the 10 parts per billion of arsenic in their water supplies are small towns with populations of less than 10,000 people. There are 69 such communities in the State of Nebraska that exceed 10 parts per billion of arsenic. Nearly all of these are small rural communities, and most of them have only 11 to 15 parts per billion of arsenic in their groundwater. In order to meet the 10 parts per billion standard, nearly all of these communities would have to be assessed several hundred dollars per family and several million dollars per community.

Much of the EPA reasoning for dropping the arsenic standards to 10 parts per billion has been extrapolated from studies done in Taiwan where water contains an average arsenic level of 250 parts per billion. Some health problems have been detected as a result of the high levels of arsenic in Taiwan. Now, if there is a linear relationship in regard to the level of arsenic and health concerns, reducing the standard level of arsenic from 50 parts per billion to 10 parts per billion would theoretically, and this is theoretically only, prevent three cases of bladder cancer and could possibly prevent a handful of deaths from all causes that might possibly be related to arsenic in the United States annually. If a linear relationship exists, even 1 part per billion poses at least some slight health risk.

At the present time, however, there is no clear evidence that there is a linear relationship between arsenic level and health. It is very possible there may be some point that a certain amount of arsenic in the water poses absolutely no health risk. Arsenic is necessary for human life and is present in every person's body. Therefore, 50 parts per billion, 40 parts per billion, 30, or 20 parts per billion could prove to be perfectly safe. We just do not know what that level is.

The cost of lowering this standard from 50 parts per billion to 10 parts per billion has been estimated by the EPA to cost $181 million annually. However, the American Waterworks Association has stated that the cost would actually be $600 million annually with an additional $5 billion in capital outlays to pay for the treatment plants. There is a huge discrepancy, obviously, in these figures.

The EPA told the State of Nebraska's Department of Health to dump extracted arsenic on open fields, as arsenic is nontoxic. However, a short time later the EPA reversed its opinion and said that arsenic extracted from water must be shipped to toxic waste dumps. It does not appear that the EPA has factored the cost of shipping arsenic to toxic waste sites into their cost estimates. It would seem that the Bush administration's decision to delay implementation of standards until further study has been done is warranted. In short, it seems that all of the evidence that we currently have would indicate that an arbitrary level of 10 parts per billion may be excessively low and it is quite likely not based on any sound evidence. Further data from independent sources is clearly warranted.

INTRODUCTION OF CONCURRENT RESOLUTION AUTHORIZING PRINTING OF ''ASIAN AND PACIFIC ISLANDER AMERICANS IN CONGRESS''

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, in celebration of Asian Pacific American Heritage Month, I proudly rise to introduce a concurrent resolution authorizing the printing of a book entitled ''Asian and Pacific Islander Americans in Congress.''

Each year during the month of May, we celebrate the rich heritage of Asian and Pacific Islander Americans throughout the country, thanks to the pioneering efforts of Congressmen Frank Horton and Norman Mineta, who sponsored legislation celebrating the first official Asian Pacific American Week in 1978. In 1992, Congressman Horton authored legislation expanding the week into a permanent month-long celebration of the proud mosaic of histories and ethnicities of this most diverse national community.

Asian and Pacific Islanders are indeed a diverse constellation of peoples from 40 major subpopulation groups of Pacific Islander Americans including Chamorros, Native Hawaiians and Samoans; Southeast Asian Americans such as Cambodians, Vietnamese, Hmongs and Laotians; East Asian Americans including Chinese, Japanese and Koreans; and South Asian Americans, including Indians and Pakistanis. Our national community boasts the most diverse minority group within the country, comprised of both immigrant and indigenous populations.

The history of Congress includes 33 Asian and Pacific Islander Americans that have served from 1903 to the present. These Members come from backgrounds ranging from Chinese, Chamorro, Filipino, Asian Indian, Japanese, Korean, Hawaiian, and Samoan. Thirteen of these Members were Resident Commissioners from the Philippine Islands during the time it was a territory from 1898 until it became independent in 1946. Currently, there are nine Members serving in the 107th Congress. Amongst them are two Senators, two delegates, and five Representatives.

Delegate Jonah Kuhio Kalanianaole, a Native Hawaiian prince and Member of the Hawaiian royal family, was the first Pacific Islander American elected to Congress. Delegate Kuhio represented the Territory of Hawaii from 1903 to 1923.

Hawaii, not surprisingly being the State with the highest per capita population of Asian and Pacific Islander Americans, has a history of many other firsts in Congress. Senator Hiram Fong was the first Chinese American in Congress. Representative PATSY MINK was the first Asian Pacific American woman in Congress. Senator DANIEL K. INOUYE is the first Japanese American and has served in Congress since being elected in 1959 after statehood for Hawaii. Senator DANIEL K. AKAKA is the first U.S. Senator of Native Hawaiian ancestry.

Amongst the other firsts, Representative Dalip Signh Saund of California was the first Asian American U.S. Representative from 1957 to 1963. Guam's first Delegate to Congress, Antonio Borja Won Pat, was the first Chamorro elected in 1973. Delegate Fofo Iosefa Fiti Sunia, the first American Samoan in Congress, was elected in 1981. And Representative Jay Kim was the first Korean American elected to the 103rd Congress.

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Benito Y Tuason Legarda and Pablo Ocampo were the first Filipinos elected as resident commissioners in the 60th Congress in 1907. Members also served in a variety of occupations before working in Congress. Seven were educators. Eight held law degrees or practiced law, and two had been judges. Others had won State and local elections before serving in Congress. Nine members have military experience, some such as Brigadier General Ben Blaz earning a Bronze Medal and Captain DANIEL K. INOUYE, who was awarded the Medal of Honor by President Bill Clinton last year.

Some became great statesmen after serving in Congress, such as Brigadier General Carlos Pena Romulo who served with distinction as aide-de-camp to General Douglas MacArthur. He was a Pulitzer Prize winner, one of the signatories of the U.N. Charter and President of the U.N. General Assembly from 1949 to 1950.

Asian and Pacific Islander American members have also chaired several congressional committees. In the Senate, Senator INOUYE chaired the Senate Select Committee on Intelligence, Secret Military Assistance to Iran and Nicaragua Opposition Select Committee, and Senate Committee on Indian Affairs.

In the House, Representative Norm Mineta chaired the House Public Works and Transportation Committee. Mineta later went on to be the first Asian American member of a Presidential Cabinet, who was appointed by President Bill Clinton to serve as Secretary of Commerce. He was tapped again this year by President George Bush to serve as Secretary of Transportation.

As a member of the Congressional Asian Pacific American Caucus, one of our goals is to educate other Members and the country about the history and contributions of Asian Pacific Islander Americans.

This concurrent resolution authorizing the printing of this book will enable us to meet this goal.

I include in the RECORD a list of Members of Congress from the Asian Pacific Islander community at the end of my remarks.

This concurrent resolution authorizing the printing of this book will not only enable us to meet that goal but also educate the general public on the diversity that exists in Congress. ''Asian and Pacific Islander Americans in Congress'' will follow in the same tradition as ''Hispanic Americans in Congress'', ''Black Americans in Congress'', and ''Women in Congress.''

It is not surprising that the top leaders of our great nation have recognized the importance of Asian and Pacific Islander American contributors. President Jimmy Carter was the first to proclaim Asian Pacific American Heritage Week in May 1978. Two years later, President George Bush was the first to issue a proclamation celebrating Asian Pacific American Heritage Month on May 7, 1990. Since then, President Bill Clinton has continued the tradition, proclaiming the celebration of Asian Pacific American Heritage during the Month of May. Clinton also issued an Executive Order establishing a White House Initiative on and Commission on Asian Americans and Pacific Islanders.

Mr. Speaker, I would like to take this opportunity to urge my colleagues and President George W. Bush to continue and share in the tradition of celebrating Asian and Pacific Islander American culture and history, and to recognize the significant contributions they have made to the growth of our great nation. Finally, I look forward to working with the Bush administration to continue the progress of the White House Initiative on Asian Americans and Pacific Islanders.

TABLE 1.—ASIAN PACIFIC AMERICAN MEMBERS AND DELEGATES IN THE 58TH-107TH CONGRESSES (1903–2003)

Congress	Dates	House	Senate
58th–67th	1903–1923	Jonah Kuhio Kalanianaole[1]	—
68th–84th	1923–1957	—	—
85th	1957–1959	Dalip Singh Saund	—
86th	1959–1961	Daniel Ken Inouye Dalip Singh Saund	Hiram Leong Fong.
87th	1961–1963	Daniel Ken Inouye Dalip Singh Saund	Hiram Leong Fong.
88th	1963–1965	Spark Masayuki Matsunaga	Hiram Leong Fong. Daniel Ken Inouye.
89th	1965–1967	Spark Masayuki Matsunaga Patsy Takemoto Mink	Hiram Leong Fong. Daniel Ken Inouye.
90th	1967–1969	Spark Masayuki Matsunaga Patsy Takemoto Mink	Hiram Leong Fong. Daniel Ken Inouye.
91st	1969–1971	Spark Masayuki Matsunaga Patsy Takemoto Mink	Hiram Leong Fong. Daniel Ken Inouye.
92nd	1971–1973	Spark Masayuki Matsunaga Patsy Takemoto Mink	Hiram Leong Fong. Daniel Ken Inouye.
93rd	1973–1975	Spark Masayuki Matsunaga Patsy Takemoto Mink Antonio Borja Won Pat	Hiram Leong Fong. Daniel Ken Inouye.
94th	1975–1977	Spark Masayuki Matsunaga Norman Yoshio Mineta Patsy Takemoto Mink Antonio Borja Won Pat	Hiram Leong Fong. Daniel Ken Inouye.
95th	1977–1979	Daniel Kahikina Akaka Norman Yoshio Mineta Antonio Borja Won Pat	Samuel Ichiye Hayakawa. Daniel Ken Inouye. Spark Masayuki Matsunaga.
96th	1979–1981	Daniel Kahikina Akaka Robert Takeo Matsui Norman Yoshio Mineta Antonio Borja Won Pat	Samuel Ichiye Hayakawa. Daniel Ken Inouye. Spark Masayuki Matsunaga.
97th	1981–1983	Daniel Kahikina Akaka Robert Takeo Matsui Norman Yoshio Mineta Fofo Iosefa Fiti Sunia Antonio Borja Won Pat	Samuel Ichiye Hayakawa. Daniel Ken Inouye. Spark Masayuki Matsunaga.
98th	1983–1985	Daniel Kahikina Akaka Robert Takeo Matsui Norman Yoshio Mineta Fofo Iosefa Fiti Sunia Antonio Borja Won Pat	Daniel Ken Inouye. Spark Masayuki Matsunaga.
99th	1985–1987	Daniel Kahikina Akaka Ben Garrido Blaz Robert Takeo Matsui Norman Yoshio Mineta Fofo Iosefa Fiti Sunia	Daniel Ken Inouye. Spark Masayuki Matsunaga.
100th	1987–1989	Daniel Kahikina Akaka Ben Garrido Blaz Robert Takeo Matsui Norman Yoshio Mineta Patricia Fukuda Saiki Fofo Iosefa Fiti Sunia[2]	Daniel Ken Inouye. Spark Masayuki Matsunaga.
101st	1989–1991	Ben Garrido Blaz Eni F.H. Faleomavaega Robert Takeo Matsui Norman Yoshio Mineta Patsy Takemoto Mink Patricia Fukuda Saiki	Daniel Kahikina Akaka.[3] Daniel Ken Inouye. Spark Masayuki Matsunaga.
102nd	1991–1993	Ben Garrido Blaz Eni F.H. Faleomavaega Robert Takeo Matsui Norman Yoshio Mineta Patsy Takemoto Mink	Daniel Kahikina Akaka. Daniel Ken Inouye.

TABLE 1.—ASIAN PACIFIC AMERICAN MEMBERS AND DELEGATES IN THE 58TH-107TH CONGRESSES (1903–2003)—Continued

Congress	Dates	House	Senate
103rd	1995–1997	Eni F.H. Faleomavaega Jay C. Kim Robert Takeo Matsui Norman Yoshio Mineta[2] Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood	Daniel Kahikina Akaka. Daniel Ken Inouye.
104th	1995–1997	Eni F.H. Faleomavaega Jay C. Kim Robert Takeo Matsui Norman Yoshio Mineta[4] Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood	Daniel Kahikina Akaka. Daniel Ken Inouye.
105th	1997–1999	Eni F.H. Faleomavaega Jay C. Kim Robert Takeo Matsui Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood	Daniel Kahikina Akaka. Daniel Ken Inouye.
106th	1999–2001	Eni F.H. Faleomavaega Robert Takeo Matsui Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood David Wu	Daniel Kahikina Akaka. Daniel Ken Inouye.
107th	2001–2003	Eni F.H. Faleomavaega Michael M. Honda Robert Takeo Matsui Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood David Wu	Daniel Kahikina Akaka. Daniel Ken Inouye.

[1] Del. Jonah Kuhio Kalanianaole died on January 7, 1922.
[2] Del. Fofo Iosefa Fiti Sunia resigned on September 6, 1988.
[3] Senator Daniel Kahikina Akaka also served in the House in the 101st Congress until May 15, 1990. However, he appointed was to the Senate and was sworn on May 16, 1990, to fill the vacancy caused by the death of Senator Spark Masayuki Matsunaga on April 15, 1990. Subsequently, he was elected to the Senate in November 1990.
[4] Rep. Norman Yoshio Mineta resigned on October 10, 1995.

TABLE 4.—RESIDENT COMMISSIONERS FROM THE PHILIPPINE ISLANDS, 60th–79th CONGRESSES 1907–1946)

Congress	Dates	Resident commissioners
60th	1907–1909	Benito Y Tuason Legarda.[1] Pablo Ocampo.[1]
61st	1909–1911	Benito Y Tuason Legarda.[1] Pablo Ocampo.[1] Manuel Luis Quezon.[3]
62nd	1911–1913	Benito Y Tuason Legarda. Manuel Luis Quezon.
63rd	1913–1915	Manuel Luis Quezon. Manuel Earnshaw.
64th	1915–1917	Manuel Luis Quezon.[4] Manuel Earnshaw.
65th	1917–1919	Jaime Carlos de Veyra. Teodoro Rafael Yangco.
66th	1919–1921	Jaime Carlos de Veyra. Teodoro Rafael Yangco.[5] Isauro Gabaldon.[6]
67th	1921–1923	Jaime Carlos de Veyra. Isauro Gabaldon.
68th	1923–1925	Isauro Gabaldon. Pedro Guevara.
69th	1925–1927	Isauro Gabaldon. Pedro Guevara.
70th	1927–1929	Isauro Gabaldon.[7] Pedro Guevara.
71st	1929–1931	Pedro Guevara. Camilo Osias.
72nd	1931–1933	Pedro Guevara. Camilo Osias.
73rd	1933–1935	Pedro Guevara. Camilo Osias.
74th	1935–1937	Pedro Guevara.[8] Francisco Afan Delgado.[8] Quintin Paredes.[9]
75th	1937–1939	Quintin Paredes.[10] Joaquin Miguel Elizalde.[11]
76th	1939–1941	Joaquin Miguel Elizalde.
77th	1941–1943	Joaquin Miguel Elizalde.
78th	1943–1945	Joaquin Miguel Elizalde.[12] Carlos Pena Romulo.[13]
79th	1945–1947	Carlos Pena Romulo.[14]

[1] Elected November 22, 1907, for a term of two years, granted the privileges of the floor of the House of Representatives, with the right of debate, February 4, 1908.
[2] Term expired November 22, 1909.
[3] Elected for a term of two years beginning November 23, 1909.
[4] Resigned October 15, 1916, vacancy throughout the remainder of 64th Congress.
[5] Term expired March 3, 1920.
[6] Elected for a term of three years beginning March 4, 1920.
[7] Resigned July 16, 1928, having been nominated for election to the Philippine House of Representatives, vacancy throughout the remainder of the 70th Congress.
[8] When the new government of the Commonwealth of the Philippine Islands was inaugurated, the terms of office of the Resident Commissioners of the Philippine Islands expired. Both resident Commissioners served until February 14, 1936, when a selected successor qualified (48 Stat. 456). Under this law, the number of Resident Commissioners was reduced from two to one.
[9] Appointed December 21, 1935, to fill vacancy caused by the expiration of the terms of Pedro Guevara and Francisco A. Delgado, due to the new form of government, and took his seat on February 14, 1936.
[10] Resigned September 29, 1938.
[11] Appointed September 29, 1938, to fill vacancy caused by resignation of Quintin Paredes; service began on January 3, 1939, upon convening of 76th Congress.
[12] Resigned August 9, 1944.
[13] Appointed to fill vacancy caused by the resignation of Joaquin M. Elizalde, and succeeded him on August 21, 1944.
[14] Office of Resident Commissioner terminated on July 4, 1946.

Note.—The Philippine Islands were part of territory ceded to the United States by Spain under the Treaty of Paris of December 10, 1898. The Act of July 1902 granted the Philippine Islands the right to elect two Resident Commissioners to the United States. In 1935, the Philippine Islands became the Commonwealth of the Philippines and the number of Resident Commissioners was reduced from two to one. In 1946, the Philippines became fully independent, and the office of the Resident Commissioner was terminated.

ARSENIC LEVELS IN DRINKING WATER

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. BEREUTER) is recognized during morning hour debates for 5 minutes.

Mr. BEREUTER. Mr. Speaker, like my distinguished colleague from Nebraska (Mr. OSBORNE), this Member comes to the floor to urge his colleagues to look at the facts when it comes to the issue of arsenic in drinking water. The Bush administration's recent actions on this matter have led to heated rhetoric, wild exaggerations and soundbite politics.

I suppose that was predictable, since the word ''arsenic'' is so emotion-loaded. It is important, I believe, to get the full story and to listen to those who would be most affected by the proposed changes.

Many State and local officials, as well as water system administrators, have expressed concerns about the problems which could be caused by the proposed changes. This Member would begin by firmly stating that, of course, everyone recognizes the importance of providing safe drinking water for all of our Nation's citizens. Also some changes in the arsenic standard may well be justified. However, it makes no sense to base those changes on anything like emotion. Instead, they should be based on sound science.

As many of us know now, in the final days of the Clinton administration, a final rule was rushed through which would have reduced the acceptable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion. However, new EPA administrator, Christie Todd Whitman, later announced that the agency would seek a scientific review of the standard before implementing a new rule. The Bush administration has made it clear that the arsenic level will be significantly reduced. However, it wants the final rule to be based on sound science.

It certainly appears that the Clinton administration made an arbitrary decision based upon questionable studies, most of which involve populations in other countries which were exposed to significantly higher levels of arsenic than those found in the United States. On the other hand, the EPA seems to dismiss the most comprehensive U.S. study on this matter. A 1999 study in Utah, which involved more than 5,000 people, failed to find an increased incidence of cancer associated with arsenic in drinking water.

It is certainly not the intent of this Member to treat lightly the possible adverse health effects of arsenic. However, this Member believes that accurate and relevant studies should be reviewed before water systems, especially those with limited resources, are forced to make such substantial investments in infrastructure and treatment. Smaller communities would have been especially hard hit by the implementation of the proposed arsenic level.

Arsenic levels in York, Nebraska, my birthplace, for example, a community of about 7,500 people, are at 34 parts per billion, and the initial cost to meet the new standard would be $6 million. Gering, Nebraska, with a level of only 13 parts per billion, only 3 points over the arbitrary level set by the rule, would be compelled to spend about $4.4 million.

Overall, more than 3,000 community water systems in the United States would have to come into compliance, and the rule would have more than tripled water rates in many small communities.

Now, this Member believes that communities will be willing to spend the money necessary to address this matter if they were convinced that they would see actual health benefits by making the changes.

According to an April 14, 2001 article in the New York Times, Albuquerque, New Mexico, Mayor Jim Baca, a Democrat stated, ''What we would like is some definitive scientific evidence that this would be worth doing. I am a pretty strong environmentalist but I was convinced that the data did not justify the new level.''

It is important to listen to utility superintendents, city administrators, village boards, mayors and other local and State officials, including public health officials, who are concerned about the effect the proposed rule and its associated costs would have on their communities. These are people who have a powerful incentive to provide safe drinking water, since they and their constituents will be drinking that water. These community leaders know where the buck stops. They certainly would not subject themselves and their families and friends to harmful water. Quite simply, these local officials have not been convinced of the need to lower the arsenic to the level proposed by the Clinton administration.

It is also helpful to note that any community in the country now has the authority to lower arsenic in its drinking water to whatever level it chooses below 50 parts per billion. The reason communities have not lowered their levels to 10 parts per billion is that the health benefits have not been shown to justify the enormous cost.

The American Water Works Association stated in its comment last year, ''At the level of 10 ppb or lower, the health risk reduction benefits become vanishingly small as compared to the costs.''

The costs, however, are real. The American Water Works Association, which supports a reduction in the current arsenic standard, has estimated the proposed rule would cost $600 million annually and require $5 billion in capital outlays. In an ideal world, with unlimited resources, it may make sense to propose changes in the hope that they may provide a benefit. However, the reality is that communities do not have unlimited funds.

Everyone deserves safe drinking water and this Member urges his colleagues to listen to State and local officials on how to provide it.

THE NECESSITY OF THE HOUSE TO BALANCE ITS PRIORITIES AND MOVE FORWARD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning I wish to address the necessity for this House to balance its priorities and to begin to move forward its legislative agenda. Before I do that, let me associate myself with the remarks of the gentleman from Guam (Mr. UNDERWOOD) and thank him for bringing to the floor and dropping today legislation that will allow the printing of a book honoring Asian Pacific Islander Americans in Congress, particularly as we celebrate the history of our Asian American friends. This is a diverse country and we reflect the wonderfulness of that diversity.

As we do that as well, Mr. Speaker, let me say that I am disturbed and concerned. Today we will rush to judgment, having missed two pages of the budget last week and having to delay it until Tuesday, to support a budget resolution that includes an enormous tax cut but fails to include $294 billion for what we have all come to know as a very important issue, and that is the education of our children. With this budget, we know that we will be invading the Medicare and Social Security Trust Funds by the year 2011.

I would have hoped that we would have been more timely with this budget, giving us more time to debate it and focusing on issues like making sure that uninsured children and uninsured Americans have health care, providing prescription drug coverage the way it should be, and including the $294 billion for our educational needs, collaborating with our local governments and local school boards.

Tragically, another violent act at school occurred in an Alaska elementary school. This is Children's Mental Health Month and I am delighted to be able to focus on the need for mental health services for all of Americans, but as well to focus on the needs of our children. I would like to see more in-school health clinics for our children to be able to access services for both their physical health needs, immunizations, but as well, their mental health needs.

I believe that as we move forward to address the question of our foreign authorization bill, we will need to seriously debate the question of the loss of the United States' seat on the Human Rights Council in the United Nations. Many of my colleagues will rise in distress and anger, saying that we should no longer be associated with the United Nations. We should be cautious, and certainly we should be understanding of the fact that the United Nations now stands as the only entity where so many countries of so many diverse and disparate viewpoints actually can talk to each other.

Even though it is a very disturbing act to have lost the seat, we too have to look at the policy of the United States as it relates to the nonpayment of its dues and its actions over the last couple of months that suggest that its world associates are unhappy, but we must not step away from fighting for human rights and we must insist that human rights becomes the call of the day for all nations, including China and Sudan and many others.

I want to thank and congratulate Senator Ellis and Representative Thompson of the State of Texas for getting through the Senate and the House a hate crimes legislative initiative, and I raise that point because it is long overdue for the United States of America's Congress to pass real hate crimes legislation to say and make a statement to those who would do heinous acts on the basis of someone's difference that we will not tolerate that in America. It still goes on in Texas. It still goes on in States across this Nation, and I think that we are long overdue for getting hate crime legislation to the floor.

We do understand that there has been movement in the Cincinnati occurrences, the tragedy of having had 15 African American males shot by the police since 1995. I think it is important that the Attorney General has now indicated that there will be a civil rights investigation, do it expeditiously and quickly, and begin to heal and solve those problems by insisting that the police department and the community work closely together.

Finally, let me say, Mr. Speaker, there are several enormously important issues that we are dealing with as it relates to the energy crisis. We are not doing enough in this Congress. We are not doing enough in the administration by simply saying, handle it yourself; it is not going to go away. I believe it is time to help Americans with gasoline prices. I believe it is time to be able to provide dollars for those who will be overheated in the summer. With more additional funding for LIHEAP dollars in the State of Texas in 1998 and 1999, we lost 130-plus citizens because of the heat and not being able to provide the dollars they needed for utility costs or even having air-conditioners. I think certainly we should be helping with the brownouts. Conservation is important. Exploration is important within reason, but we must have emergency relief now for those who are experiencing the energy crisis, because it is here.

Mr. Speaker, I think that we can focus on a lot of priorities and we are not doing so. Even as we watch the various layoffs of individuals across this Nation, they are asking for the Congress to act. Do not look at the layoffs and ignore them and say it is not in my State, just like we should not look at the energy crisis and ignore it and say it is not in my State. I believe we have priorities. We should act on them.

WHERE DOES THE EDUCATION MONEY GO?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, many say as California goes, so goes the rest of the Nation. Considering that, I would like to bring to the attention of my colleagues a new study of public education spending in California.

The study reveals that the generally accepted per-pupil spending figure of $6,700 for California students significantly understates the actual per-pupil spending figure that is approximately $8,500. Moreover, two out of five, two out of every five, public school dollars are spent on bureaucracy and overhead rather than on classrooms. Instructions and internal legal squabbles drain education dollars from the system.

The authors, Dr. Bonsteel of San Francisco and accountant Carl Brodt of Berkeley, intended their analysis to be a nonpartisan one.

□ 1300

Bonsteel is a Democrat and Brodt is a Republican.

I will share some of the key findings of the study entitled, ''Where is all the money going? Bureaucrats and Overhead in California's Public Schools,'' together with the authors' proposal for decreasing bureaucracy and enhancing accountability.

First, consider that inflation-adjusted spending on public education in California has increased by 39 percent since 1978. Nevertheless, textbooks are frequently unavailable, school libraries have been shut down, and art and music programs have been terminated. The authors conclude, ''This is primarily because of the explosion in spending on administration and overhead.''

Approximately 40 percent of California's K–12 tax dollars are spent on bureaucracy and overhead, not classroom instruction. This figure comes not just from the Bonsteel-Brodt analysis, but also from previous studies conducted by the Rand Corporation and the Little Hoover Commission.

Four levels of administration run K–12 schools in California, and they act as though they are separate fiefdoms. They quarrel frequently, and often those disagreements end in lawsuits among the bureaucratic fiefdoms, with the taxpayers picking up the tab for lawyers on both sides. The California Department of Education and the State Department of Education maintain legal counsel to sue each other.

This Bonsteel-Brodt study presents a sample State Board of Education agenda listing 30 lawsuits confronting the State Board. Seven of those suits pit one layer of the education bureaucracy against another layer.

In one set of lawsuits, the San Francisco Unified School District and the State Department of Education have squared off over bilingual education. The STAR testing statute mandates that children who have been in the United States at least a year be tested in English, the presumption being they should have learned English by then. But the San Francisco school district contends it must test immigrant students in their non-English native language. San Francisco is the only district making that claim, but taxpayers must cover the cost of that legal spat.

Even more troubling is that special education programs for children with mental and physical handicaps are plagued by bureaucratic gridlock at the Federal, State, county, and local levels, as well as by unfunded mandates from the Federal and State levels. Parents of special-ed children have no effective voice in program decision-making.

Local citizens have diminishing power to influence local school policy, since almost two-thirds of education tax dollars now are funneled through the States. In addition, while the Federal Government furnishes just 6 percent of education funding, its requirements account for close to half of all education paperwork. Lisa Keegan, State Superintendent for Arizona schools, has said it takes 165 members of her staff, 45 percent of the total, just to manage Federal programs.

The Bonsteel-Brodt study notes bureaucracies in all levels ''invariably understate true per student spending.'' At the national level, the figures released by the National Center for Education Statistics are usually the ''current expenditures'' number, which does not account for the cost of school payments or interest payments on school bonds.

In California, the spending statistics are ''even more deceptive,'' the study's authors charge. The all-inclusive and thus more accurate figure for per-pupil spending in California is approximately $8,500 per student, more than 25 percent higher. Using the low figure, the California NEA affiliate has advocated hefty spending increases for the express purpose of raising the State's per pupil spending above the national average.

The best hope for decreasing bureaucracy and enhancing accountability, the Bonsteel-Brodt report concludes, is school choice of various kinds. They note, for example, that California's public charter schools have easily outperformed traditional public schools, while operating on about 60 percent of the per-student funding of conventional public schools. The charters have accomplished this by cutting the bureaucratic overhead.

Mr. Speaker, as we look to solve America's education problems, we must first honestly ask, where does the money go? Only then can we make the right and often tough choices to reform education.

RECESS

The SPEAKER pro tempore (Mr. ISSA). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess until 2 p.m.)

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 2 p.m.

PRAYER

The Reverend Thomas A. Kuhn, Church of the Incarnation, Dayton, Ohio, offered the following prayer:

Father, we can never thank You enough for the many blessings You have given to us as a people. You gave all of Your children the same rights as people, and at the same time have given us the means to safeguard those rights. Give us the strength to reach out to those who are unable to safeguard their rights.

You have made us a powerful people. May we always be gentle enough to lift up the fallen, and prepared enough to protect the weak and defenseless.

You have blessed us richly. May we always generously share those blessings with Your children who are poor.

You have given us a beautiful land. May we nurture and preserve it so that those who follow us can always see Your goodness.

Much of what has been given to us has been entrusted to the Members of this great House. Give them a world vision so that they may work for the good of all of Your children. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas 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.

REVEREND THOMAS A. KUHN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, today, it is my privilege to welcome Father Thomas Kuhn as our guest chaplain. Father Tom is currently pastor of the Church of the Incarnation in Centerville, Ohio, one of the largest Catholic parishes in the Archdiocese of Cincinnati.

Father Kuhn has been pastor at Incarnation since 1989. He is leading a delegation of some 75 8th graders from Incarnation School, which has won the U.S. Department of Education Blue Ribbon School award for excellence several times, most recently in 1999.

A number of his students from Incarnation are with us this afternoon watching these proceedings from the Gallery. We want to welcome you. I am sure the gentleman from Dayton, Ohio (Mr. HALL) will join me in welcoming Father Kuhn and all of you to the Capitol today.

Father Tom is the former principal of Cincinnati's Elder High School and the former assistant pastor of St. John's Church in West Chester, Ohio, and it was during that time that I came to know him, and he remains a great friend today.

Please join me in welcoming Father Kuhn as our guest chaplain and the students of Incarnation School as they explore our Nation's Capitol.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that they are not to address or refer to the guests in the Gallery.

HIGH GAS PRICES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, government investigators said, and I quote, there is no conspiracy by petroleum companies to raise gas prices in America. Unbelievable.

Who is kidding whom here? Gas prices are over $2 a gallon, and, in addition, it just seems every weekend they just raise them 25 cents a gallon just for the sake of it.

Mr. Speaker, if that is not enough to flatulate your rectangle, the oil companies announced that gas prices will hit $3 a gallon this summer.

Beam me up, Mr. Speaker; those so-called government investigators are either on the payroll of those oil companies or they are smoking dope.

I yield back the biggest rip-off in the history of the United States of America.

URGING SOCIAL SECURITY COMMISSION AND ADMINISTRATION TO KEEP SOCIAL SECURITY SOLVENT FOR NEXT 75 YEARS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, through you to the President's Commission on Social Security, I would suggest many of us are very concerned that we are going to review a proposal that might not keep Social Security solvent for the next 75 to 100 years.

I think it is important that we urge the President, that we urge this Commission, to come back to this legislative body with a proposal that is going to at least keep Social Security solvent for the next 75 years. Social Security is a pay-as-you-go program.

It is going broke as we experience demographics that represent a decline in the birth rate and an increase in life expectancy. It is a good program for America. It is a serious problem. We need to protect Social Security.

INTRODUCTION OF IMPACT AID BILL

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, 21 of my bipartisan colleagues and I introduced my first bill, a measure important for the education of military children. Our bill is called GRADE–A, the Government Reservation Accelerated Development for Education Act, and it guarantees that federally-impacted schools receive the dollars they need from the impact aid program.

Mr. Speaker, over 5,000 military personnel qualify for food stamps, and people who wear their country's uniform sometimes fall below the poverty line while their kids go to schools financially teetering on the edge. As we boost military pay and housing, we must also care for military kids.

Mr. Speaker, over 90 percent of the funding for education comes from local funds, from funds such as property taxes. But what happens if that property is owned by the Federal Government and off the tax rolls? Kids report to class with no property tax dollars needed for their school.

GRADE-A guarantees that the Federal Government will step in to ensure that these kids have the resources they need for their education. It ensures that when the military and other children from Federal property report for school that they are welcomed in a good school with sound financial backing. GRADE-A has been endorsed by the National Association of Federally Impacted Schools and many school administrators across the Nation.

Mr. Speaker, as we make education our priority, let us remember the children of men and women in uniform.

SUPPORTING SMALL BUSINESSES SUPPORTS AMERICA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the United States was built upon and by small family-owned businesses, and America is today known for its unique, entrepreneurial spirit.

Even today, in the era of corporate mergers, small businesses remain the cornerstone, yes, the foundation of our economy.

They employ 53 percent of our work force and account for 99.7 percent of the Nation's employers. Yet burdensome regulations, a complex Tax Code, and an inaccessible health care system have been stifling the ability of small businesses to remain viable and successful.

As a Congress, we need to ensure that the entrepreneurial spirit that built this country does not diminish due to an unfair tax and regulatory system.

Mr. Speaker, I encourage my colleagues to support small business owners in their pursuit of the American dream. I yield back all of the unfair taxes and regulations that have served as obstacles for the small businesses which make our Nation great and prosperous.

NATIONAL SMALL BUSINESS WEEK 2001

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, I rise today to call the House's attention to our country's most vital economic sector, our small businesses.

Each year, for the past 38 years, the President has issued a proclamation calling for the celebration of National Small Business Week. This year, National Small Business Week, which is sponsored by the SBA, is being held right now.

Mr. Speaker, this year's celebration will honor the estimated 25.5 million small businesses in America that employ more than half the country's private work force, create 3 out of every 4 new jobs, and generate a majority of American innovations.

Small Business Week also recognizes small business owners all across America for their personal achievements and contributions to our economy. From this group, in Indiana, the Indiana Small Business Person of the Year is Joseph A. Beckman. He is the owner of Home Lumber and Glenlord Lumber Company. This a retail lumber and land development concern that has grown steadily under his leadership and become a successful business in Indiana.

Today, Mr. Speaker, I want to congratulate Mr. Beckman and all the winners from across America who work long hours and make huge sacrifices to build family small businesses that are the backbone of this economy.

CONGRATULATING JAMES TODD RATHER

(Mr. KENNEDY of Minnesota asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to congratulate James Todd Rather of Fairmont, Minnesota.

Todd will be in Washington this week to receive the Star of Life award. The Stars of Life is an American Ambulance Association program to honor dedicated professionals in the ambulance service industry.

Todd, who is a registered paramedic and is a team captain for Fairmont Gold Cross Ambulance Services, has been selected as one of three EMS professionals in Minnesota to receive this honor.

EMS providers are the safety net of the health care system. In rural areas, like the Minnesota district I represent, where physicians and other health care providers do not exist in every community, EMS provides the public their only access point to quality health care. That is why I introduced H.R. 1353, the Sustaining Access to Vital Emergency Medical Services Act to help our EMS providers.

Every day, EMTs and paramedics are heroes in their communities. I want to thank Todd for his commitment to serving his community.

Mr. Speaker, it is people like Todd Rather who give selflessly of themselves that make our communities a better place to live.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

HONORING NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 108) honoring the National Science Foundation for 50 years of service to the Nation.

The Clerk read as follows:

H. CON. RES. 108

Whereas Congress created the National Science Foundation in 1950 to promote the progress of science, to advance the national health, prosperity, and welfare, and to secure the national defense;

Whereas the National Science Foundation Act of 1950 was signed into law by President Harry S. Truman on May 10, 1950;

Whereas the National Science Foundation strengthens the economy and improves the quality of life in the United States as the Federal Government's only agency dedicated to the support of education and fundamental research in all scientific and engineering disciplines;

Whereas the National Science Foundation has worked continuously and successfully to ensure that the United States maintains its leadership in discovery, learning, and innovation in the sciences, mathematics, and engineering;

Whereas the National Science Foundation has supported the research of more than half of the United States Nobel laureates in physics, chemistry, and economics;

Whereas the National Science Foundation has been the lead Federal agency in a number of national science initiatives, such as those in information technology and nanotechnology;

Whereas the National Science Foundation funds almost 20,000 research and education projects in science and engineering at over 2,000 colleges and universities, elementary and secondary schools, nonprofit organizations, and small businesses throughout our Nation;

Whereas the National Science Foundation's innovative education programs work to ensure that every American student receives a solid foundation in science, technology, and mathematics through support for the training and education of teachers, the public, and students of all ages and backgrounds, and by supporting research into new teaching tools, curricula, and methodologies;

Whereas the programs funded by the National Science Foundation are an exemplary demonstration of the value of scientific peer review in selecting the most innovative and technically excellent research activities using a network of over 50,000 scientists and engineers each year;

Whereas the National Science Foundation's international programs promote new partnerships and cooperative projects between United States scientists and engineers and their foreign colleagues, and such partnerships play a key role in establishing and strengthening diplomatic and economic ties; and

Whereas research supported by the National Science Foundation has led to discoveries, technologies, and products which affect our daily lives, including a greater understanding of bacteria, viruses, and the structure of DNA; medical diagnostic tools, such as Magnetic Resonance Imaging (MRI); the Internet, web browsers, and fiber optics, which have revolutionized global communication; polymer materials used in products ranging from clothing to automobiles; Doppler radar used for accurate weather forecasting; artificial skin that can help recovering burn victims; economic research in game and decision theory which has led to a greater understanding of economic cycles; and discoveries of new planets, black holes, and insights into the nature of the universe: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the significance of the anniversary of the founding of the National Science Foundation;

(2) acknowledges the completion of 50 years of achievement and service by the National Science Foundation to the United States; and

(3) reaffirms its commitment for the next 50 years to support research, education, and technological advancement and discovery through the National Science Foundation, the premier scientific agency in the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer this resolution H. Con. Res. 108 honoring the National Science Foundation for 50 years of service to our Nation. As chairman of the Committee on Science on Basic Research, which is responsible for oversight and authorization of the National Science Foundation, I wanted to take a few moments to mention some of the highlights of this highly successful and yet often unappreciated agency.

Congress and President Harry S. Truman established the National Science Foundation on May 10, 1950 to fund research in the basic sciences, engineering, mathematics and technology.

It is the Federal Government's only agency dedicated to the support of education and fundamental research in all scientific disciplines from physics and math to zoology and anthropology. For 50 years, NSF-sponsored research has developed the finest science and new technologies that have boosted our economic productivity, enhanced our national security, and preserved our citizens' health and well-being.

Throughout its history, NSF provided support to thousands of researchers and students across the Nation in university labs and in our schools and our industry, support that has fostered innovation, technical achievement, and a greater understanding of our world and our universe. From the depths of space to the depths of the ocean, from the North Pole to the South Pole around the globe, NSF-funded research has helped explain our world and led to innovations that have forever changed it.

The Internet, for example, and the technologies that enable it, began in part because of NSF support for networking technologies.

□ 1415

NSF funded a network, linking computer science departments, then moved on to develop a high-speed backbone called the NSFNET that became the basis for what is now the Internet.

NSF-supported research has also led to miracle drugs, vaccinations, cell phones, and even bar codes that readers in supermarkets now use. NSF supports potentially life-saving research in developing the Doppler, research in weather prediction using the Doppler

radar, earthquake hazard, and identification of the cause of the spread of the deadly Hanta virus.

Today's NSF-led research in nanotechnology, advanced materials, biotechnology and countless other areas are setting the foundation for the technologies of the future and in the process, training the scientists, engineers, and technology entrepreneurs of tomorrow.

Today, we congratulate NSF on 50 years of service to the United States and for its many contributions to our current prosperity. But we also reaffirm our commitment as a Congress to support NSF in the future in its diverse research in educational activities. NSF's peer review system, where grants are reviewed by a panel of researchers in the field to judge the merits of research, is a model of how research should be evaluated at all other Federal agencies.

We must also strive to ensure that NSF invests in a broad range of sciences in order to support the critical work of well-funded mission agencies like the Department of Defense and the National Institute of Health. It is important that we continue to support NSF as part of a balanced Federal research portfolio and recognize that the basic science supported by NSF forms the foundation for research at all other Federal research agencies and for applied innovations and productivity increases in the private sector.

My colleagues and I on the subcommittee will keep this goal in mind as we work towards our reauthorization of NSF, and we will keep it in mind as we work with the administration and the appropriators to work and craft a balanced research budget.

I would like to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of the Subcommittee on Basic Research, a cosponsor of this resolution, and for all of her work and support of NSF. I would also like to thank the other cosponsors of this resolution and certainly my friend, Senator JOHN MCCAIN, and the 19 Senate cosponsors of S. Con. Res. 36, the companion resolution. Certainly I would like to thank both the Republican and Democratic staffs on our subcommittee and the full Committee on Science for their untiring work.

Mr. Speaker, the NSF is completing its 50th year of service to our Nation. With this resolution, this House will recognize this important anniversary and express our hope for at least another 50 years of continued innovation and education.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the National Science Foundation Act of 1950 that created the National Science Foundation directs the agency to initiate and support basic scientific research and to strengthen scientific research potential and science education programs at all levels.

I am pleased to rise in support of this resolution that salutes the National Science Foundation on its accomplishments and success in carrying out this mission for the past 50 years. I thank the gentleman from Michigan (Mr. SMITH) for putting forth this timely resolution.

The National Science Foundation plays a unique and critical role in the Nation's research and education enterprise. It sponsors research that helps to fill the storehouse of fundamental knowledge about the natural world, without regard for immediate applications of these new ideas and concepts. Equally important, the National Science Foundation supports the development of the Nation's human resource base in science and engineering. In short, the National Science Foundation is charged with helping to create the underpinnings for the Nation's future technological competence and, therefore, for its economic strength and security.

The NSF's record of accomplishment during this 50-year history is remarkable. NSF-supported research have collected 100 Nobel Prizes. They have received recognition for work in the fields of physics, chemistry, physiology and medicine, and economics.

National Science Foundation's contributions are, in part, manifested through the accomplishments of scientists and engineers who were trained under NSF awards. It is well-known that the great majority of the seminal work in developing such technologies as cell phones, fiber optics, and computer assisted design was performed by private industry, at labs like Corning, AT&T and Motorola.

A recent NSF-sponsored study has shown that many scientists and engineers who went to graduate school on NSF fellowships and research assistantships often played important roles in the development of these and other technologies. In a number of cases, they became the entrepreneurs who created new firms and markets.

To use the words of the authors of the study, ''NSF emerges consistently as a major, often the major, source of support for education and training of the Ph.D. scientists and engineers who went on to make major contributions.''

The resources NSF provides for support of research and education are relatively small, but the impact is great. The agency expends only 3.8 percent of the Federal R&D funds, but provides 23 percent of basic research funding at academic institutions.

For specific research areas, the National Science Foundation's role at universities is even larger. It funds 36 percent of research in the physical sciences, 49 percent in the environmental sciences, 50 percent in engineering, 72 percent in mathematics, and 78 percent in computer science.

The research awards and research fellowships help train over 24,000 graduate students each year. These are the future scientists and engineers who are essential to fuel our high-tech economy.

Further, the NSF programs help to improve science education for all students and prepare them for citizenship in a world increasingly dominated by technology. Today we continue to have a manpower shortage in many high technology fields. The ideal way to alleviate the shortages is by ensuring that children of all races and both genders receive the basic grounding in science and mathematics that will prepare them to pursue careers as scientists, engineers and technologists. The NSF's programs address this need.

Because of the importance of NSF's role in research and education, it is essential that the agency receive adequate resource. Consequently, I am extremely disappointed by the fiscal year 2002 budget request for NSF, which provides only a 1-percent increase. This is much less than what is needed to sustain the NSF's ongoing programs.

In today's Congress Daily, a story mentioned how science funding is increased over Mr. Bush's request. While this is true, it is less than half the story. The conference cut funding for science below any Member's request in either Chamber and below what President Bush asked for in every year but this year.

The House requested $617 million more and the Senate requested $1.215 billion more. Indeed, over 5 years, the conference agreement is nearly $200 million less than the President's anemic numbers for budget authority.

The only positive number from the conference agreement is the fiscal year 2002 budget authority number being $217 million above the President's request. Every other number is negative, meaning the conference agreement is lower than Mr. Bush's request, the House-passed bill and the Senate-passed bill. How ironic it is now that we stand here today and honor the National Science Foundation, but at best hold their budget below inflation.

Inadequacies in the size of the National Science Foundation's current budget are evident by the fact that the agency currently funds less than a third of the research applications it receives and only about half of those judged to be of high quality. Even when an applicant receives the National Science Foundation award, it is usually sub-optimal and perhaps half the amount of an NIH award. The current situation leaves researchers in NSF-funded fields scrambling for funds and spending too much time chasing limited funding rather than in the laboratory or mentoring students.

In order to address this present situation, I, along with 16 of my Committee on Science colleagues, recently introduced a National Science Foundation authorization bill, H.R. 1472, that provides increases of 15 percent per year

for fiscal years 2002 through 2005. The bill will double the NSF budget based on fiscal year 2000 appropriations level. Such increases are necessary to allow the National Science Foundation to go forward with substantial new research initiatives, provide needed increases in average grant size and duration, and support needed major research facilities for access by academic scientists.

Equally important, a more robust budget for NSF will support expansion of the agency's science education programs. Of particular importance are programs to improve the skills and content knowledge of K through 12 science and math teachers and to increase participation in science and engineering by traditionally underrepresented groups.

It is also important to expand education research programs, including quantifying the most effective uses of educational technology and strengthening efforts to assess education programs to determine and disseminate information about what methods and approaches are most effective in improving student performance in science and math.

Mr. Speaker, it is entirely appropriate that the House endorse the resolution now under consideration, which celebrates the past accomplishments of the National Science Foundation. However, it is of much greater importance that we ensure that the Foundation receives the necessary resources now and in the future to carry out its essential role in support of scientific engineering research and education.

When funding measures for NSF are debated during the coming months, I hope all of my colleagues will remember the Foundation's impact during the last 50 years and the promise represented by its current programs.

Mr. Speaker, I commend to my colleagues this resolution honoring the National Science Foundation and ask for their support for final passage.

This 50-year report speaks to America's investment in the future. That is what we are talking about when we talk about the funding for the National Science Foundation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker I yield 4 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), vice chairman of our full Committee on Science.

Mr. GUTKNECHT. Mr. Speaker, let me thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I rise to recognize and congratulate the National Science Foundation on its 50th anniversary.

What the NSF does is very important to all of us and to future generations of America. The National Science Foundation was created to promote the progress of science, for health, economic, and defense purposes through basic research.

Now basic research is critical to the future of the country because it serves as the building block for other research that many times private industry will not or cannot afford to do. This base of innovation provided by the NSF can then be utilized and built upon by private industry and help develop new sectors for our economy.

Research and discoveries made and supported by the NSF affect our daily lives, from Doppler radar systems to Magnetic Resonance Imaging, MRIs, to all kind of innovations which we enjoy today in America.

NSF supports research and development in science and engineering through various partnerships from the elementary to the university level, as well as small business and nonprofit organizations, by providing grants to help fund these projects.

In the end, America depends on science. Science fuels our economic booms, medical successes, and national security. Over 50 percent of our future economic growth will come from developments resulting from scientific research.

NSF has a strong connection to my home State of Minnesota. Last year, 301 new NSF awards went to Minnesota. So far this year, there are currently 482 active awards ongoing in Minnesota.

Various universities and colleges, from the University of Minnesota down to the smaller schools such as Carleton and St. Olaf in my district, are contributing to important research in science, in areas like mathematics and engineering.

NSF's crucial role and notable accomplishments include helping universities, because over 40 percent of the basic funding for basic research in the physical sciences and engineering comes from the NSF. NSF helps to fund projects at 2,000 colleges, universities, and elementary schools, as well as nonprofit organizations, small businesses, and other organizations each year.

□ 1430

NSF grants 10,000 new awards each year and just under 20,000 awards per year.

Members, a number of years ago there was a Member of the other body from a bordering State that every month gave out what he called the Golden Fleece Award, and many times he took advantage of some of the things being done at the NSF. The truth of the matter is some of the awards we grant here at the Federal level ultimately are wasted. The problem, of course, is that we never know which ones.

One of the great researchers for an organization back in Minnesota, 3M, a fellow by the name of Arthur Fry, the person who invented the Post-It Note, once made a very brilliant observation. He said, ''If we knew what we were doing, it wouldn't be research.''

The truth of the matter is some of this basic research is high risk, and we do not know which of these projects will pay enormous dividends and which will not, but that research must go on nonetheless.

NSF has supported 34,000 science, mathematics, and engineering students through its NSF graduate research fellowship program. Federally supported research has revolutionized many areas, including global communications, with accomplishments, as have been mentioned, as the Internet, early Web browsers, and fiberoptics.

Mr. Speaker, it is important that we recognize the NSF. It is also important we recognize that we need to continue to show our commitment. I am hopeful that by the time the final appropriation bills go to the President's desk, we will be able to find additional funding so that the work of the NSF can go on.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. GIBBONS). The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has 11½ minutes remaining, and the gentleman from Michigan (Mr. SMITH) has 13 minutes remaining.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I am pleased to join my colleagues as a cosponsor of House Concurrent Resolution 108. This recognition of the NSF is well deserved.

For the last 50 years, the National Science Foundation has been the backbone of basic scientific research throughout the country. It has served as the clearinghouse for hundreds of thousands of grants for graduate research. It has led the way in supporting innovative programs in science for elementary and secondary schools, and it has filled a valuable role in coordinating scientific endeavors in a variety of fields.

The value of basic scientific research is something we cannot overestimate. The mission of the National Science Foundation is to further science, health, prosperity, welfare, and national defense. Research through NSF grants and scientific exchanges has been the basis of innovations in all of these arenas. It has provided the knowledge, the understanding, and then the development to drive our increasingly technological society.

This research has also been the basis of increased comfort, longer lives, and greater economic prosperity. Over the life of NSF, many national priorities, including improved energy efficiency, space flight, improved health, and the mapping of the human genome have been pursued by NSF grants. I genuinely speak in continued support of the National Science Foundation. It represents a valuable contribution of the Federal Government to all of society.

Mr. SMITH of Michigan. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), former chairman of our Subcommittee

on Technology of the Committee on Science.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time and for his elaborate introduction; and, Mr. Speaker, it is with great pleasure that I rise as a cosponsor of H. Con. Res. 108 to congratulate the National Science Foundation on 50 years of exemplary service. From its rocky start and meager initial budgets, the NSF has bloomed into a shining example of government success, producing developments and innovations whose benefits are, frankly, immeasurable in either economic or societal terms.

From its creation in 1950, the NSF has grown from a relatively minor agency which funded only a small portion of the meritorious proposals that are received, to the primary source of support for nonmedical research at our Nation's colleges and universities. Approximately 1,800 academic institutions receive funds from the National Science Foundation each year supporting thousands of researchers and projects.

Developments from research originally funded by NSF grants permeate our lives. No American citizen can say that he or she has been unaffected by the advancements that science has brought. From the common plastics that preserve our food to the complex microprocessors that drive our computer age, from natural discoveries in the environment to synthetic developments in the labs, from fossils to fiberoptics, the NSF has been there to foster and nurture the research that led to these wondrous discoveries and lay the foundation for the discoveries of tomorrow.

The National Science Foundation has also played a crucial role in the education of our Nation's youth. Following the watershed event of Sputnik, the NSF has taken an active role in the direct support of students at the graduate level. Today, these efforts have been expanded to all levels of education, from kindergarten to the Ph.D., and have brought the NSF to the forefront of math and science education in the United States. Their continued efforts are critical to the development of the next generation of scientists and engineers.

I am personally grateful to the NSF for its critical support of my Commission on the Advancement of Women, Minorities and Persons With Disabilities in Science, Engineering and Technology. Its work, resulting in findings, have also helped to establish Federal partnerships. Their support thus enhances partnerships with the private sector and with academia to fulfill its recommendations.

As we look to the future, I hope the NSF will continue to play a prominent role. In his seminal report, ''Science: The Endless Frontier,'' which many credit for the formation of a national science policy and the NSF, Vannevar Bush noted, ''The frontier of science remains. It is in keeping with the American tradition, one which has made the United States great, that new frontiers shall be made accessible for development by all American citizens.'' His words are no less valid today.

For the last 50 years, the National Science Foundation has been there exploring that frontier, bringing its discoveries home to the American people. I shall work to do all I can to increase their budget.

I want to thank Dr. Rita Caldwell for her leadership and all the employees of NSF, congratulate them on their 50th anniversary and wish them luck for the next 50 years and beyond.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 4½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong support of the resolution.

Mr. Speaker, there is no question in my mind that the reason our economy has enjoyed such tremendous growth over the last 8 or 8½ years, and in particular growth in productivity, is because of investments made in science. The investments in information technology have revolutionized the workplace, revolutionized manufacturing, inventory management, and allowed us to reduce unemployment to record lows without having a rise in inflation. So I think this makes a great deal of sense to honor the National Science Foundation.

And of course last year, the Congress, after having gone through 3 years of working towards doubling the budget of the National Institutes of Health, decided very wisely that we would try and double the National Science Foundation budget over a 10-year period, and in a bipartisan way we started down that road. This makes great sense because we should not try to separate NIH from NSF. They are complementary.

Some of the speakers talked about the human genome project, part of which is being done in my district; and there is no question that some of the supercomputer technology used for that came through NSF research. The same is true of a clinical endocrinology lab that I saw in the Methodist Hospital in my district just a couple of weeks ago. But the fact is, Mr. Speaker, we are going to pass this resolution today, maybe unanimously, or by an overwhelming vote; then later on today we are going to pass a rule, and tomorrow probably pass a budget, that would actually cut the NSF in real terms.

It seems to me that it is ironic that where a year ago, with strong bipartisan support, the Congress started down the road of doubling the NSF, just as we have gone in doubling the NIH, yet today and tomorrow we are going to say we are going to cut the NSF. Now, I know some of my colleagues have said we hope we will get that worked out when the appropriation bills are done. That maybe says a lot about the quality of the budget document that we are going to take up tomorrow; that perhaps that budget document cannot hold the water that it is supposed to hold and we are not going to meet those spending targets because we are going to pass this one political document and do what we want to. But I think it is a grave mistake to be making these cuts.

I want to quote from a Nobel laureate, who is a constituent of mine, a professor at Rice University, Dr. Richard Smalley, who won the Nobel prize for inventing nanotechnology in the famous buckytubes; and in this article he says, ''Promising ideas won't develop if investments in key Federal science agencies are slashed.'' And yet that is where this House and the other body are heading.

I think it is quite a shame that today we would vote to give the National Science Foundation and all the scientists around the country, both at the big schools and the small schools, and the labs that benefit from this, this very nice piece of paper from the Congress on this very nice piece of parchment honoring them for the 50 years of work they have don, and then the next day say, ''We're going to cut your budget in real terms. We're going to cut your budget and we are not going to double the NSF.'' I think it is a grave mistake that we are doing that.

And if we are not doing that, Mr. Speaker, and I see my dear friend from Michigan who I sat with on the Committee on the Budget for a number of years, and I know he believes strongly in the sanctity of the budget process, but if we are not going to do that, then it means we are not passing a real budget tomorrow; that we are passing a document that has more holes in it than a slice of Swiss cheese.

So I hope, Mr. Speaker, that the House does pass this today. I hope that the House, although I do not think it will happen, has a stroke of wisdom and we defeat the budget resolution tomorrow, and we go back and write a realistic one that encompasses the bipartisan support in this House and the other body for increasing and doubling the National Science Foundation budget over the next 10 years, and let us finish out the 9 years left.

Mr. Speaker, I submit for the RECORD the article regarding Dr. Richard Smalley I referred to earlier.

SCALING BACK RESEARCH IS A MISTAKE

(By Richard Smalley)

Stocks are down, and President Bush is talking recession. Yet, he recently targeted three key science agencies for cuts. The research budget at the National Science Foundation would fall 4 percent, at the National Aeronautics and Space Administration 4 percent and at the Energy Department 3.5 percent. That's bad policy at the worst possible time.

Bush officials say they will compensate with tax breaks that will ''encourage significant increases in private-sector research and development.'' That may sound good—give industry incentives, and it'll take care of everything. Problem is, that policy will derail

technology innovation, our nation's economic igniter, which depends on federal investment in research.

Here's how it works: The federal government supports long-range, high-risk research at universities and national labs. Industry transforms promising discoveries into marketable goods.

There are thousands of examples of how the partnership can generate economic booms. I'll mention two homegrown ones.

Fifty years ago, the federal government gave $50,000 to a university scientist with an idea too risky for industry to support. His far-fetched plan was to create a source of microwaves. He ended up hatching the laser. Texas industries quickly recognized the potential and began developing products. Today, one in every three high-tech jobs in Texas depends on his discovery.

The next revolutionary discovery may come from carbon nano-fibers—hair-thin wisps with the strength of steel and bewildering electrical properties. The key discoveries were made possible by government support of a few adventurous ideas right here in Texas. As nano-fibers start to show promise, no doubt Texas industries will dominate.

Promising ideas like these won't develop if investments in the key federal science agencies are slashed.

There's another reason why it's a bad time to cut the science budget. The proposed cuts would slash the number of people being trained at our nation's universities and national labs. That couldn't happen at a worse time.

The high-tech economy generates thousands of new jobs per day. Tragically, only 20 percent of our workforce is capable of filing those jobs. To satisfy the demand, Congress raised the cap on visas to allow 300,000 more foreign workers into the country.

Importing high-tech workers is an unacceptable long-term solution. Our country must train a domestic workforce to fill those jobs. According to the Commission for National Security, the workforce problem ''poses a greater threat to national security over the next quarter-century than any potential conventional war.''

Congress' course is clear. It must increase, not slash, the agencies' budgets.

Fortunately, some prominent congressmen know that the strength of the economy depends upon the federal investment in science. A bill to double the federal investment in research, first proposed by Texas' own Sen. Phil Gramm, passed in the Senate last session with 40 co-sponsors. Sadly, there wasn't time to bring it to a vote in the House.

Some senators are championing efforts to support the National Science Foundation and the Energy Department. But their time will be wasted if President Bush doesn't help. He should tell Congress that he is willing to accept increases to the key agencies that underpin the nation's economic growth and standard of living.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with my friend from Texas, there needs to be a balanced effort in where we go on research. Certainly all of the other agencies and Departments that do research depend, to a certain extent, on what happens with basic research and primary research mainly conducted through our university systems through the National Science Foundation.

However, I would urge my colleagues, including the gentleman from Texas (Mr. BENTSEN), to make the suggestions to the appropriators. As he well knows, the 302(a) overall spending is incorporated in the budget resolution that we will be taking up in the next 2 days. The 302(b), how to divide up that money and where we go with the 250 function, is going to be decided through the appropriation process. And again, I would urge all of my colleagues to consider the importance of having a balanced research budget.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of the resolution recognizing the 50th anniversary of the National Science Foundation. The NSF is not only a national treasure, but an example of Federal dollars that reap long-term dividends for our economy and our country.

I hope that we can not just support this resolution, but also adequately fund the National Science Foundation over the next 10 years. At a time when our country's future economic growth and prosperity depend on innovation and scientific advances, we should be investing more of the surplus in scientific research and development. Tax cuts will not provide the same level of long-term stimulus to our economy that Federal investments in R&D will yield in the fields of engineering, mathematics, and the sciences.

Our children are the message we send to a future we will never see, and that future will be shaped even more by technological innovation than what we have seen in our lifetime. NSF today is developing the next generation Internet as well as leading the way in encouraging young people to pursue academic studies and careers in these technical fields.

Mr. Speaker, I want to commend the NSF for its efforts to encourage women and minorities to pursue careers in math and science. Every Member of Congress should take the opportunity to promote the National Science Foundation's programs in schools in their districts. Federal investments in technology and basic research programs have been the engine of growth for America's economy. The development of the Internet was achieved through Federal investments in a Department of Defense research program called DARPA Net. I am sure Members are aware of that. But who would have thought that this relatively small investment in DOD and the NSF would have had such a profound effect on every sector of our economy and nearly every aspect of our way of life?

Mr. Speaker, I am privileged to represent a district with one of the most vibrant economies in the country, and it is also home to the National Science Foundation. Thanks to the Internet, northern Virginia has become the high tech hub of the East. By investing in R&D in these programs today, we are investing in our future economic potential as a country. Unless we increase the flat budgets which basic research has experienced in the past several years, we cannot expect to yield the kind of scientific advances to ensure the United States remains at the forefront of the global economy.

Mr. Speaker, I rise in strong support of this resolution that recognizes and acknowledges the 50th anniversary of the National Science Foundation and its achievement and service to the United States.

The NSF is not only a national treasure, but an example of federal dollars that reap long-term dividends for our country and our economy.

This resolution reaffirms our commitment for the next 50 years to support research, education, and technological advancement and discovery through the NSF.

At a time when our country's future economic growth and prosperity depend on innovation and scientific advances, we should be investing more of the surplus in scientific research and development. Tax cuts will not provide the same level of long-term stimulus to our economy that federal investments in R&D will yield in the fields of engineering, mathematics and the sciences.

Our children's future will be shaped even more by technological innovation than what we have seen in our lifetime. The NSF is leading the way in encouraging young people to pursue academic studies and careers in these technical fields.

I would also like to commend the NSF for its efforts to encourage women and minorities to pursue careers in math and science. Every Member of Congress should take the opportunity to promote the NSF's programs in the schools in their districts.

Federal investments in technology and basic research programs have been the engine of growth for America's economy. The development of the Internet was achieved through federal investments in a Defense Department research program called DARPA Net.

I am privileged to represent a district with one of the strongest and most vibrant economies anywhere in the United States. Thanks to the Internet, Northern Virginia has become the high-tech hub of the east. Who would have thought this investment in DOD and NSF would have permeated every sector of our economy and way of life?

My district is also home to the National Science Foundation, which has been performing amazing work toward establishing the Next Generation Internet as well as fostering the pursuit of science, math, engineering and other technical sciences in this country.

By investing in R&D in these programs today, we are investing in our future economic potential as a country. Unless we increase the flat budgets which basic research has experienced in the past several years, we cannot expect to yield the kind of scientific advances to ensure the United States remains at the forefront of the global economy.

Mr. Speaker, I urge my colleagues to support this resolution and the ongoing work of the National Science Foundation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may

consume; Let me, in closing, say I think we would all like to also thank the management and staff at the National Science Foundation, certainly the director, the assistant director, those who run the eight directorates; the many program directors, and the support personnel, an estimated 50,000 scientists and engineers throughout the country that are making the research effort, that are offering their time and service on the peer review system, and certainly the hundreds of thousands of teachers that are making a difference in exciting young students about math and science and research.

Last week we had a subcommittee hearing regarding education research, to try to improve K through 12 learning, especially in the areas of math and science. The Education and Human Resource division of the National Science Foundation has done great work.

So again, thanks to our staffs on our full committee and subcommittee, all of the members of our committee, and my colleagues in Congress who are supporting the National Science Foundation and its continued efforts, I hope this resolution will pass with unanimous support.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of this resolution honoring the National Science Foundation for its fifty years of service to the Nation. As a member of the Science Committee, I have had the opportunity to witness the efforts and initiatives of this important federal agency and am pleased to say that their recent achievements have been outstanding.

Fifty years ago, the National Science Foundation was created to ensure that this great Nation would continue to be the world leader in discovery, learning, and innovations in the sciences, mathematics and engineering. Without the tireless efforts that this agency and its employees have put forth, the many technological strides our Nation has made in the preceding decades would never have come to fruition.

Mr. Speaker, as the Federal Government's only agency dedicated to the support of education and fundamental research in all scientific and engineering disciplines, the National Science Foundation has been one of the most important contributors to many progressive projects. One such program that touches close to home for me is CONNSTRUCT, Connecticut's Statewide Systematic Initiative for science education. This project has received approximately $15 million from the National Science Foundation since 1991 to implement a comprehensive restructuring of science and mathematics education in my home state.

This ten-year National Science Foundation investment demonstrates a significant partnership with Connecticut to ensure that all students are exposed to challenging mathematics and science curricula. It also ensures that the students are taught by well-prepared teachers who use stimulating instructional practices, and are supported by school districts and communities that expect all students will take, learn, and be able to use their knowledge to continue learning throughout their lives.

Programs like this have been invaluable to our society. That is why I am an original cosponsor of H.R. 1472, a bill to double the funding of the National Science Foundation. This bill provides for 15 percent annual increases in the agency's budget for Fiscal Years 2002 to 2005 that, together with the 13 percent increase for the current fiscal year, would double the Foundation's budget over that period. The increases provided for in H.R. 1472 will allow the agency to go forward with substantial new and ongoing initiatives, such as the deployment of broadband networks for schools and libraries.

Mr. Speaker, without the significant contributions that the National Science Foundation makes to these many projects across our Nation, we would be far less competitive in our technology-based world. I applaud the past efforts and achievements of the National Science Foundation and I urge all of my fellow Members to vote with me in support of H. Con. Res. 108, which reaffirms this Congress's commitment to support research, education, and technological advancement and discovery through the National Science Foundation.

Mr. SMITH of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 108.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

□ 1445

Mr. SMITH of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 20TH ANNUAL NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 74) authorizing the use of the Capitol Grounds for the 20th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 74

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 20th annual National Peace Officers' Memorial Service, on the Capitol Grounds on May 15, 2001, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, in order to honor the law enforcement officers who died in the line of duty during 2000.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized by section 1.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oklahoma (Mr. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 74 authorizes the use of the Capitol Grounds for the 20th Annual Peace Officers' Memorial service on May 15, 2001, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and the Committee on Administration jointly designate. The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the National Fraternal Order of Police, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol Grounds. The Capitol Hill Police will be the hosting law enforcement agency. The event will be free of charge and open to the public.

This service will honor the many Federal, State and local law enforcement officers killed in the line of duty in 2000. This is a fitting tribute to the men and women who have given their lives in the performance of their duties.

Mr. Speaker, I support the measure and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 74 authorizes use of the Capitol Grounds for the 20th Annual National Peace Officers' Memorial Service, a most solemn and respectful service that honors our fallen police officers, brave men and

women who gave their lives in the daily work of protecting our families and us, at home and in our workplaces.

On average, one officer is killed in this country every other day. Approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines.

During last year, 150 very devoted, brave officers from the ranks of State, local and Federal service were killed in the line of duty. One hundred forty-four men and six women were killed. The average age of those killed in the line of duty was 39 years, and they had an average of 10 years in service.

In my home State of Oklahoma, four brave police officers died in the line of duty in 2000. At this time I would like to read their names into the RECORD:

Deputy Charles Floyd Trivitt, Hughes County Sheriff's Department, died February 21, 2000;

Correctional Officer Joe Allen Gamble, Oklahoma Department of Corrections, Granite Reformatory, died June 6, 2000;

Trooper Matthew Scott Evans, Oklahoma Highway Patrol, and Officer Jeffrey Dean Rominger, Oklahoma Highway Patrol, died August 31, 2000.

Mr. Speaker, the service to be held on May 15 is the 20th anniversary of this memorial service. It represents a national opportunity to honor the contributions and sacrifices of all police officers.

Mr. Speaker, I support the resolution and urge my colleagues to join me in supporting this great tribute to our fallen peace officers.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time just to make the following observation.

Mr. Speaker, in conjunction with this event that occurs on the Capitol Grounds, the police agencies from all over the country will also gather and have a parade beginning on New Jersey Avenue and going to the Police Memorial which is directly across from the National Building Museum.

Mr. Speaker, I would say to my colleagues, if they have not been to that parade, they should go. It is a sight to see. There are bagpipers from all across the country.

Mr. Speaker, the United States Congress authorized the minting of a coin which was sold nationwide, and the proceeds of that coin were used to keep up the National Police Memorial in Washington, D.C.; and there is nothing that will ever compare with the strains of Amazing Grace from so many bagpipes in honor of the men and women who have perished creating the thin blue line.

Mr. Speaker, I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, H. Con. Res. 74 authorizes use of the Capitol Grounds for the 20th annual National Peace Officers Memorial Service—a most solemn and respectful service. I strongly support this resolution that honors police officers—brave men and women, who gave their lives in the daily work of protecting our families and us.

On average, one officer is killed in this country every other day, approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines.

During last year 150 very devoted, brave officers from the ranks of state, local and federal service were killed in the line of duty—144 men, and 6 women were killed. The average age of those killed was 39 years, and they had an average of 10 years in service.

In my state of Illinois three brave police officers died in the line of duty during 2000—At this time I would like to read their names into the record: Gregory M. Sears, Alane Stoffregen, and William Howard Warren. Their names will be etched on the memorial wall, and will join 4 other officers from Illinois already memorialized.

In addition to those three officers I would also like to read into the record the names of two fallen officers from the St. Louis, Missouri area who have family ties in Southern Illinois. Robert J. Stanze II, St. Louis Police Department, and Richard Eric Weinhold, St. Louis County are police officers who died in the line of duty in 2000.

Mr. Speaker, the service to be held on May 15 is the 20th anniversary of this memorial service. I support the resolution and urge my colleagues to join me in supporting this tribute to our fallen Peace Officers.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of H. Con. Res. 74, to authorize the use of the Capitol grounds for the 20th annual National Peace Officers' Memorial Service on May 15, 2001. This solemn and important ceremony honors the 150 brave law enforcement officers who were killed in the line of duty nationwide during 2000.

Our law enforcement officials represent an integral part of our society in which we have instilled public trust. As the vanguard of our public safety, we sometimes take for granted the risks that these law officers assume in the course of their duties. Regrettably, far too often we are reminded of those risks. Since 1794, nearly 15,000 local, state, and federal law enforcement officers have made the ultimate sacrifice while in the line of duty.

The 20th annual National Peace Officers' Memorial Service is the culmination of a week of events prepared by the Fraternal Order of Police commemorating National Police Week. By paying tribute to the dedicated officers who were killed while exercising their duty we honor their memory, their sacrifice, and the family and friends they have left behind.

Accordingly, Mr. Speaker, I am pleased to support this worthy Resolution and I invite my colleagues to join in supporting its passage.

Mr. DAVIS of Illinois. Mr. Speaker, today there are many citizens of this nation that go to great lengths to ensure the safety of our lives as a priority of their own. Today, I rise in support of the 20th Annual National Peace Officers' Memorial Service for the use of the Capitol grounds. I encourage each of you to take note of these individuals who are members of all ranks from municipal, county, state and federal law enforcement agencies, dedicating every moment of their precius life for the betterment of ours. Therefore, I stand to recognize these devoted citizens and to encourage unanimous support for H. Con. Res. 74.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 74.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 74, the measure just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 55 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GUTKNECHT) at 5 p.m.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to 22 U.S.C. 276h and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, appointed on March 28, 2001:

Mr. BALLENGER, North Carolina, Vice Chairman;

Mr. DREIER, California;

Mr. STENHOLM, Texas;

Mr. BARTON, Texas;

Mr. FILNER, California;

Mr. LEWIS, Kentucky;

Mr. MANZULLO, Illinois;

Ms. GRANGER, Texas;

Mr. REYES, Texas;

Mr. THOMPSON, California.

There was no objection.

REAPPOINTMENT AS MEMBER TO NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS

The SPEAKER pro tempore. Without objection, and pursuant to section 306(k) of the Public Health Service Act

(42 U.S.C. 242k), the Chair announces the Speaker's reappointment of the following member on the part of the House to the National Committee on Vital and Health Statistics for a term of 4 years:

Mr. Jeffrey S. Blair, Albuquerque, New Mexico.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 83, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–58) on the resolution (H. Res. 134) providing for recommittal of the conference report to accompany the concurrent resolution (H.Con.Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 581, WILDLAND FIRE MANAGEMENT ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–59) on the resolution (H. Res. 135) providing for consideration of the bill (H.R. 581) to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 131 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 131

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider reports from the Committee on Rules on the same day they are presented to the House is waived with respect to resolutions reported on the legislative day of May 8, 2001, providing for consideration or disposition of any conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 131 waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules. The rule applies the waiver to a special rule reported on the legislative day of May 8, 2001, providing for consideration or disposition of a conference report to accompany the concurrent resolution, H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise in strong opposition to the rule. I am at a loss to explain why we are once again preparing to circumvent the rules of this body and cram a controversial budget conference down the throats of our colleagues. What aversion does the leadership have to regular order? Last week's paper caper in the midnight hour was a prime illustration of the adage ''haste makes waste.'' In their haste to cover up the details of a flawed budget blueprint, the leadership wasted hour upon hour of time slated for the people's business.

Today's rule is more of the same. Martial law is an extremely heavy-handed process, even for this leadership. Under the rules of the House, a two-thirds vote is required to consider a rule on the same day the Committee on Rules reports it. But the martial law procedures before us allow a rule to be considered on the same day as it is reported rather with a majority, rather than a two-thirds vote.

This rule we are considering would waive the 1-day layover requirement. It would also kick off a chain reaction whereby this body considers several procedural votes in an elaborate game to recommit last week's ill-fated budget conference report and bring up a revised version for consideration. Given what we have learned about the forthcoming conference bill on the budget, we should not be surprised. I suspect that the longer the measure is exposed to the light of day, the more likely it will shrivel up and die.

I would note for the record that no Democrats had input on the conference report. No Democrats were invited to participate in writing this agreement, nor were any Democrats given any information regarding the document that will be the budget guideline for this Nation. The word in the caucus room is that the Budget chairman refused to return the phone calls of our ranking member. This is a far cry from changing the tone in Washington that the current leadership prides itself on.

I urge my colleagues to defeat this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I would just respond to say that the reason we are using the procedures that we are is to get us timely to the debate on the budget which we hope to have tomorrow. The rules covering the conference reports, preserving the prerogatives of both Chambers of the House, require that we recommit the conference report.

We have created a way to do that this evening, it seems appropriate to do, and then we will proceed tomorrow to debate on the budget. I think that the argument now that the minority has not had a chance to see the budget is a little bit strange considering we have just had 4 days, an ample time to review and ample time to consider that document.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. KELLER).

Mr. KELLER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of this budget. As someone who grew up in relatively humble circumstances, in a one-bedroom home in Orlando, Florida, I learned some important things about life at a young age.

First, I learned that single mothers and working families desperately need tax relief. This budget provides that tax relief to the tune of $1.35 trillion.

Second, I learned that a first-class education is a child's passport out of poverty. This budget represents the largest investment in education in the history of the United States, including a $1 billion increase in Pell grants and $5 billion for reading in grades kindergarten through third grade.

I also learned that senior citizens depend on their Social Security checks and prescription drugs to live. This budget puts the Social Security surpluses in a lockbox and spends up to $300 billion for prescription drugs for seniors.

I urge my colleagues to vote yes on the budget. This is what we came here for.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I rise today in opposition to the House-Senate conference report on the budget for fiscal year 2002. Last week, after excluding Democrats from any meaningful participation in the conference, the House leadership tried to ram this resolution down our throats. Fortunately, they failed because they could not even make the entire bill available for Members' consideration. Under closer inspection it is easy to see why they believe the bill could not bear the light of day.

The information we have been able to review to date indicates that in fiscal year 2002 the conferees approved significantly lower funding for veterans programs than the funding levels passed earlier by either the House Committee on Veterans' Affairs or in the House budget resolution. Under the leadership of the gentleman from New Jersey (Mr. SMITH), chairman of the Committee on Veterans' Affairs, the House managed to almost double the President's meager request for discretionary spending for the Nation's veterans, but that effort now appears to have been for naught.

Unfortunately, the Republican leadership has not kept its promises to America's veterans. After applauding themselves on the funding increases for veterans programs, my Republican colleagues realized that realistically their numbers just did not add up. They will tell you that they will fix the harm they have done to these programs with emergency spending. But if that is the case, why do they not just do it in this resolution? Ultimately they were not able to reconcile their promises to veterans with the giant tax cut they have promised to America's wealthiest taxpayers.

The joint resolution will eliminate the gains made for veterans programs in the House and Senate resolutions for fiscal year 2002. The House added $730 million to the President's budget for veterans programs while the Senate passed two separate resolutions that would have added about $1.7 billion to the Bush request of about a $1 billion increase for veterans programs. So we are now back to Bush, and that is bad news for the Nation's veterans.

Veterans groups agree that the Bush budget is inadequate. In a press release this February, the American Legion said, ''The Bush administration's fiscal year 2002 budget for the Department of Veterans Affairs is not good enough. Frankly this is a budget that is insufficient to fulfill the campaign promises George W. Bush made.''

In a letter to the Senate from four major veterans service organizations, AMVETS, Paralyzed Veterans of America, Veterans of Foreign Wars, and Disabled American Veterans, the increase recommended by the Bush administration was described as an ''amount that would not even cover the costs of mandated salary increases and the effects of inflation.''

I will vote against this inadequate funding resolution for veterans. The American people need to understand the effect of this overblown tax cut. Our veterans will pay the price.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I understand that even as we speak, the Senate is rewriting this conference report which we are supposed to vote on today and that there is another breakdown going on.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, as someone who loves baseball, I want to say thank you to the President for bringing tee ball to the White House. Seeing those youngsters enjoy themselves on the White House lawn was really terrific. But let me just say that the President should put his money where his photo op is.

The budget that the President and the Republican leadership are pushing through this House cuts important programs that affect our children's education, health and well-being, all for the sake of a tax cut that provides 43 percent of its benefits to the wealthiest 1 percent of Americans.

Who gets cut? Pediatric graduate medical education, training for future pediatricians to care for our kids, gets cut by $35 million. No new funding for Head Start, a program that helps to prepare youngsters for school. No new funding for reading and mathematics education programs that serve our children, and not a dime more in this budget for that program for the next 10 years.

There are 7 million children between the ages of 8 and 13 who go home alone every single day. Yet the President cuts the 21st Century Learning Center program that provides after-school educational opportunities for our kids. The President slashes $1.4 million from the universal newborn hearing screening program, an 18 percent cut.

Photo ops are one thing, but you have to put your money where your values are. That is what budgets are about. They are about values.

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It is not about programs. There are some fundamental American values at stake in this debate, values that say everyone should have a chance to succeed, every child should have the best education and a secure retirement. Those values, every child should have the best education, the best health care, and every single senior should have a decent and secure retirement, those values, for all of the President's rhetoric, are not in the President's budget. This is reflective of the priorities and the values of this administration. They are not focused on American families or American children.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, the budget that the Republicans brought to the House late last Thursday has more than just two pages missing. It is a budget full of plugs and placeholders, and what is really missing are real numbers.

Take defense, the largest account in the discretionary budget. This budget allocates $325 billion to defense, basically what Clinton and Cohen would have spent. But $325 billion is not a real number. It is a placeholder, pending Mr. Rumsfeld's review of what is needed to transform our military. Reports indicate when the time is right, after the tax cuts are enacted, Mr. Rumsfeld will request at least $25 billion a year more than this budget provides.

Take next the rest of all appropriated spending. This budget holds discretionary spending to an increase of 3.8 percent next year and in years thereafter to 2.6 percent below inflation. This is tight, really tight, a lot stricter than any limit to which spending has been held in recent years. If spending is capped at these levels, and a few favored programs such as NIH and transportation get outsized disproportionate increases, then many others will have to be cut. Rather than indicate these unpopular and, some would say, unlikely cuts now, the Republican budget simply increases discretionary spending by the rate of inflation in every function across the board, except defense, which gets more. Then they bury in the last catchall function of the budget $6 billion of unspecified cuts in 2002 and a total of $67 billion in unspecified cuts over the next 10 years.

Now, if we want to see what happens, what results from indiscriminate budgeting, look at education. Remember how the President said in his State of the Union that education would get the largest increase in his budget? That turned out to be a modest increase of $21.4 billion above inflation over the next 10 years. When the budget was open to amendment on the Senate floor, Senators voted three times to debit tax cuts and credit education to the tune of 294 billion additional dollars for education. It was a great victory, but short-lived.

Once Republicans got the budget in the closed conference, they not only deleted all the adds made in the Senate but also cut the President's request of $21.3 billion. This budget now treats education like every other function; inflation only for 10 years, nothing more.

Consider finally the initiative to add prescription drug coverage to Medicare. The President asked for $153 billion over 10 years to pay for drug benefits. In Congress, key Republicans in both Houses called this amount inadequate. Senate Democrats moved to raise the provision for drugs and prevailed. In their conference then, the Republican leadership did not pare down this increase. In conference this was not pared back. The next worst thing was done to it. Instead of setting aside some of the surplus, general fund surplus, to pay for this added benefit, they allow the $300 billion for drug benefits to be drawn from the Medicare Trust Fund.

In the long run, this trust fund, the Medicare Trust Fund, faces a serious shortfall, as we all know. If the cost of prescription drugs is drawn from the trust fund, it will only hasten the day of insolvency.

It is tax cuts that drive this budget, and tax reduction is the most understated number of all. The budget calls for tax cuts of $1.35 billion, $300 billion less than the President first requested, but Republicans from Senator LOTT to Secretary O'Neill have said this is just round one for tax reduction, and I credit them for their honesty because more tax is surely coming. This is not the final number for tax reduction.

When all of these numbers are added up, all of these plugs, all of these placeholders, and add up the likely action that will be layered on top of it, the bottom line in this budget goes negative as early as next year.

Within the next 10 years, we will be $342 billion into the Medicare Trust Fund, $255 billion into the Social Security Trust Fund. Maybe that is why the conference was kept secret and the budget was not shown to us until midnight last Thursday.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I feel compelled to say again that the gentleman from South Carolina (Mr. SPRATT) played no role whatever in this budget and was unable to even get his phone calls returned, and I regret that.

Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, this budget ought to come out with a warning for senior citizens: Do not look for a decent prescription drug benefit here. President Bush, one may remember, when he was a candidate, promised a prescription drug benefit under Medicare. Instead, this budget has a measly proposal available only to seniors that make under $11,500 a year. This is not going to help people like the Reinauers in my district. He is 75 and she is 71, but they make too much money to get help under the Republican plan.

Mr. Reinauer wrote to me last February saying, ''We are going broke paying for prescription drugs.'' He is paying $324 a month. Mrs. Reinauer has a drug bill that will knock your eyes out, and she pays the full price.

This is a budget that does more for a million millionaires than it does for 39 million Medicare beneficiaries that are waiting for a real prescription drug benefit. That is priorities.

This is not what President Bush promised when he was a candidate and it is not what senior citizens deserve to see in this budget.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise in opposition to this rule. Last week, the House was kept in session until 3:00 a.m. waiting to vote on a budget that our side had not even seen and had no part in creating. That is bipartisanship, according to the Republican model. Then we could not consider the bill until this week because of two missing pages. Since then, those two pages have apparently been found, but there are three more important elements missing: Those are honesty, common sense and fairness.

The resolution we are considering tonight is missing honesty. It does not include resources necessary to offer seniors a universal voluntary prescription drug benefit under Medicare. In fact, the budget resolution shortens the solvency of the Medicare program. George Bush and his allies in the majority party promised to include prescription drug benefits under Medicare over and over in ad after ad, yet this budget falls woefully and embarrassingly short. This budget is missing common sense. The budget proposes large increases in defense spending but the budget they put forward does not pay for them.

In some instances, like paying our soldiers a decent wage, I fully support defense increases. But when it comes to $100 billion missile defense systems, that is not common sense, it is uncommon foolishness.

Finally, the resolution is missing fairness. I have written the Tax Deduction Fairness Act of 2001 which would allow taxpayers in States like ours the option to deduct either their State income taxes or their State sales taxes. This would restore fairness to the Tax Code for residents in my State and in the States of Tennessee, Texas, Nevada, Wyoming, Florida and South Dakota. Such proposals as this were not included in this budget. This budget demands that our States subsidize the rest of the tax cuts for the rest of the country. This body deserves better. We deserve true bipartisanship, true discussion, true common sense, and the seniors and children of this country deserve true health care reform.

This budget does not provide it. We deserve better.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, at the onset, I would like to emphatically state my opposition to this rule, because this process is shameful and insulting.

Mr. Speaker, this process is shameful and insulting because it denies an opportunity to act responsible by informing the American people that the numbers in this budget do not add up unless the Social Security and Medicare Trust Funds are reduced drastically.

I regret that the budget process has come to this stage. We started off with such promise in the House Committee on the Budget of having a fair and open debate on priorities in the budget. The Democrats expected to lose many of the votes in discussions because we are in the minority, but we were at least given an opportunity for an open and fair debate.

President Bush has insisted that he wanted to set a new tone of respect and bipartisanship. What really happened to this fair and open bipartisanship with regard to negotiations on the budget?

On last Wednesday, I read an article in the Washington Times that the White House and the so-called congressional budget negotiators agreed on an 11-year $1.35 trillion tax cut plan. The question in my mind is, who are these negotiators?

The Democrats on the Committee on the Budget were completely shut out of the process. There was no input allowed by the House Democratic leadership or the House Democrats on these budget cuts or tax adjustments. This kind of behavior is unworthy of the honorable Members of Congress and it is very dangerous politics that affects the core of democracy and fair play in our Nation.

This is regrettable because we are balancing the budget on the backs of our seniors. These numbers will not add up unless we reduce the Social Security and Medicare Trust Funds. Yet the President is promising Americans that they can have their cake and eat it, too. He is promising a national missile defense system, far-reaching education reform, prescription drug program, and the list goes on to include inevitably a large additional tax cut that would mostly benefit big business and the wealthy.

I want the American citizens to know that they are being overpromised and deceived in this budget process. As a result, we cannot live up to providing improved education, prescription drugs for seniors, securing Social Security and Medicare, while paying down the debt and giving away a $1.35 trillion tax cut which will probably result in a $2 trillion tax cut.

The attitude projected in this process is that we are not listening and that we will not consider recommended adjustments or changes. This is in spite of the Senate Democrats' effort to allow for increased educational funding in this conference report. All of the $294 billion for educational funds were dropped. Certainly this is not a bipartisan process. To pass this budget means we are breaking our commitment to our seniors, and I urge the defeat of the rule.

To pass this budget means—breaking our commitments to our senior citizens by failing to protect the Social Security and Medicare trust funds; denying our youth and children the best educational opportunities possible; and depriving the poor and needy food and services for their welfare.

As we attempt to balance the priorities of our nation, we should have at least agreed with the Senate by passing a conference report that reflects the needs of our people—like reducing the tax package; paying down more of the national debt; committing new resources for Medicare prescription drugs for all seniors, to provide quality education programs, to meet agricultural needs, and health care needs. There is room for tax relief for everyone, but this tax relief should be considered within the context of ALL of our national needs.

I am insulted by the idea of invoking the Martial Rule. This reflects a disrespectful tactic by the House Majority of this budget process which avoids Democratic input into this budget, and implies that their views are irrelevant or insignificant. There is no doubt that this conference report will raid both the medicare and the social security trust funds. As trustees of this nations wealth, we must make hard choices about how to allocate the resources of the American people. The wrong choices will affect the lives of millions of Americans for years to come.

My fellow colleagues, I urge you to vote "no" on the Martial Law Rule. I vote "no" out of principle since neither the Democratic Members of the Budget Committee nor the Democratic Leadership were given a level playing field in this process.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, the gap between rhetoric and reality has never been wider than in this budget, and I am going to concentrate today especially on the education budget because that gap is truly massive in that area.

We are being asked to support a budget that provides no increase over inflation for education funding, and even falls short of what the President asks for in his budget plan. Despite all the talk from the White House, despite all the talk from our Republican friends, education is not a priority in this budget.

We have serious education needs. We need to reduce class size. We need to construct more schools, get our kids out of trailers. We need to recruit and train teachers. We need to boost Title I aid for disadvantaged school districts. We need to close the achievement gap between majority and minority children. We need to increase Pell grants for college opportunity. We need to meet the Federal Government's obligation to IDEA special education funding. We need to expand Head Start. The list of needs is long. This budget comes up short on every count.

With this budget, President Bush and the Republicans break their promise to increase the maximum Pell grant to $5,100. During the campaign, Candidate Bush promised to raise the maximum Pell grant award to $5,100 for freshmen. Unfortunately, President Bush and the Republicans have fallen at least $1.5 billion short of the amount needed to fulfill that promise.

The President's budget provides only enough funding to raise the maximum award of $3,750 by about $150, which is far less than Pell grant increases in recent years, and this budget does even less than what the President requested.

□ 1730

Then let us talk about Gear Up. Gear Up, that program already underfunded, that program to get colleges and private businesses engaged in mentoring high school students, closing that achievement gap, preparing them for college. This Gear Up program, praised by Secretary of Education Paige when he was in Houston as head of the system there, President Bush wants to cut Gear Up by 20 percent, meaning 200,000 fewer kids being helped; and now this Republican budget provides even less funding.

Bipartisan majorities in the Senate adopted amendments to add $294 billion over 10 years for education over the House-passed budget, but the final version of this budget eliminates those increases. In fact, education receives less in this budget than the woeful House-passed budget by almost $1 billion next year and $21.4 billion over 10 years.

Mr. Speaker, I don't want to just throw money at education and hope for improvements; but without new resources, crumbling classrooms cannot be repaired, new schools cannot be built, teachers cannot be hired and Pell Grants cannot be increased. We must do better. We need more than talk. Reject this budget.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota, Mr. POMEROY.

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, we are debating this motion before us to try and fix the budget filing foul-up of the majority from the other night. You know, it is one thing for the majority to be unfair; it is another thing for the majority to be inept. But for the majority to be both on the same piece of legislative business, it is a bit much.

By delaying until after midnight the attempted consideration of the budget, they utterly deprived almost half of this body of the chance of even seeing the numbers they are proposing, literally, until the hour of the vote. But, as we know, that fouled copying machine that withheld two critical pages stopped them dead in their tracks.

You know, it kind of shakes your confidence. My goodness, if they cannot collate, you do not know whether they can calculate. And now that we have actually had a chance to survey the numbers, we can see indeed there are some very serious problems in calculation, substance problems that go far beyond the embarrassing procedural foul-up they brought upon themselves.

Let us talk specifically about one area, education. This is an area where our new President has called for more Federal leadership in improving the quality of our schools. In fact, he committed $900 million over the next year, $21.4 billion over the 10 years of the budget.

We passed the President's recommendation when the budget was considered in the House over to the Senate, where they said that is a good start, but we need to do more. With a bipartisan vote, they voted to add $294 billion in additional resources into the budget package.

What happened? Well, when we finally got to the numbers of their package, numbers they hoped we would not get to look at and debate fully before this vote we are about to take, all of that money for our schools, all of that money for better education for our children, was stripped out; even President Bush's recommended funding, gone.

Ultimately, all that was left was an inflationary adjustment that amounts to $12.90 per kid per year. We are not going to improve schools on that pittance. We need to adhere to the President's recommended levels and beyond. More money for schools. Reject this budget.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. CAPUANO).

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Massachusetts is recognized for 8½ minutes.

Mr. CAPUANO. Mr. Speaker, I guess I rise today in opposition to the rule, but the truth is this rule means nothing, this budget means nothing, because there are no numbers here that anyone can tell you an answer to.

Most people in my district over the weekend were asking me what we are going to do this week, what is going to happen with the budget, how much money is going into education, how much money is going into health care? The truth is, not a single Member of this House or Senate can answer those questions based on this budget. They do not know. They have no idea how much money is going into education.

I can tell you one thing, the Medicare system, no matter what number they

use, this budget will bring the Medicare budget to insolvency much more quickly than before. Community health centers will be cut. I do not know how much, but they will be. Housing will be cut in virtually every single program; from $700 million cut for public housing capital improvement, to a $25 million cut in rural housing programs.

Training for pediatricians will be cut. We think we know a number on that, but we are not sure. The National Institutes of Health will be cut. We are not sure how much, but we think it will be cut. Ryan White AIDS grants will definitely be cut. Drug elimination grants will be cut. The COPS program will be cut. We are not sure how much, but it will be cut. Retraining programs for all those people who are now unemployed, every day we turn on the TV and read the paper, we read about more Americans getting unemployed, but this budget has no money to deal with that. We are not sure how much the Department of Defense is going to go up. We have no idea.

That is why at the end of this budget, you will see what is a huge slush fund. There is no other way to put it. It is the first time in my adult life I have ever seen a negative slush fund, however. It is negative $67 billion, because the numbers do not add up, and what that says is when we get around to it, we will cut something; we do not know what, we will cut something to make this work.

I defy anyone at home to tell me what a negative slush fund is, except a budget that does not work. That is why I rise today to oppose this budget, to oppose this rule.

Mr. Speaker, I yield the balance of my time back to the gentlewoman from New York (Ms. SLAUGHTER).

The SPEAKER pro tempore. The gentlewoman from New York has 6 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island, Mr. LANGEVIN.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong opposition to this rule and to a budget conference agreement that jeopardizes fiscal discipline and critical social programs to make room for an enormous tax cut skewed toward the wealthy and based on surplus projections that may never materialize.

Despite a modest reduction in the tax cut originally proposed by the administration, it is still far too large. To pay for it, the agreement usurps funds that should go to other critical priorities, like reducing our debt, creating a stable defense, improving education, providing affordable health care, strengthening Social Security and Medicare, and, yes, a real prescription drug benefit for our seniors, particularly in light of the fact that just today, as reported, spending on prescription drugs has increased by almost 19 percent.

Furthermore, this fundamentally flawed agreement would cut Federal programs that are vital to our Nation's small businesses: worker, health, environmental protection, energy efficiency and housing needs. This budget also shortchanges our vast transportation and infrastructure needs, decreases funding for critical law enforcement programs, and cuts budget authority for the benefits our veterans have earned.

We would all like to reward hardworking Americans by returning some of their tax dollars, but we would also need to ensure that our most pressing needs are met. These are real concerns that warrant a real budget based on real numbers, not partisan rhetoric that falsely touts cooperation and accord. Bipartisan negotiations involve a lot more than just inviting a couple of folks over to the White House for lunch.

I urge my colleagues to join me in rejecting this ill-conceived Republican proposal and supporting instead a sensible, well-balanced budget resolution that speaks to the needs of every American family.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, it occurs to me that maybe the Senate copier was on to something when it split these two pages out. This conference report makes me want to gag when I think about what happened. The obfuscation and deception that has been the hallmark of this budget process is truly worthy of the conference report.

The majority insisted on voting on a budget resolution before seeing the President's budget. That was the first thing. Then the majority shut out the Democrats from any consideration on this conference report and then tried to sneak a vote past the American people before they even had a chance to see their cynical handiwork.

I do not blame the Republican leadership for trying to hide the details of this budget from the people. Nobody would be proud of this budget that pays for tax cuts with the futures of our children. Look at all the child-hostile measures in this budget. It cuts Head Start; it makes child care harder and more less affordable for working families. It cuts Individuals With Disabilities Education Act Part C, which helps prepare disabled infants and toddlers for school. It cuts the 21st Century Community Learning Centers program, which keeps kids safe and productive after school. It cuts the Mental Health Services block grant, which is what everyone tells me is what works in our States when providing that crucial community support for our most vulnerable children. It cuts all of these things, and yet we say that we have a President that wants to put his emphasis on education.

It certainly is not relevant in this budget. We need to see the dollars, or else that will be a hollow promise of his being an education President.

Deception seems to be the name of the game because the majority's irresponsibility for what is going on with this tax cut plan is what is making this such a vulnerable budget to begin with, because it will make it unable for us to meet our obligations long-term for this Nation while being able to cut the taxes for the most wealthy in this country. That is why I think that we should make sure these two pages are included, and we ought to know what the full impact of this budget is.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank my colleague for yielding me this time.

Mr. Speaker, I regret that we have to resort to these types of extraordinary rules. We could have bipartisan agreement on a budget. It would not have been difficult for the majority to reach out to the Democrats and come out with a budget that we all could support, that would provide for tax relief as well as protecting Social Security and Medicare and the priority programs, and, most importantly, reducing our national debt.

Mr. Speaker, the reason why I will not support this budget is that I believe it provides for tax cuts that will be too large, allowing us to protect Social Security and Medicare, not only this year, but in future years, and would allow us to continue to make the type of investments in education and the environment and other priorities that are important for the people I represent.

But, most tragically, Mr. Speaker, I think this budget will do exactly what the National Review indicates it will do, and that says ''Do not fear a deficit.'' ''Do not fear a deficit.''

I think that there are many who understand that this budget, if implemented, will lead to deficit spending again and an effort to downsize government. We do not want to see deficits again, yet I believe this budget will lead in that direction.

So, Mr. Speaker, I regret that we have not used the time until now to work together to bring Democrats and Republicans together on a budget that will allow for reasonable tax relief and allow us to pay down our national debt, rather than adding potential red ink to it.

I urge my colleagues to reject this budget and to work together for the American people.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I realize it might be a little late to do this, but in the interest of accuracy and trying to refocus what we are actually about here, what we are debating is the rule that waives the requirement of clause 6(a) of rule XIII with respect to the same day consideration of certain resolutions reported by the Committee on Rules.

We are not debating the budget here, and the vote we are going to take is not on the budget. In fact, if you wish to get to the budget debate, I urge you

to support the rule. The majority is trying to bring the budget to the floor so that the debate we have already heard, some good introductory discussions in this past half-hour, can come to full-blown debate under the conference rules on the floor of the House. So I am going to ask everybody please to support this rule so we can in fact get on with the budget debate tomorrow.

I think that I have heard some concern that was a little puzzling, a lot of conference discussion about this particular budget, which my colleague from New York says is being rewritten by the other body as we speak. If that in fact is the case, then why are we debating a document that is not going to be relevant?

□ 1745

So it seems to me that we should have focused our remarks on the expedition that the majority is trying to bring forth, and that is a journey to the budget debate as quickly as possible in the broad daylight on a beautiful day in Washington, tomorrow, Wednesday, May 9.

I think that those who are still talking about being deprived of the opportunity to see the budget, whether it is the budget we are going to see or not, need to remember that they have had 4 days over the weekend, and indeed, it sounds as if some members have spent some time, and that is useful.

Those who would say that the majority has not been particularly apt or particularly fair in this process are entitled to their opinion, but I think those that come to Washington to look for perfection ought not to be the ones who cast the first stones. I am reminded that I am human and I readily admit I make errors, and I have machines in my office that jam occasionally, they are called copy machines, and if members have copy machines that do not jam, I would like to know what the brand is, because most every brand I have tried jammed, and that, in fact, is what happened. We had a jammed copy machine, and in our interest to try and get the debate started, we were not prudent enough to catch the fact that there were still two pieces of paper caught in the copy machine. We did catch it; but we just did not catch it immediately, so we misfiled.

I know that error takes place, and I do not want to be the one to cast the first stone; but since the stone has been cast, I generally remember in my earlier term here, I think it was back about 1992, there was an embarrassing moment when the present minority was in the majority when somehow or other we lost track of $25 billion worth of Russian aid and the Speaker of the House went through a very considerable scramble to get it back. I do not recall us making a Federal case out of that, and I think that we solved that problem.

I also believe this problem is a much more minor problem; this only involves perhaps giving the opportunity of Members 4 more days to review what might, in fact, be our budget document for budget debate.

So I think that we have come out ahead on this. Whether that was by design or by circumstance does not matter. We, in fact, are going to have a good chance to debate this budget; and everybody is going to have a chance to see what is in it.

But all of that is not relevant to what is before us, which is the rule to get on with the same-day provision that will allow us to get on to debating the budget. So without further comment on the fact that I think we have had an interesting preview of what might come in a budget debate, I would urge that we support this rule; and then the Committee on Rules will soon bring another rule which will also get us that much closer to the budget debate. So, if my colleagues will support that rule as well, we will then have two good rules in place to get us to the budget debate tomorrow; and we can vote on the budget rule tomorrow and then on the conference report, if all goes well.

Having said that, I urge the support of all my colleagues.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this resolution are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 5 o'clock and 49 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1801

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 6 o'clock and 1 minute p.m.

HONORING NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 108.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 108.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 131.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 200, not voting 17, as follows:

[Roll No. 100]

YEAS—214

Aderholt	Crane	Green (WI)
Akin	Crenshaw	Greenwood
Armey	Culberson	Grucci
Bachus	Cunningham	Gutknecht
Baker	Davis, Jo Ann	Hansen
Ballenger	Davis, Tom	Hart
Barr	Deal	Hastings (WA)
Bartlett	DeLay	Hayes
Barton	DeMint	Hayworth
Bass	Diaz-Balart	Hefley
Bereuter	Doolittle	Herger
Biggert	Dreier	Hilleary
Bilirakis	Duncan	Hobson
Blunt	Dunn	Hoekstra
Boehlert	Ehlers	Horn
Boehner	Ehrlich	Hostettler
Bonilla	Emerson	Houghton
Bono	English	Hulshof
Brady (TX)	Everett	Hunter
Brown (SC)	Ferguson	Hutchinson
Bryant	Flake	Hyde
Burr	Fletcher	Isakson
Burton	Foley	Issa
Buyer	Fossella	Istook
Callahan	Frelinghuysen	Jenkins
Calvert	Gallegly	Johnson (CT)
Camp	Ganske	Johnson (IL)
Cannon	Gekas	Johnson, Sam
Cantor	Gibbons	Jones (NC)
Capito	Gilchrest	Keller
Castle	Gillmor	Kelly
Chabot	Gilman	Kennedy (MN)
Chambliss	Goode	Kerns
Coble	Goodlatte	King (NY)
Collins	Goss	Kingston
Combest	Graham	Kirk
Cooksey	Granger	Knollenberg
Cox	Graves	Kolbe

Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Sununu
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Ackerman
Allen
Costello
Cubin
Gutierrez
Inslee
Jones (OH)
LaHood
Lampson
McDermott
Miller, George
Paul
Peterson (PA)
Rivers
Stump
Sweeney
Taylor (NC)

□ 1824

Mr. SAWYER and Mr. SERRANO changed their vote from ''yea'' to ''nay''.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 100, I was absent because of mechanical problems with the aircraft I was on. Had I been present, I would have voted ''nay.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1613

Mr. PASCRELL. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1613.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 83, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

Mr. GOSS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 134 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 134

Resolved, That upon adoption of this resolution the conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 is hereby recommitted to the committee of conference.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend and colleague from the Committee on Rules; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only on this matter.

□ 1830

Mr. Speaker, the legislation before us grants us a rule that provides that upon adoption of the rule the conference report to accompany H. Con. Res. 83 shall be recommitted to the conference committee.

Simply put, and in plain English for Members, what we are doing is we are taking care of the necessary procedure to get the budget debate on the floor tomorrow. What is going to happen is we are going to pass this rule, then the matter is going to go to the other body. The Committee on Rules is going to meet a little later in the evening, put out a rule to get the new conference report on the floor tomorrow with an appropriate rule, and the House will go about the business of deliberating and voting on the budget, which we are all anxious to get to after the long opportunity we have had to review it in the past several days.

Therefore, this is somewhat of a technical matter; but it is important that in order to continue our progress towards getting the budget on the floor that we adopt this rule. I do not think there is anything unusual about it or controversial about it, and I urge all Members' support.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule to recommit this flawed document. I urge the leadership to use this opportunity to craft a real budget with input from both Republicans and Democrats.

The infamous two missing pages are hardly the only flaws in this so-called agreement. Other pages are missing as well. For instance, waiting in the wings of this Congress are a number of popular tax cuts, including between $85 billion and $115 billion in business tax breaks. Billions more in tax cuts, with the elimination of the estate tax for the Nation's wealthiest citizens, and the elimination of the so-called marriage penalty tax this Congress, are moving through the legislative process. An honest budget would have included these provisions. The House leadership knows full well that at the end of this tax cut frenzy we will surpass the administration's initial proposal of $1.8 trillion.

Also missing are the President's big-ticket items. For starters, we seem to be missing the page that factors in the likely cost of a missile defense system. Nobody knows if it will work, and nobody knows how much it will cost; but estimates run up to $300 billion.

We also seem to be missing the page that explains how we pay for the conventional defense buildup being planned by the administration at a cost of $250 billion over the next decade. How is this consistent with a budget that makes no room for increases in defense spending beyond those already proposed by the Clinton administration?

Also, I have yet to find the page that explains how we will maintain government services in the face of a growing population while increasing spending no faster than inflation. Perhaps the leadership can explain what unspecified drastic cuts to the tune of $400 billion they have planned and how will these cuts not impact Social Security and Medicare.

I urge the leadership to turn over all missing pages and expose these numbers; and, moreover, I would caution my colleagues on the conference committee against signing their name to a document that is patently and shamelessly dishonest in its current form.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I intend to reserve the balance of my time until further notice.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, over the last 5 years we have increased the education budget, on average, 13 percent a year. This year, President Bush has cut that rate of increase in his budget in half to 5.8 percent. The House Republican budget resolution did the same thing that the President did. The Senate then said, that is woefully inadequate for education; and they added $240 billion for education over 10 years by taking it out of the jumbo-size tax cuts. This resolution not only eliminates the entire $240 billion add-on over 10 years for education, it also takes funding for education $25 billion below the President's own budget over the next 10 years, and for this coming year alone takes the education funding $1 billion below President Bush's budget. That is no compromise. That is returning to yesteryear.

If this is the Republican idea of how we put education first, I would hate to see their idea of how we do not. Everything, including education, is being sacrificed to jumbo-size tax cuts for people making over $200,000 a year. That does not represent the priority judgments of the American people. This bill should not only be voted down, it should be laughed down.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this rule, and I do so with a great deal of disappointment; disappointment in the procedure that is being followed. But I understand why, and I appreciate very much that the chairman of the Committee on the Budget has been the lone exception of trying to seek some kind of bipartisanship on this budget. Obviously, he has been overruled by the leadership, the same leadership that brings this rule today that has to have martial law to pass the budget. Martial law to pass the budget, after we spent 16½ hours on this floor last Thursday waiting on the majority to come up with their idea of what the budget should look like.

Now, I can give my colleagues 10 solid reasons why they ought to vote against the budget, but that is not what we are talking about today. What we are talking about today is the rule. I do not know how much longer the majority is going to be in lockstep with breaking every rule and precedent of the House that they used to criticize us on this side of the aisle for doing, only I do not believe we ever did as good a job at it as they are doing tonight and as they did last week. This is ridiculous.

As one who would like to see some semblance of bipartisanship on the budget, I came to the conclusion that was impossible, and I understand why. And as a member of the minority, I understand why we are not going to win any. But at some point in time, I would hope there would be just a tinge of conscience as to the procedures of the House and as to how we might get a little better comity in working on things like defense and education and health care and agriculture, other than the manner in which this particular budget that this rule makes in order will do.

I will guarantee my colleagues there will be bipartisanship when we start dealing with the specifics. So many of my colleagues on the majority have chosen under their leadership to ignore that to bring this rule to the floor. I urge a vote ''no,'' and let us go back and do it right.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

A quarter of a century ago, when the budget process was established, it was established so that we could look at all of the numbers in a measured, considered way, the income and the outgo, and make sure the numbers added up. It was not intended to be done in the dark of night in a hurried manner with some numbers there and some numbers not there and who knows what is there. Well, that is what we have ended up with today and this is a flagrant violation of the whole spirit of the budget process.

And in this hurry to get this tax cut through in an ill-considered way, we end up with a terrible shortchanging of the American people. Take education, for example. Inadequate consideration for our national need to recruit teachers, to find ways to get the 2.2 million teachers that we need in the next 10 years to keep up with the retirement and attrition in the ranks of teaching. Insufficient attention to the need for new facilities and modern classrooms, where classes of a reasonable size can meet in good conditions.

And with insufficient attention to the other concerns. Take special education, for example: under IDEA, if we are going to meet our national obligation, the Federal Government's obligation for special education, that would come to something on the order of $100 billion over 10 years. Do we find that in this budget resolution? No, we do not.

Education is shortchanged at every turn. And what we have got, coming from the House-Senate conference committee, appears to be a zeroing of the education budget, holding it at a level that does not even keep up with inflation. This is totally inadequate; and it is the result of this hurried, inadequate process.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, it is outrageous that this week Congress will vote on a budget that threatens the future of our Nation's most valuable asset: our children.

No wonder the Republican leadership tried to rush the budget to the floor last week without allowing adequate consideration. But then I believe they thought they could pull the wool over our eyes by misplacing two of the pages of that budget. Mr. Speaker, it is ironic that the two missing pages contained the details of the $1.35 trillion tax cut.

It appears that those two pages are the essence of how the Republican leadership will pay for their massive tax break; by cutting funding for vital services for American women and their families, including temporary assistance for needy families, workforce training and employment programs, community anti-violence and anti-drug programs, and overall education for the funding of our children.

Moreover, by prioritizing tax breaks for the wealthiest Americans, Mr. Speaker, the Republican leadership is signing away the future of Social Security and the Medicare Trust Fund. In addition to harming children, it appears they want to undermine the future of grandparents, too.

This is unacceptable. I urge my colleagues to vote for the rule to recommit; vote against this budget.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, in the words of President Reagan, there they go again. Fresh from the missing page debacle, we are back with more of the same. It seems that pieces of paper are not the only things missing as we appear here today.

The administration and the leadership talk a very good game. They tell us they want to increase education spending, they tell us they want a prescription drug plan for seniors, they tell us they want funding for disaster relief. But the numbers say something entirely different, because they just do not compute; they just do not add up. The American public will not be fooled. Because, in fact, it seems there is a lot more missing than two pieces of paper.

Missing: there was $21 billion in education funding missing from this budget. This budget, as filed last week, provides even less money than the President requested in his budget; $21 billion

less than requested. The leadership talks a good game about a bipartisan education bill; and that is all well and good, but having a bipartisan bill and talking about it does not do much when a good-faith effort is not made to fund education for our children.

□ 1845

Missing: The explanation. The explanation of how to adequately fund a Medicare prescription plan is missing from the budget. President Bush has suggested that we spend about $115 billion on a program to help seniors. Everyone else in the country seems to acknowledge that it will take at least a minimum of $300 billion to provide anything close to a fair and adequate benefit for senior citizens, but this budget fails to pay for such a benefit.

Missing: Another $5 billion is missing to cover natural disasters. In the years that I have represented my district, we have been hit by tornadoes, floods, droughts, ice storms. My citizens depend on FEMA, and FEMA has provided relief for the citizens of my district. However, this budget completely X's that out. This $5 billion is important and should not be dropped due to a procedural dispute.

Mr. Speaker, much more is missing than two pieces of paper. Much more is missing than two pages in this budget. The priorities of America are missing. The greatness of America is missing. I urge my colleagues to vote for the motion to recommit.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to the resolution. This conference report which we are going to debate tonight has some fundamental flaws in it which should lead us to go back to the drawing board. I want to highlight what I think is the most egregious problem.

We have actually shortchanged education below what the President has proposed. Many of us applauded the President during his campaign for talking about leaving no child behind and doing more to help our schools reduce class size, attract qualified teachers and build safe and clean, modern schools. He proposed an increase in education spending which many of us thought was simply a beginning, simply a start.

Now, here in the House of Representatives tonight, we are going to adopt a conference report that is $21 billion less than what the President has proposed. Nobody has had the courage to stand on the floor of the House tonight and say why we should do less than the President of the United States has proposed for what we all agree should be our Nation's highest priority. In Tampa, Florida, my district, this is our highest priority, and people I represent want us to pay down the debt and see a fair tax cut that benefits all Americans, but they want us to do something about education.

We ought to have the courage to stand up to where the President has started the debate in terms of leaving no child behind. Instead, this House is breaking from the President, is repudiating this position, is funding education at $21 billion less than what the President has proposed. How can we go forward debating the Elementary and Secondary Authorization Act we were supposed to take up last week, and we are putting all of the money into a tax cut instead.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, we have been waiting all year to get details of a proposed budget, and we have been forced to vote on crucial issues such as a tax cut without seeing the budget. Now we are being forced to vote on a budget on which we have had no input and only have gotten access to because of human error. This type of process is unfair and extremely heavy-handed.

President Bush promised the American people he would be the education President. He campaigned on a slogan of, ''Leave no child behind.'' When he gave his State of the Union address, he stated, ''Education is my top priority, and by supporting this budget you will make it yours as well.''

Yet this budget has no substantial new funding for education. The President's ostensible commitment to education, like his ostensible commitment to bipartisanship, is a hoax. He took $288 billion over the next 10 years out of the budget for education. This amount had bipartisan support in the Senate, yet the conference agreement eliminates 98 percent of that increased funding. This measly 2 percent increase amounts to a mere $13 per student per year. The balanced budget the Democrats offered and that Republicans unanimously rejected called for a $112 billion increase in education funding over 10 years. This funding would have provided for class size reductions, school renovation, teacher recruitment, increased funds for special education, expansion of Pell grants and additional funds for Head Start.

Announcing support for education without providing funding to back it up is no more than another empty promise from a President whose legacy will more likely be his consistent flip-flop on crucial issues rather than any proposed commitment to education.

Mr. Speaker, my colleagues are going to hear a lot about education this evening. He promised, he promised. He has broken that promise in the way that he has put this budget together. I ask for a ''yes'' vote on the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, yesterday the gentleman from New York (Mr. REYNOLDS) was quoted in Roll Call as saying, ''The Democrats are whining about the process rather than getting into debate on the substance.''

I am going to talk about substance tomorrow, but let me talk about process today. I ask my colleagues on the majority side of the aisle, what do they think about 212 Americans who represent approximately 235 million Americans, not Democrats, 235 million Americans, who had no opportunity to see the substance of your proposal on Thursday night?

Cannot we cry foul over a Republican budget process that completely shuts out the representatives of the people, not us as individuals, but of the people that we represent, Republicans, Democrats, Independents, and, yes, those who are not aligned.

Our ranking member on the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT) was not allowed into the conference on this resolution; yet we adopt a rule that today will not debate substance but, by process alone, will recommit this bill to the Committee on the Budget.

Mr. Speaker, I am pretty sure I detected a few Republican tears in the wee hours of the morning that they could not get this through. As a matter of fact, I heard the distinguished gentleman from Florida talking about that and lamenting. After all, that is when the majority learned the painful truth: It would have to wait 4 days. Look who is crying now.

Mr. Speaker, the other side of the aisle has had a weekend of bad press on these frankly heavy-handed budget tactics, and people are starting to reexamine the substance in this budget, a budget that provides huge tax cuts for the wealthiest Americans, and let the budget ax fall on education, contrary to the bipartisan agreement in the other body, and seniors who need prescription drugs, and our environment.

Mr. Speaker, let us vote down this rule. Let us return this matter to the American people and have a full and fair debate.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, just 4 days ago the lights went out in the House of Representatives, although many of us were here seeking the opportunity to have a full debate on a budget that all of America could support; but unfortunately, it did not happen. We waited and we waited, and all of a sudden pages were missing.

I believe the real key is whether the American people will have their voices heard and whether or not they will know for sure that this is a budget that actually invades the Social Security Trust Fund and the Medicare Trust Fund because of the $1.3 trillion tax cut over a 10-year period, and 2011 will show us an invasion in Social Security and Medicare.

Mr. Speaker, today in my district there was an Older American Seminar, and some of the major questions being raised was what is happening to Medicare and what is happening to Social Security? What is happening to the real drug prescription benefit that the President promised us almost 2 and 3 years ago? I can say there is no room at the inn, and there is no money in the House.

When we speak about educating our children, $294 billion for education is all of a sudden missing. The President, who indicates that education is his chief responsibility, has money for reading and Pell grants, and I agree with that, but where is the money for the other programs that we so sorely need. Whether it is issues like Title I, whether it is issues for special education, whether it is school construction, where is the commitment for the Federal Government collaboration with local government dealing with health?

The National Institutes of Health should be supported, but if you exclude the National Institutes of Health funding from health funding in the budget, you will find that that money is insufficient to take care of the needs, like uninsured children in America, 1 million in the State of Texas. We only enroll 300,000 to 400,000, so children are uninsured and we need the dollars to be able to assist.

If we talk about civil rights and election reform, budgets in the Department of Justice have been cut and so we are not serious about election reform or civil rights in this country.

Mr. Speaker, let us turn the lights on and do this in a bipartisan way and get a real budget and oppose the resolution that is on the floor.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I support sending this bill back to the Committee on the Budget. There is so much work the conference committee still has to do. I say with respect to the gentlewoman who talked about missing pages, there are more than just pages missing from this document. There are whole chapters that are missing. Just look at the President's priorities that are not funded or included.

How are we going to pay for national missile defense? The President is talking about that. That is hundreds of billions of dollars not recognized in this budget document.

How are we going to pay for his military build up that he is going to ask for in 2 weeks, probably $25 billion a year? How are we going to pay for that? It is not mentioned in this budget.

How are we going to pay for his proposal to privatize Social Security? If that is implemented, there are probably $1 trillion in transition costs; yet this budget document is completely silent on those Presidential priorities.

There is an awful lot missing in this document, Mr. Speaker. The problem is it cuts taxes too deeply, and it has far too little for debt reduction. The American people want us to pay down the debt. The American people I represent want debt reduction. That is a higher priority for them than large tax cuts, and they do not want us to take our budget process back to unbalanced budgets, deficit spending, and years and years of debt.

Mr. Speaker, we need to return this for the missing pages, the missing chapters to be added. I support a ''yes'' vote on recommittal.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, the hottest play on Broadway is a play about a washed-up producer and his erstwhile accountant who try to sell a flop to widows, and instead of selling 100 percent they sell 1,000 percent, and when it goes under, they will take the rest.

Mr. Speaker, the hottest play in Washington apparently is the budget resolution that is before us today, and is going back to the Committee on the Budget, and will come back tomorrow, where we claim that we are going to have a tax cut that is contained and we are going to contain spending at a certain amount, as if all around the Capitol and even on the floor today and even over at the White House today when funding issues come up, they say, Do not worry, we will put more education money in later. Do not worry, we will put more money in for FEMA later. Do not worry, we will fund the NSF, the National Science Foundation, later. Do not worry, if my colleagues do not think the tax cut is big enough, we will take care of that later.

What we have produced here is a flop where we are selling the American people 1,000 percent of the shares. It is a total fraud that is being committed through this budget. It is unrealistic, and at the end of the day what is going to happen is they are going to go to the appropriators and they are going to say, Let us waive the Budget Act and let us go ahead. It is not going to be 4 or 5 percent, it is going to be 6 percent, and what we are not going to do is have a strong fiscal policy for the good of the general economy, and we will purport a fraud on the American people in the process by eliminating and finally eviscerating once and for all the Budget Act.

Mr. Speaker, I think it is a great shame that this House and the Senate have decided to follow in the footsteps of Broadway as opposed to doing the American people's business.

□ 1900

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for yielding me this time.

This budget should be sent back to the conference, and it should be fixed. The way it ought to be fixed is that the budget plan put forth by the gentleman from South Carolina (Mr. SPRATT) last month ought to be substituted for what will be before us tomorrow.

In the years from the inception of the Republic to 1980, we ran up a public debt of about $1 trillion to fight and win World War I, World War II, dig our way out of the Great Depression, build the interstate highway system, do all the things America did in those years. In the years between 1980 and 1992, we more than quadrupled that debt. By the time 1993 rolled around, we were in excess of $5 trillion in debt.

The major difference between the plan that will be before us tomorrow and the plan that should be before us tomorrow is this: at the end of the 10-year period, giving the most charitable interpretation to the majority's plan, when we compare it to the 10-year period under the gentleman from South Carolina's plan, our children will be approximately one-half trillion dollars greater in debt under the majority's plan than if we adopted the gentleman from South Carolina's plan. That is one-half trillion dollars, I think it is really closer to a trillion if we use honest accounting, that we are choosing to saddle our children with.

When I came here in 1990, fiscal conservatives wanted to eliminate the deficit and pay down the debt. Well, the worm has turned and it appears to me that those who call themselves fiscal conservatives now stand up for fiscal irresponsibility.

Send this budget back to the conference and fix it and relieve our children of the debt that we are imposing upon them.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, there are many reasons this budget ought to be sent back to conference. It needs a total overhaul, a complete rewrite. I would like to ask the gentleman from the Committee on Rules if there is a possibility if we send it back if you might reconsider concurrent receipt for veterans disability pay which was passed in the Senate but struck in conference. Is there any chance we can redeem that?

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I think that one of the interesting things that is going on here is that I am representing the Committee on Rules and am proud to do so and we are dealing with a rule. Other speakers have gotten a little off the track of the rule and are talking about the budget, which is the property and province of the Committee on the Budget and the conference committee

that is discussing it. It is the Committee on Rules' desire to get this legislation back to that conference committee where the gentleman could properly address that question.

Mr. SPRATT. I want to suggest there are many things you ought to do and one of my biggest concerns is the way defense has been treated in this budget. When it left the House, we provided $70 billion more than the rate of inflation and gave the chairman of the committee the authority, I did not agree with this, but the authority willy-nilly to come back and plus that up by even more. You got to conference and took $30 billion of that away in order to get the discretionary spending number down.

Let me tell you what my big concern is. Looking at this fairly complicated chart here, if you come to the bottom line, it is the line, the amount of money that remains after all the puts and takes in the conference agreement have been made. There is $12 billion in 2002, 19 in 2003, 24 in 2004; but we have read in recent weeks about the likely defense request that Mr. Rumsfeld is going to send once he figures out how to transform our military. And the numbers run 2, $300 billion, $25 billion a year. We have factored that into this budget. That is this line right here, defense increase. You know it is coming. I know it is coming. This budget explicitly anticipates it by giving the Committee on the Budget chairman the authority to adjust this number, however it takes.

But what you have got is a thin bottom line here that will not sustain the kind of increase that Mr. Rumsfeld is talking about. I would suggest if you are going to take it back to the conference committee, you might see if you can get these numbers to mesh.

Look, for example, at the year 2003. The Rumsfeld request in that year, if it is $25 billion, plus let us add the previous year, would be about $33 billion. But what is left in the contingency reserve? Just $24 billion. Every year for the next 6 years, there is too little money left over to provide for what the likely defense increase is going to be. So I think this budget needs a huge rework.

Let me mention one other thing. Buried in this budget without any debate in the Committee on the Budget is a provision that prohibits the use of advance appropriations. It so happens that there are entities around here that can make good use of advance appropriations. The United States Navy would like to have that authority so they can move from full funding to incremental funding. This will prohibit them from doing that. It was put in the budget resolution because you shut the doors, you shut us out, there was no constructive discussion of this. And certainly not of the education increase. The Senate provided a nearly $300 billion plus-up in education over and above inflation, a huge increase, as a result of three amendments on the Senate floor. A majority of the Senate passed the budget resolution with that increase included; and, bam, it went to conference, it disappeared. Not only did it disappear, the President requested $21.4 billion more than the rate of inflation for education. It is gone, too.

This was supposed to be an education budget. The President told us from that podium right there a couple of months ago that education would be the account in his budget increased the most. You are bringing this budget back to vote on in the House with nothing more than inflation. Zero inflation. You have maintained real purchasing power.

Recommit to the conference, you bet. But take it back to the conference and put it through a real conference. Put it through an adversarial process and bring us a budget that is worth consideration. This has too many missing numbers, too many unreal numbers, too many plugs and placeholders.

Mr. Speaker, I include a chart pertaining to the budget conference for the RECORD.

BUDGET CONFERENCE AGREEMENT THREATENS MEDICARE AND SOCIAL SECURITY

[Billions of dollars; CBO January assumptions]

	2001	2002	2003	2004	2005	2006	2007	2008	2008	2010	2011	2002–11
Conference Agreement:												
Baseline Unified Surplus	281	313	359	397	433	505	573	635	710	796	889	5,610
Social Security	156	171	188	201	221	238	257	276	294	312	331	2,488
Medicare Part A	29	36	39	41	40	44	41	41	39	37	34	393
Available Surplus	96	106	132	155	172	223	275	318	377	447	524	2,729
Permanent Tax Cut	0	50	76	84	97	138	141	153	166	171	191	1,269
Stimulus Tax Cut	85	15	0	0	0	0	0	0	0	0	0	15
Medicare Rx and Home Health	0	0	1	11	22	29	41	46	49	54	61	314
Other Health	0	7	12	11	2	2	2	2	2	2	2	44
Agriculture	6	7	8	8	8	8	8	7	6	6	6	70
Veterans	0	0	1	1	1	1	1	1	0	0	0	6
All Other	2	7	4	−3	−0	−3	1	1	1	1	1	10
Resulting New Interest	2	7	12	19	26	36	48	62	78	95	114	498
"Contingency Reserve"	1	12	19	24	16	13	33	46	75	118	149	504
Likely Further Action:												
Average Historical Emergencies	.....	2	4	5	6	6	6	6	6	7	7	55
Defense Increase	0	13	21	27	32	37	45	48	49	49	49	370
AMT Fix	0	1	4	7	13	21	37	43	49	55	63	293
Tax "Extenders"	0	1	2	3	3	4	4	5	5	6	7	41
Business Tax Cuts	0	3	4	4	4	4	3	3	3	4	4	36
Health Tax Cuts	0	0	2	4	6	6	7	7	7	7	7	53
Retirement Tax Cuts	0	1	3	3	4	5	6	6	7	8	8	52
Resulting Net Interest	0	1	2	5	8	13	19	26	34	43	53	203
Resulting Surplus/Deficit	1	−11	−22	−33	−60	−82	−94	−98	−86	−61	−50	−597
Spending of Medicare Surplus	0	−11	−22	−33	−40	−44	−41	−41	−39	−37	−34	−342
Spending of Social Security Surplus	0	0	0	0	−20	−38	−52	−58	−47	−24	−16	−255

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to call on all of my colleagues to vote yes on this rule because the effect will be to deliver last week's budget to the ignominious defeat and death that it so richly deserves.

I urge a yes vote on this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I am, of course, very pleased that the gentlewoman is approaching this in a bipartisan way and there is full agreement. This is a bipartisan rule. We are both encouraging support for this rule. If you do not like the budget, send it back to the conference committee. If you do like the budget, send it back to the conference committee. This is actually one of the easiest rules I have ever had to handle.

I do say the gentleman from South Carolina was very instructive. I am going to get myself one of those charts for Rules so that I can get people to understand what it is we are talking about better.

I am looking forward to the budget debate tomorrow when members from the Committee on the Budget will actually be at the microphones and at the leadership and committee tables on this side explaining the budget that we are proposing. Tonight we are proposing a rule because we are the Committee on Rules. The rule is designed to get the budget on the floor because that is much more interesting and more important. That is what we hope to accomplish. I want to thank all of those for their forbearance as we have gone through this procedure which is not something that we had anticipated when we started; but I appreciate the comity, good humor, and pleasant commentary and the bipartisanship.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 21, as follows:

[Roll No. 101]

YEAS—409

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Capuano

NOT VOTING—21

Ackerman
Allen
Clement
Costello
Cubin
DeGette
Dooley
Fattah
Frost
Gutierrez
Hall (OH)
Inslee
Issa
Jones (OH)
LaHood
McDermott
Rivers
Stump
Sweeney
Taylor (NC)
Weldon (PA)

□ 1932

Messrs. TANCREDO, WAMP, ENGEL, MANZULLO, LARGENT, UDALL of Colorado and GREEN of Texas and Ms. HOOLEY of Oregon changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 10 H. Res. 134 I was absent because of mechanical problems with the aircraft I was on. Had I been present, I would have voted "yea."

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THORNBERRY). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

QUESTIONABLE DECISIONS COMING FROM SUPREME COURT

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I wanted to address myself this evening to a decision by the Supreme Court of the United States which came down around the end of last month, about 2½ weeks ago. It is a decision by the Supreme Court, a five to four decision, another one of those narrow decisions that is decided by one of the nine justices, which I think has very deep and compelling implications for every American.

Let me tell you what that decision entailed. It involved a case in the State of Texas. The situation was this: A woman, a young mother, was bringing two of her children home from soccer practice. She was driving a pickup truck. The two children were in the cab with her. She was driving through a community at 15 miles per hour.

She was stopped by a police officer of that community, and she was stopped because the police officer observed that she was not wearing a seat belt. There was no other infraction. She was driving below the speed limit, she had not violated any other of the vehicle and traffic laws or anything else. She was simply stopped by the police officer because he observed that she was not wearing a seat belt.

He stopped her, with her two children; and he placed her under arrest. He put her in handcuffs, arrested her, took her into custody, and was about to take the two children into custody when, fortunately, a neighbor came by and took custody of the two children and took them home. But the woman was arrested and taken off to jail in handcuffs. She was later forced to place bond, $310 bond, for a violation, the fine for which would have been no more than $50 if the maximum fine had been imposed.

The woman sued the city in Texas. It went through the court system and finally worked its way to the Supreme Court. The Supreme Court in a five to four decision declared that the officer was right in arresting her; he was right in putting her in handcuffs; he was right taking her into custody, taking her to jail; and it was right to force her to post a bail of more than $300.

By the way, in the meantime they searched the vehicle. They searched the pickup truck, and they found some very dangerous equipment in the truck: A bicycle, two tricycles, a cooler

for keeping beverages cool, some barbecue equipment, and a pair of children's shoes. That is what they found in the back of the truck. The Supreme Court said that that was right.

Now, I am here this evening talking about this because I am increasingly disturbed by these right-wing decisions that are being made by a court which places in jeopardy the civil liberties and the civil rights of every single American, because after that Supreme Court decision, the court in effect has made law. It is now the law of the land that any police officer in any community at any time can stop anybody for not wearing a seat belt and take them into custody and take their children into custody too, for that matter, apparently, and search their vehicle, simply because they were not wearing a seat belt.

It is interesting to note as I mentioned earlier it was a five to four decision. We are seeing a lot of these five to four decisions recently. The five justices included Justice Kennedy, who was appointed by President Reagan; Justice Rehnquist, appointed by President Nixon and elevated to be the Chief Justice of the Supreme Court by President Reagan; also joining in the majority was Justice Thomas, who was appointed by President Bush, the first President Bush; and also Justice Scalia, who was appointed by President Reagan. Also, oddly enough, Justice Souter, who usually has better sense than to join these other four in these decisions, but on this particular occasion it seems perhaps his experience as a prosecutor before becoming a judge may have overcome him and he displayed the kind of bad judgment which is exemplified in this five to four Supreme Court decision.

I am worried about this also because we have seen recently that the President of the United States, Mr. Bush, the second Mr. Bush, has made it clear that he is no longer going to take recommendations from the American Bar Association with regard to justices on any of the Federal courts, that is the Federal Appeals Court, the circuit courts or the United States Supreme Court; and instead he is going to take recommendations from the Federalist Society.

I think we all ought to be deeply concerned about what is going on in our courts and about the way that this particular decision typifies or exemplifies at least the kind of bad decisions that are being made on a five to four basis in the Supreme Court of the United States.

UPDATE ON CRISIS AFFECTING KLAMATH BASIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to update my colleagues in the House on the crisis affecting the people of the Klamath Basin in Oregon and California.

Yesterday I attended what was called a ''bucket brigade.'' We had buckets like these representing each of the 50 States where we took water out of the lake and symbolically handed it down a chain of people 1.2 miles long to dump it in the A-Canal that this year will have no water in it.

These are the people that were at the rally. In all my years in public office, here and in Oregon, I have never seen close to 16,000 people turn out to protest a government action, but that occurred in Klamath Falls yesterday; peaceful, civil disobedience, making the case for reforming the Endangered Species Act.

Let me tell you what people are saying. Let me share with you some of the letters and comments. This from a Vietnam veteran who earned a medal for heroism, who flies in the Klamath Basin in a crop duster: ''When the season starts up, we have just about used all our savings from the previous season. Taxes take a huge chunk out of my check. Since I have no retirement plan from work, I have to put what little I can into that. We have house payments due, food to put on the table, heating bills. I have no money left. I am going to have to start drawing from our IRA; and with penalties and interest, that is a poor option, but all I have. We are going to lose our house. We can't sell it, because everyone here is in the same boat. It is worth nothing. Help us.''

And this from a woman from Malin: ''The decision of no water for irrigation comes as a major disaster to our small communities of Malin and Merrill, Tooley Lake. The government can offer low interest loans, but who will be able to ever pay them back. Our spirit is broken. How can the government ever be trusted again? Contracts for water in the Klamath project, where, by the way, there are 1,000 farmers that will not get water this year for the first time since this project was created nearly 100 years ago, contracts for this water have been broken and our water stolen. Why would we build more storage, to have it taken away by another group? There are school football fields and city parks that will get no water this summer.''

Mr. Speaker, there have already been traffic accidents on the major highway because this area is turning into a dust bowl, and it will this summer, because the government has said it needs all the water for the suckers in Klamath Lake and for the salmon in Klamath River.

So the ''reasonable'' and ''prudent'' decision of the government, and I put those two words in quotes, is to say the ranchers and the farmers can have no water; the schools that rely on the water for their fields and the cities for their parks will have no water; the people will have no income; the people will have no livelihood.

They have no way to survive if they have no water to put on their crops, because nothing will be raised, nothing will be grown, nothing will be harvested, because the Endangered Species Act as written today makes no provision for people, for communities like Klamath Falls or Malin or Merrill or Tooley Lake.

□ 1945

No, these people are left off the plate. They have no seat at the table of public policy. They are being wiped out by this decision. It is wrong. The time has come to change and amend the Endangered Species Act so that we do not make these unilateral decisions that wipe people out.

Mr. Speaker, 16,000 people in the Klamath Basin turned out yesterday to try to get the attention of the country, to get the attention of this Congress that change is needed. We can work together to have a cleaner environment, but we do not have to wipe agriculture off the map to do it. We can work together to provide for habitat for fish, but we do not have to create a dust bowl to do it. We do not have to rely on science that is now being questioned by those who have finally had an opportunity to look at it who say, maybe that science is not right.

But let me tell my colleagues, on April 6, the decision was made: the headgates will be closed and they will be closed all year. The water will not flow. It is too late to plant. The contracts will be lost. Farmers have nothing to put in the ground, and if they did, no water to make it grow.

So, we will approach this Congress for disaster relief. It is an option we wish we did not have to take; but we will, because we have no other option for this year. We will approach this Congress and vigorously fight for changes in the Endangered Species Act. This can happen to you, because it has happened to these people who fight for our country and provided for our people and farmed the land.

CONFERENCE REPORT ON H. CON. RES. 83, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002

Mr. NUSSLE submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011:

CONFERENCE REPORT (H. REPT. 107–60)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 83), establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each

of fiscal years 2003 through 2011, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

(a) DECLARATION.—Congress determines and declares that the concurrent resolution on the budget for fiscal year 2001 is revised and replaced and that this resolution is the concurrent resolution on the budget for fiscal year 2002 including the appropriate budgetary levels for fiscal years 2003 through 2011 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2002.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.
Sec. 103. Reconciliation in the Senate.
Sec. 104. Reconciliation in the House.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

Sec. 201. Restrictions on advance appropriations in the House.
Sec. 202. Restrictions on advance appropriations in the Senate.
Sec. 203. Mechanism for implementing increase of fiscal year 2002 discretionary spending limits.
Sec. 204. Compliance with section 13301 of the Budget Enforcement Act of 1990.

Subtitle B—Reserve Funds

Sec. 211. Reserve fund for Medicare.
Sec. 212. Reserve fund for Family Opportunity Act.
Sec. 213. Reserve fund for agriculture.
Sec. 214. Reserve fund for additional tax cuts and debt reduction.
Sec. 215. Technical reserve fund for student loans.
Sec. 216. Reserve fund for health insurance for the uninsured.
Sec. 217. Reserve fund for defense in the Senate.
Sec. 218. Strategic reserve fund in the House.

Subtitle C—Miscellaneous Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.
Sec. 222. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE AND CONGRESS PROVISIONS

Subtitle A—Sense of the Senate

Sec. 301. Sense of the Senate on conservation.
Sec. 302. Sense of the Senate on aids and other infectious diseases.
Sec. 303. Sense of the Senate on consolidated health centers.
Sec. 304. Funding for Department of Justice programs for State and local law enforcement assistance.
Sec. 305. Sense of the Senate regarding United States Coast Guard fiscal year 2002 funding.
Sec. 306. Strengthening our national food safety infrastructure.
Sec. 307. Sense of the Senate with respect to increasing funds for renewable energy research and development.
Sec. 308. Sense of the Senate with respect to increased education funding.

Subtitle B—Sense of the Congress

Sec. 311. Asset building for the working poor.
Sec. 312. Federal fire prevention assistance.
Sec. 313. Funding for graduate medical education at children's teaching hospitals.
Sec. 314. Concurrent retirement and disability benefits to retired members of the Armed Forces.
Sec. 315. Federal employee pay.
Sec. 316. Sales tax deduction.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2001 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,630,462,000,000.
Fiscal year 2002: $1,638,202,000,000.
Fiscal year 2003: $1,706,044,000,000.
Fiscal year 2004: $1,780,310,000,000.
Fiscal year 2005: $1,852,646,000,000.
Fiscal year 2006: $1,901,304,000,000.
Fiscal year 2007: $1,994,674,000,000.
Fiscal year 2008: $2,089,726,000,000.
Fiscal year 2009: $2,193,954,000,000.
Fiscal year 2010: $2,318,055,000,000.
Fiscal year 2011: $2,436,550,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2001: $0.
Fiscal year 2002: −$65,286,000,000.
Fiscal year 2003: −$76,067,000,000.
Fiscal year 2004: −$84,025,000,000.
Fiscal year 2005: −$97,124,000,000.
Fiscal year 2006: −$138,279,000,000.
Fiscal year 2007: −$141,081,000,000.
Fiscal year 2008: −$153,084,000,000.
Fiscal year 2009: −$166,162,000,000.
Fiscal year 2010: −$171,247,000,000.
Fiscal year 2011: −$191,343,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,653,681,000,000.
Fiscal year 2002: $1,510,948,000,000.
Fiscal year 2003: $1,668,530,000,000.
Fiscal year 2004: $1,733,617,000,000.
Fiscal year 2005: $1,814,079,000,000.
Fiscal year 2006: $1,866,139,000,000.
Fiscal year 2007: $1,945,112,000,000.
Fiscal year 2008: $2,025,075,000,000.
Fiscal year 2009: $2,102,398,000,000.
Fiscal year 2010: $2,186,341,000,000.
Fiscal year 2011: $2,277,143,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,600,529,000,000.
Fiscal year 2002: $1,476,841,000,000.
Fiscal year 2003: $1,641,515,000,000.
Fiscal year 2004: $1,709,251,000,000.
Fiscal year 2005: $1,790,389,000,000.
Fiscal year 2006: $1,837,846,000,000.
Fiscal year 2007: $1,912,602,000,000.
Fiscal year 2008: $1,994,838,000,000.
Fiscal year 2009: $2,071,497,000,000.
Fiscal year 2010: $2,154,203,000,000.
Fiscal year 2011: $2,243,394,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $29,933,000,000.
Fiscal year 2002: $161,361,000,000.
Fiscal year 2003: $64,529,000,000.
Fiscal year 2004: $71,059,000,000.
Fiscal year 2005: $62,257,000,000.
Fiscal year 2006: $63,458,000,000.
Fiscal year 2007: $82,072,000,000.
Fiscal year 2008: $94,888,000,000.
Fiscal year 2009: $122,457,000,000.
Fiscal year 2010: $163,852,000,000.
Fiscal year 2011: $193,156,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $5,660,699,000,000.
Fiscal year 2002: $5,603,812,000,000.
Fiscal year 2003: $5,654,952,000,000.
Fiscal year 2004: $5,700,089,000,000.
Fiscal year 2005: $5,751,561,000,000.
Fiscal year 2006: $5,803,295,000,000.
Fiscal year 2007: $5,832,676,000,000.
Fiscal year 2008: $5,847,714,000,000.
Fiscal year 2009: $5,988,315,000,000.
Fiscal year 2010: $6,343,661,000,000.
Fiscal year 2011: $6,720,963,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2001: $3,243,211,000,000.
Fiscal year 2002: $2,924,234,000,000.
Fiscal year 2003: $2,691,176,000,000.
Fiscal year 2004: $2,437,771,000,000.
Fiscal year 2005: $2,170,550,000,000.
Fiscal year 2006: $1,882,764,000,000.
Fiscal year 2007: $1,555,637,000,000.
Fiscal year 2008: $1,194,633,000,000.
Fiscal year 2009: $939,000,000,000.
Fiscal year 2010: $878,000,000,000.
Fiscal year 2011: $818,000,000,000.

(7) SOCIAL SECURITY.—

(A) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $504,109,000,000.
Fiscal year 2002: $532,308,000,000.
Fiscal year 2003: $560,938,000,000.
Fiscal year 2004: $588,674,000,000.
Fiscal year 2005: $620,060,000,000.
Fiscal year 2006: $649,221,000,000.
Fiscal year 2007: $679,935,000,000.
Fiscal year 2008: $712,454,000,000.
Fiscal year 2009: $746,439,000,000.
Fiscal year 2010: $782,029,000,000.
Fiscal year 2011: $819,185,000,000.

(B) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $343,562,000,000.
Fiscal year 2002: $356,646,000,000.
Fiscal year 2003: $369,521,000,000.
Fiscal year 2004: $382,488,000,000.
Fiscal year 2005: $394,844,000,000.
Fiscal year 2006: $407,020,000,000.
Fiscal year 2007: $419,285,000,000.
Fiscal year 2008: $432,293,000,000.
Fiscal year 2009: $448,317,000,000.
Fiscal year 2010: $465,780,000,000.
Fiscal year 2011: $483,963,000,000.

(C) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2001:
(A) New budget authority, $3,431,000,000.
(B) Outlays, $3,371,000,000.
Fiscal year 2002:
(A) New budget authority, $3,579,000,000.
(B) Outlays, $3,525,000,000.
Fiscal year 2003:
(A) New budget authority, $3,695,000,000.
(B) Outlays, $3,655,000,000.
Fiscal year 2004:
(A) New budget authority, $3,819,000,000.
(B) Outlays, $3,763,000,000.
Fiscal year 2005:
(A) New budget authority, $3,939,000,000.
(B) Outlays, $3,881,000,000.
Fiscal year 2006:

(A) New budget authority, $4,064,000,000.
(B) Outlays, $4,004,000,000.
Fiscal year 2007:
(A) New budget authority, $4,194,000,000.
(B) Outlays, $4,132,000,000.
Fiscal year 2008:
(A) New budget authority, $4,331,000,000.
(B) Outlays, $4,267,000,000.
Fiscal year 2009:
(A) New budget authority, $4,471,000,000.
(B) Outlays, $4,405,000,000.
Fiscal year 2010:
(A) New budget authority, $4,619,000,000.
(B) Outlays, $4,551,000,000.
Fiscal year 2011:
(A) New budget authority, $4,773,000,000.
(B) Outlays, $4,702,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2002 through 2011 for each major functional category are:

(1) National Defense (050):
Fiscal year 2001:
(A) New budget authority, $316,873,000,000.
(B) Outlays, $302,371,000,000.
Fiscal year 2002:
(A) New budget authority, $324,832,000,000.
(B) Outlays, $319,137,000,000.
Fiscal year 2003:
(A) New budget authority, $333,646,000,000.
(B) Outlays, $326,643,000,000.
Fiscal year 2004:
(A) New budget authority, $342,294,000,000.
(B) Outlays, $335,184,000,000.
Fiscal year 2005:
(A) New budget authority, $350,876,000,000.
(B) Outlays, $347,073,000,000.
Fiscal year 2006:
(A) New budget authority, $359,807,000,000.
(B) Outlays, $353,482,000,000.
Fiscal year 2007:
(A) New budget authority, $369,023,000,000.
(B) Outlays, $359,774,000,000.
Fiscal year 2008:
(A) New budget authority, $378,505,000,000.
(B) Outlays, $372,416,000,000.
Fiscal year 2009:
(A) New budget authority, $388,323,000,000.
(B) Outlays, $382,242,000,000.
Fiscal year 2010:
(A) New budget authority, $398,338,000,000.
(B) Outlays, $392,227,000,000.
Fiscal year 2011:
(A) New budget authority, $408,821,000,000.
(B) Outlays, $402,579,000,000.

(2) International Affairs (150):
Fiscal year 2001:
(A) New budget authority, $22,424,000,000.
(B) Outlays, $19,670,000,000.
Fiscal year 2002:
(A) New budget authority, $23,214,000,000.
(B) Outlays, $19,082,000,000.
Fiscal year 2003:
(A) New budget authority, $23,750,000,000.
(B) Outlays, $19,554,000,000.
Fiscal year 2004:
(A) New budget authority, $24,214,000,000.
(B) Outlays, $20,164,000,000.
Fiscal year 2005:
(A) New budget authority, $24,911,000,000.
(B) Outlays, $20,431,000,000.
Fiscal year 2006:
(A) New budget authority, $25,504,000,000.
(B) Outlays, $20,900,000,000.
Fiscal year 2007:
(A) New budget authority, $26,107,000,000.
(B) Outlays, $21,494,000,000.
Fiscal year 2008:
(A) New budget authority, $26,482,000,000.
(B) Outlays, $22,031,000,000.
Fiscal year 2009:
(A) New budget authority, $26,937,000,000.
(B) Outlays, $22,650,000,000.
Fiscal year 2010:
(A) New budget authority, $27,458,000,000.
(B) Outlays, $23,235,000,000.
Fiscal year 2011:
(A) New budget authority, $28,065,000,000.
(B) Outlays, $23,766,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2001:
(A) New budget authority, $21,043,000,000.
(B) Outlays, $19,612,000,000.
Fiscal year 2002:
(A) New budget authority, $21,583,000,000.
(B) Outlays, $20,725,000,000.
Fiscal year 2003:
(A) New budget authority, $22,055,000,000.
(B) Outlays, $21,361,000,000.
Fiscal year 2004:
(A) New budget authority, $22,379,000,000.
(B) Outlays, $21,945,000,000.
Fiscal year 2005:
(A) New budget authority, $22,839,000,000.
(B) Outlays, $22,429,000,000.
Fiscal year 2006:
(A) New budget authority, $23,323,000,000.
(B) Outlays, $22,847,000,000.
Fiscal year 2007:
(A) New budget authority, $23,812,000,000.
(B) Outlays, $23,280,000,000.
Fiscal year 2008:
(A) New budget authority, $24,303,000,000.
(B) Outlays, $23,743,000,000.
Fiscal year 2009:
(A) New budget authority, $24,816,000,000.
(B) Outlays, $24,239,000,000.
Fiscal year 2010:
(A) New budget authority, $25,335,000,000.
(B) Outlays, $24,749,000,000.
Fiscal year 2011:
(A) New budget authority, $25,879,000,000
(B) Outlays, $25,274,000,000.

(4) Energy (270):
Fiscal year 2001:
(A) New budget authority, $1,225,000,000.
(B) Outlays, −$115,000,000.
Fiscal year 2002:
(A) New budget authority, $1,360,000,000.
(B) Outlays, −$19,000,000.
Fiscal year 2003:
(A) New budget authority, $1,328,000,000.
(B) Outlays, −$72,000,000.
Fiscal year 2004:
(A) New budget authority, $1,309,000,000.
(B) Outlays, −$120,000,000.
Fiscal year 2005:
(A) New budget authority, $1,254,000,000.
(B) Outlays, −$91,000,000.
Fiscal year 2006:
(A) New budget authority, $1,336,000,000.
(B) Outlays, −$3,000,000.
Fiscal year 2007:
(A) New budget authority, $1,411,000,000.
(B) Outlays, $71,000,000.
Fiscal year 2008:
(A) New budget authority, $1,882,000,000.
(B) Outlays, $440,000,000.
Fiscal year 2009:
(A) New budget authority, $1,998,000,000.
(B) Outlays, $579,000,000.
Fiscal year 2010:
(A) New budget authority, $2,021,000,000.
(B) Outlays, $703,000,000.
Fiscal year 2011:
(A) New budget authority, $1,990,000,000.
(B) Outlays, $691,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2001:
(A) New budget authority, $28,833,000,000.
(B) Outlays, $26,361,000,000.
Fiscal year 2002:
(A) New budget authority, $30,381,000,000.
(B) Outlays, $28,652,000,000.
Fiscal year 2003:
(A) New budget authority, $31,263,000,000.
(B) Outlays, $30,368,000,000.
Fiscal year 2004:
(A) New budget authority, $32,249,000,000.
(B) Outlays, $31,506,000,000.
Fiscal year 2005:
(A) New budget authority, $33,091,000,000.
(B) Outlays, $32,365,000,000.
Fiscal year 2006:
(A) New budget authority, $33,965,000,000.
(B) Outlays, $33,281,000,000.
Fiscal year 2007:
(A) New budget authority, $34,767,000,000.
(B) Outlays, $34,126,000,000.
Fiscal year 2008:
(A) New budget authority, $35,691,000,000.
(B) Outlays, $34,903,000,000.
Fiscal year 2009:
(A) New budget authority, $37,064,000,000.
(B) Outlays, $36,194,000,000.
Fiscal year 2010:
(A) New budget authority, $38,111,000,000.
(B) Outlays, $37,190,000,000.
Fiscal year 2011:
(A) New budget authority, $39,137,000,000.
(B) Outlays, $38,190,000,000.

(6) Agriculture (350):
Fiscal year 2001:
(A) New budget authority, $31,790,000,000.
(B) Outlays, $29,154,000,000.
Fiscal year 2002:
(A) New budget authority, $26,265,000,000.
(B) Outlays, $24,593,000,000.
Fiscal year 2003:
(A) New budget authority, $26,507,000,000.
(B) Outlays, $24,924,000,000.
Fiscal year 2004:
(A) New budget authority, $26,562,000,000.
(B) Outlays, $25,120,000,000.
Fiscal year 2005:
(A) New budget authority, $26,406,000,000.
(B) Outlays, $24,915,000,000.
Fiscal year 2006:
(A) New budget authority, $25,452,000,000.
(B) Outlays, $23,853,000,000.
Fiscal year 2007:
(A) New budget authority, $24,083,000,000.
(B) Outlays, $22,509,000,000.
Fiscal year 2008:
(A) New budget authority, $22,723,000,000.
(B) Outlays, $21,134,000,000.
Fiscal year 2009:
(A) New budget authority, $21,921,000,000.
(B) Outlays, $20,441,000,000.
Fiscal year 2010:
(A) New budget authority, $21,553,000,000.
(B) Outlays, $20,174,000,000.
Fiscal year 2011:
(A) New budget authority, $21,703,000,000.
(B) Outlays, $20,319,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2001:
(A) New budget authority, $2,516,000,000.
(B) Outlays, −$771,000,000.
Fiscal year 2002:
(A) New budget authority, $10,174,000,000.
(B) Outlays, $6,587,000,000.
Fiscal year 2003:
(A) New budget authority, $11,394,000,000.
(B) Outlays, $5,952,000,000.
Fiscal year 2004:
(A) New budget authority, $16,042,000,000.
(B) Outlays, $11,733,000,000.
Fiscal year 2005:
(A) New budget authority, $16,163,000,000.
(B) Outlays, $12,387,000,000.
Fiscal year 2006:
(A) New budget authority, $16,138,000,000.
(B) Outlays, $11,790,000,000.
Fiscal year 2007:
(A) New budget authority, $16,245,000,000.
(B) Outlays, $12,061,000,000.
Fiscal year 2008:
(A) New budget authority, $16,404,000,000.
(B) Outlays, $11,894,000,000.
Fiscal year 2009:
(A) New budget authority, $16,479,000,000.
(B) Outlays, $11,934,000,000.
Fiscal year 2010:
(A) New budget authority, $16,597,000,000.
(B) Outlays, $11,889,000,000.
Fiscal year 2011:
(A) New budget authority, $16,714,000,000.
(B) Outlays, $11,915,000,000.

(8) Transportation (400):
Fiscal year 2001:
(A) New budget authority, $62,130,000,000.
(B) Outlays, $51,681,000,000.
Fiscal year 2002:
(A) New budget authority, $64,965,000,000.
(B) Outlays, $56,167,000,000.
Fiscal year 2003:
(A) New budget authority, $62,392,000,000.
(B) Outlays, $60,521,000,000.
Fiscal year 2004:
(A) New budget authority, $64,154,000,000.
(B) Outlays, $62,662,000,000.
Fiscal year 2005:
(A) New budget authority, $65,907,000,000.
(B) Outlays, $64,225,000,000.
Fiscal year 2006:
(A) New budget authority, $67,794,000,000.
(B) Outlays, $65,702,000,000.
Fiscal year 2007:
(A) New budget authority, $69,637,000,000.
(B) Outlays, $66,577,000,000.
Fiscal year 2008:
(A) New budget authority, $71,490,000,000.
(B) Outlays, $67,775,000,000.
Fiscal year 2009:
(A) New budget authority, $73,377,000,000.
(B) Outlays, $69,221,000,000.
Fiscal year 2010:
(A) New budget authority, $76,412,000,000.
(B) Outlays, $70,588,000,000.
Fiscal year 2011:
(A) New budget authority, $78,652,000,000.
(B) Outlays, $72,183,000,000.
(9) Community and Regional Development (450):
Fiscal year 2001:
(A) New budget authority, $11,225,000,000.
(B) Outlays, $11,366,000,000.
Fiscal year 2002:
(A) New budget authority, $11,892,000,000.
(B) Outlays, $11,730,000,000.
Fiscal year 2003:
(A) New budget authority, $12,067,000,000.
(B) Outlays, $11,731,000,000.
Fiscal year 2004:
(A) New budget authority, $12,350,000,000.
(B) Outlays, $11,967,000,000.
Fiscal year 2005:
(A) New budget authority, $12,664,000,000.
(B) Outlays, $11,913,000,000.
Fiscal year 2006:
(A) New budget authority, $12,933,000,000.
(B) Outlays, $11,936,000,000.
Fiscal year 2007:
(A) New budget authority, $13,198,000,000.
(B) Outlays, $12,181,000,000.
Fiscal year 2008:
(A) New budget authority, $13,476,000,000.
(B) Outlays, $12,444,000,000.
Fiscal year 2009:
(A) New budget authority, $13,759,000,000.
(B) Outlays, $12,696,000,000.
Fiscal year 2010:
(A) New budget authority, $14,048,000,000.
(B) Outlays, $12,962,000,000.
Fiscal year 2011:
(A) New budget authority, $14,340,000,000.
(B) Outlays, $13,233,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2001:
(A) New budget authority, $76,951,000,000.
(B) Outlays, $69,850,000,000.
Fiscal year 2002:
(A) New budget authority, $81,234,000,000.
(B) Outlays, $76,742,000,000.
Fiscal year 2003:
(A) New budget authority, $82,805,000,000.
(B) Outlays, $81,479,000,000.
Fiscal year 2004:
(A) New budget authority, $84,386,000,000.
(B) Outlays, $83,574,000,000.
Fiscal year 2005:
(A) New budget authority, $87,122,000.000.
(B) Outlays, $85,819,000,000.
Fiscal year 2006:
(A) New budget authority, $89,233,000,000.
(B) Outlays, $87,924,000,000.
Fiscal year 2007:
(A) New budget authority, $91,327,000,000.
(B) Outlays, $89,955,000,000.
Fiscal year 2008:
(A) New budget authority, $93,501,000,000.
(B) Outlays, $92,115,000,000.
Fiscal year 2009:
(A) New budget authority, $95,780,000,000.
(B) Outlays, $94,341,000,000.
Fiscal year 2010:
(A) New budget authority, $98,113,000,000.
(B) Outlays, $96,654,000,000.
Fiscal year 2011:
(A) New budget authority, $100,517,000,000.
(B) Outlays, $99,017,000,000.
(11) Health (550):
Fiscal year 2001:
(A) New budget authority, $180,104,000,000.
(B) Outlays, $173,012,000,000.
Fiscal year 2002:
(A) New budget authority, $198,775,000,000.
(B) Outlays, $196,668,000,000.
Fiscal year 2003:
(A) New budget authority, $221,150,000,000.
(B) Outlays, $219,770,000,000.
Fiscal year 2004:
(A) New budget authority, $235,474,000,000.
(B) Outlays, $234,672,000,000.
Fiscal year 2005:
(A) New budget authority, $242,661,000,000.
(B) Outlays, $241,084,000,000.
Fiscal year 2006:
(A) New budget authority, $259,125,000,000.
(B) Outlays, $257,594,000,000.
Fiscal year 2007:
(A) New budget authority, $278,882,000,000.
(B) Outlays, $276,575,000,000.
Fiscal year 2008:
(A) New budget authority, $299,116,000,000.
(B) Outlays, $297,091,000,000.
Fiscal year 2009:
(A) New budget authority, $320,791,000,000.
(B) Outlays, $319,017,000,000.
Fiscal year 2010:
(A) New budget authority, $345,380,000,000.
(B) Outlays, $343,729,000,000.
Fiscal year 2011:
(A) New budget authority, $372,407,000,000.
(B) Outlays, $370,945,000,000.
(12) Medicare (570):
Fiscal year 2001:
(A) New budget authority, $217,531,000,000.
(B) Outlays, $217,708,000,000.
Fiscal year 2002:
(A) New budget authority, $229,179,000,000.
(B) Outlays, $229,121,000,000.
Fiscal year 2003:
(A) New budget authority, $244,838,000,000.
(B) Outlays, $244,596,000,000.
Fiscal year 2004:
(A) New budget authority, $271,378,000,000.
(B) Outlays, $271,579,000,000.
Fiscal year 2005:
(A) New budget authority, $306,158,000,000.
(B) Outlays, $306,079,000,000.
Fiscal year 2006:
(A) New budget authority, $326,564,000,000.
(B) Outlays, $326,298,000,000.
Fiscal year 2007:
(A) New budget authority, $363,686,000,000.
(B) Outlays, $363,901,000,000.
Fiscal year 2008:
(A) New budget authority, $393,686,000,000.
(B) Outlays, $393,578,000,000.
Fiscal year 2009:
(A) New budget authority, $424,278,000,000.
(B) Outlays, $423,993,000,000.
Fiscal year 2010:
(A) New budget authority, $458,957,000,000.
(B) Outlays, $459,194,000,000.
Fiscal year 2011:
(A) New budget authority, $497,379,000,000.
(B) Outlays, $497,366,000,000.
(13) Income Security (600):
Fiscal year 2001:
(A) New budget authority, $255,942,000,000.
(B) Outlays, $256,932,000,000.
Fiscal year 2002:
(A) New budget authority, $273,840,000,000.
(B) Outlays, $272,122,000,000.
Fiscal year 2003:
(A) New budget authority, $283,864,000,000.
(B) Outlays, $282,611,000,000.
Fiscal year 2004:
(A) New budget authority, $295,030,000,000.
(B) Outlays, $293,420,000,000.
Fiscal year 2005:
(A) New budget authority, $309,192,000,000.
(B) Outlays, $307,667,000,000.
Fiscal year 2006:
(A) New budget authority, $316,761,000,000.
(B) Outlays, $315,312,000,000.
Fiscal year 2007:
(A) New budget authority, $324,056,000,000.
(B) Outlays, $322,627,000,000.
Fiscal year 2008:
(A) New budget authority, $338,278,000,000.
(B) Outlays, $336,950,000,000.
Fiscal year 2009:
(A) New budget authority, $349,561,000,000.
(B) Outlays, $347,987,000,000.
Fiscal year 2010:
(A) New budget authority, $360,308,000,000.
(B) Outlays, $358,600,000,000.
Fiscal year 2011:
(A) New budget authority, $371,593,000,000.
(B) Outlays, $369,419,000,000.
(14) Social Security (650):
Fiscal year 2001:
(A) New budget authority, $9,805,000,000.
(B) Outlays, $9,805,000,000.
Fiscal year 2002:
(A) New budget authority, $11,004,000,000.
(B) Outlays, $11,003,000,000.
Fiscal year 2003:
(A) New budget authority, $11,733,000,000.
(B) Outlays, $11,733,000,000.
Fiscal year 2004:
(A) New budget authority, $12,496,000,000.
(B) Outlays, $12,496,000,000.
Fiscal year 2005:
(A) New budget authority, $13,308,000,000.
(B) Outlays, $13,308,000,000.
Fiscal year 2006:
(A) New budget authority, $14,207,000,000.
(B) Outlays, $14,207,000,000.
Fiscal year 2007:
(A) New budget authority, $15,168,000,000.
(B) Outlays, $15,168,000,000.
Fiscal year 2008:
(A) New budget authority, $16,241,000,000.
(B) Outlays, $16,241,000,000.
Fiscal year 2009:
(A) New budget authority, $17,483,000,000.
(B) Outlays, $17,483,000,000.
Fiscal year 2010:
(A) New budget authority, $18,878,000,000.
(B) Outlays, $18,878,000,000.
Fiscal year 2011:
(A) New budget authority, $20,388,000,000.
(B) Outlays, $20,388,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2001:
(A) New budget authority, $46,675,000,000.
(B) Outlays, $45,926,000,000.
Fiscal year 2002:
(A) New budget authority, $51,512,000,000.
(B) Outlays, $50,921,000,000.
Fiscal year 2003:
(A) New budget authority, $53,801,000,000.
(B) Outlays, $53,408,000,000.
Fiscal year 2004:
(A) New budget authority, $56,161,000,000.
(B) Outlays, $55,744,000,000.
Fiscal year 2005:
(A) New budget authority, $60,317,000,000.
(B) Outlays, $59,847,000,000.
Fiscal year 2006:
(A) New budget authority, $59,863,000,000.
(B) Outlays, $59,368,000,000.
Fiscal year 2007:
(A) New budget authority, $59,345,000,000.
(B) Outlays, $58,853,000,000.
Fiscal year 2008:
(A) New budget authority, $63,407,000,000.

(B) Outlays, $62,971,000,000.
Fiscal year 2009:
(A) New budget authority, $64,981,000,000.
(B) Outlays, $64,570,000,000.
Fiscal year 2010:
(A) New budget authority, $66,973,000,000.
(B) Outlays, $66,555,000,000.
Fiscal year 2011:
(A) New budget authority, $69,063,000,000.
(B) Outlays, $68,632,000,000.
(16) Administration of Justice (750):
Fiscal year 2001:
(A) New budget authority, $30,577,000,000.
(B) Outlays, $30,003,000,000.
Fiscal year 2002:
(A) New budget authority, $32,431,000,000.
(B) Outlays, $31,436,000,000.
Fiscal year 2003:
(A) New budget authority, $32,545,000,000.
(B) Outlays, $32,809,000,000.
Fiscal year 2004:
(A) New budget authority, $35,330,000,000.
(B) Outlays, $35,543,000,000.
Fiscal year 2005:
(A) New budget authority, $36,420,000,000.
(B) Outlays, $36,347,000,000.
Fiscal year 2006:
(A) New budget authority, $37,466,000,000.
(B) Outlays, $37,036,000,000.
Fiscal year 2007:
(A) New budget authority, $38,543,000,000.
(B) Outlays, $38,013,000,000.
Fiscal year 2008:
(A) New budget authority, $39,665,000,000.
(B) Outlays, $39,152,000,000.
Fiscal year 2009:
(A) New budget authority, $40,822,000,000.
(B) Outlays, $40,292,000,000.
Fiscal year 2010:
(A) New budget authority, $42,021,000,000.
(B) Outlays, $41,483,000,000.
Fiscal year 2011:
(A) New budget authority, $43,284,000,000.
(B) Outlays, $42,728,000,000.
(17) General Government (800):
Fiscal year 2001:
(A) New budget authority, $16,307,000,000.
(B) Outlays, $16,065,000,000.
Fiscal year 2002:
(A) New budget authority, $16,496,000,000.
(B) Outlays, $16,193,000,000.
Fiscal year 2003:
(A) New budget authority, $16,651,000,000.
(B) Outlays, $16,493,000,000.
Fiscal year 2004:
(A) New budget authority, $17,082,000,000.
(B) Outlays, $16,978,000,000.
Fiscal year 2005:
(A) New budget authority, $17,560,000,000.
(B) Outlays, $17,201,000,000.
Fiscal year 2006:
(A) New budget authority, $18,068,000,000.
(B) Outlays, $17,641,000,000.
Fiscal year 2007:
(A) New budget authority, $18,609,000,000.
(B) Outlays, $18,144,000,000.
Fiscal year 2008:
(A) New budget authority, $18,791,000,000.
(B) Outlays, $18,445,000,000.
Fiscal year 2009:
(A) New budget authority, $19,377,000,000.
(B) Outlays, $18,882,000,000.
Fiscal year 2010:
(A) New budget authority, $19,968,000,000.
(B) Outlays, $19,437,000,000.
Fiscal year 2011:
(A) New budget authority, $20,599,000,000.
(B) Outlays, $20,048,000,000.
(18) Net Interest (900):
Fiscal year 2001:
(A) New budget authority, $275,467,000,000.
(B) Outlays, $275,467,000,000.
Fiscal year 2002:
(A) New budget authority, $259,162,000,000.
(B) Outlays, $259,162,000,000.
Fiscal year 2003:
(A) New budget authority, $252,364,000,000.
(B) Outlays, $252,364,000,000.
Fiscal year 2004:
(A) New budget authority, $247,310,000,000.
(B) Outlays, $247,310,000,000.
Fiscal year 2005:
(A) New budget authority, $240,115,000,000.
(B) Outlays, $240,115,000,000.
Fiscal year 2006:
(A) New budget authority, $235,642,000,000.
(B) Outlays, $235,642,000,000.
Fiscal year 2007:
(A) New budget authority, $232,136,000,000.
(B) Outlays, $232,136,000,000.
Fiscal year 2008:
(A) New budget authority, $227,484,000,000.
(B) Outlays, $227,484,000,000.
Fiscal year 2009:
(A) New budget authority, $221,933,000,000.
(B) Outlays, $221,933,000,000.
Fiscal year 2010:
(A) New budget authority, $214,899,000,000.
(B) Outlays, $214,899,000,000.
Fiscal year 2011:
(A) New budget authority, $207,328,000,000.
(B) Outlays, $207,328,000,000.
(19) Allowances (920):
Fiscal year 2001:
(A) New budget authority, $84,528,000,000.
(B) Outlays, $84,697,000,000.
Fiscal year 2002:
(A) New budget authority, −$103,548,000,000.
(B) Outlays, −$99,379,000,000.
Fiscal year 2003:
(A) New budget authority, −$6,115,000,000.
(B) Outlays, −$5,222,000,000.
Fiscal year 2004:
(A) New budget authority, −$6,268,000,000.
(B) Outlays, −$5,912,000,000.
Fiscal year 2005:
(A) New budget authority, −$6,423,000,000.
(B) Outlays, −$6,263,000,000.
Fiscal year 2006:
(A) New budget authority, −$6,580,000,000.
(B) Outlays, −$6,503,000,000.
Fiscal year 2007:
(A) New budget authority, −$6,744,000,000.
(B) Outlays, −$6,665,000,000.
Fiscal year 2008:
(A) New budget authority, −$6,908,000,000.
(B) Outlays, −$6,828,000,000.
Fiscal year 2009:
(A) New budget authority, −$7,079,000,000.
(B) Outlays, −$6,994,000,000.
Fiscal year 2010:
(A) New budget authority, −$7,251,000,000.
(B) Outlays, −$7,165,000,000.
Fiscal year 2011:
(A) New budget authority, −$7,429,000,000.
(B) Outlays, −$7,340,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2001:
(A) New budget authority, −$38,265,000,000.
(B) Outlays, −$38,265,000,000.
Fiscal year 2002:
(A) New budget authority, −$38,803,000,000.
(B) Outlays, −$38,803,000,000.
Fiscal year 2003:
(A) New budget authority, −$49,508,000,000.
(B) Outlays, −$49,508,000,000.
Fiscal year 2004:
(A) New budget authority, −$56,315,000,000.
(B) Outlays, −$56,315,000,000.
Fiscal year 2005:
(A) New budget authority, −$46,463,000,000.
(B) Outlays, −$46,463,000,000.
Fiscal year 2006:
(A) New budget authority, −$50,461,000,000.
(B) Outlays, −$50,461,000,000.
Fiscal year 2007:
(A) New budget authority, −$48,179,000,000.
(B) Outlays, −$48,179,000,000.
Fiscal year 2008:
(A) New budget authority, −$49,141,000,000.
(B) Outlays, −$49,141,000,000.
Fiscal year 2009:
(A) New budget authority, −$50,203,000,000.
(B) Outlays, −$50,203,000,000.
Fiscal year 2010:
(A) New budget authority, −$51,778,000,000.
(B) Outlays, −$51,778,000,000.
Fiscal year 2011:
(A) New budget authority, −$53,287,000,000.
(B) Outlays, −$53,287,000,000.

SEC. 103. RECONCILIATION IN THE SENATE.

(a) IN GENERAL.—Subject to subsection (b), the Senate Committee on Finance shall report a reconciliation bill not later than May 18, 2001, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $1,250,000,000,000 and increase the total level of outlays by not more than $100,000,000,000 for the period of fiscal years 2001 through 2011: Provided, That $100,000,000,000 of these revenues and outlays shall only be available for fiscal years 2001 through 2002.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that of the total amount reconciled in subsection (a), $100,000,000,000 will be for an economic stimulus package over the next 2 years.

SEC. 104. RECONCILIATION IN THE HOUSE.

(a) IN GENERAL.—Subject to subsection (b), the Committee on Ways and Means of the House of Representatives shall report to the House of Representatives a reconciliation bill not later than May 18, 2001 that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $1,250,000,000,000 for the period of years 2001 through 2011 and the total level of outlays may be increased by not more than $100,000,000,000 for the period of fiscal years 2001 through 2011.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that of the total amount reconciled in subsection (a), $100,000,000,000 will be for an economic stimulus package over the next 2 years.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

SEC. 201. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE HOUSE.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided—

(1) for fiscal year 2003 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,159,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that

first becomes available for any fiscal year after 2002.

SEC. 202. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(b) EXCEPTION.—An advance appropriation may be provided—

(1) for fiscal year 2003 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,159,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(1) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) FORM OF THE POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) DEFINITION.—In this section, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that first becomes available for any fiscal year after 2002.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Budget Enforcement Act of 1990 should be amended to address procedures for advance appropriations for fiscal years beginning with fiscal year 2003.

SEC. 203. MECHANISM FOR IMPLEMENTING INCREASE OF FISCAL YEAR 2002 DISCRETIONARY SPENDING LIMITS.

(a) FINDINGS.—The Senate finds the following:

(1) Unless and until the discretionary spending limit for fiscal year 2002 (as set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985) is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(2) Except for a necessary adjustment included in function 920 (to comply with section 312(b) of the Congressional Budget Act of 1974), the functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2002 as follows:

(A) For the discretionary category: $659,540,000,000 in new budget authority and $647,780,000,000 in outlays.

(B) For the highway category: $28,489,000,000 in outlays.

(C) For the mass transit category: $5,275,000,000 in outlays.

(D) For the conservation category: $1,760,000,000 in new budget authority and $1,232,000,000 in outlays.

(3) To facilitate the Senate completing its legislative responsibilities for the 1st Session of the 107th Congress in a timely fashion, it is imperative that the Senate consider legislation which establishes appropriate discretionary spending limits for fiscal year 2002 through 2006 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS AND OTHER BUDGETARY AGGREGATES AND LEVELS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2002 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget of the Senate shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate Committee on Appropriations and shall also appropriately adjust all other budgetary aggregates and levels contained in this resolution.

(c) SENATE DEFENSE FIREWALL.—

(1) DEFINITION.—In this subsection, for purposes of enforcement in the Senate for fiscal year 2002, the term ''discretionary spending limit'' means—

(A) for the defense category, $325,070,000,000 in new budget authority; and

(B) for the nondefense category, $336,230,000,000 in new budget authority.

(2) POINT OF ORDER IN THE SENATE.—

(A) IN GENERAL.—After the adjustment to the section 302(a) allocation to the Committee on Appropriations is made pursuant to subsection (b) and except as provided in subparagraph (B), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this subsection.

(B) EXCEPTION.—This paragraph shall not apply if a declaration of war by Congress is in effect.

(3) WAIVER AND APPEAL.—This subsection may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

SEC. 204. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House of Representatives, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of such Act to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House of Representatives, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

Subtitle B—Reserve Funds

SEC. 211. RESERVE FUND FOR MEDICARE.

(a) MEDICARE REFORM AND PRESCRIPTION DRUGS.—If the Committee on Finance of the Senate or the Committee on Ways and Means or the Committee on Energy and Commerce of the House of Representatives reports a bill or joint resolution, or an amendment is offered thereto, or a conference report thereon is submitted, which reforms the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs, the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $0 for fiscal year 2002, $59,100,000,000 for the period of fiscal years 2002 through 2006, and $300,000,000,000 for the period of fiscal years 2002 through 2011.

(b) MEDICARE PAYMENTS TO HOME HEALTH AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Senate Committee on Finance or the House Committee on Ways and Means or Committee on Energy and Commerce report a bill, or if an amendment thereto is offered or a conference report thereon is submitted, that repeals the 15 percent reduction in payments under the medicare program to home health agencies enacted by the Balanced Budget Act of 1997 and now scheduled to go into effect on October 1, 2002, the appropriate chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee and other appropriate budgetary aggregates and levels by the amount the amount provided by that measure for that purpose, but not to exceed $0 in new budget authority and outlays in 2002, $4,000,000,000 for the period 2002 through 2006, and $13,700,000,000 for the period 2002 through 2011.

(2) SURPLUS.—Legislation described in paragraph (1) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to subsection (a)), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 212. RESERVE FUND FOR FAMILY OPPORTUNITY ACT.

(a) IN GENERAL.—Subject to subsection (b), if the Committee on Finance of the Senate or the Committee on Energy and Commerce of the House of Representatives reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides States with the opportunity to expand medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the medicaid program for such children (commonly referred to as the ''Family Opportunity Act of 2001''), the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $227,000,000 in new budget authority and $180,000,000 in outlays for fiscal year 2002, $3,035,000,000 in new budget authority and $2,724,000,000 in outlays for the period of fiscal years 2002 through 2006, and $8,337,000,000 in new budget authority and $7,867,000,000 in outlays for the period of fiscal years 2002 through 2011.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 213. RESERVE FUND FOR AGRICULTURE .

(a) IN GENERAL.—(1) Subject to subsection (b), if the Committee on Agriculture, Nutrition, and Forestry of the Senate or the Committee on Agriculture of the House of Representatives reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, to reauthorize the Federal Agriculture Improvement Act of 1996, title I of that Act, and other appropriate agricultural production legislation, the appropriate Chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee for fiscal years 2003 through 2011 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $66,150,000,000 in new budget authority and outlays for fiscal years 2003 through 2011.

(2) In the House of Representatives, if an adjustment is made under paragraph (1), the

Chairman of the Committee on the Budget may adjust the fiscal year 2002 level by an amount not to exceed the adjustment that is made for fiscal year 2003 (and reduce the adjustment made for fiscal year 2003 by that amount).

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 214. RESERVE FUND FOR ADDITIONAL TAX CUTS AND DEBT REDUCTION.

If the report provided pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the budget and economic outlook: update (for fiscal years 2002 through 2011), estimates an on-budget surplus for any of fiscal years 2001 through 2011 that exceeds the estimated on-budget surplus set forth in the Congressional Budget Office's January 2001 budget and economic outlook for such fiscal year, the chairman of the Committee on the Budget of the House may, in an amount not to exceed the increase in such surplus for that fiscal year—

(1) reduce the recommended level of Federal revenues and make other appropriate adjustments (including the reconciliation instructions) for that fiscal year;

(2) reduce the appropriate level of the public debt, increase the amount of the surplus, and make other appropriate adjustments for that fiscal year; or

(3) any combination of paragraphs (1) and (2).

SEC. 215. TECHNICAL RESERVE FUND FOR STUDENT LOANS.

(a) IN GENERAL.—Subject to subsection (b), if the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, or the Committee on Education and the Workforce of the House of Representatives reports a bill, or an amendment is offered, or a conference report is submitted, that provides additional resources for legislation that repeals the replacement interest rate structure for student loans scheduled to occur on July 1, 2003, the appropriate Chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to the appropriate committee—

(1) for fiscal years 2001 and 2002 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $110,000,000 in new budget authority and $100,000,000 outlays;

(2) for fiscal years 2001 through 2006 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $3,440,000,000 in new budget authority and $2,840,000,000 outlays; and

(3) for fiscal years 2001 through 2011 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $7,665,000,000 in new budget authority and $6,590,000,000 outlays.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 216. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

(a) IN GENERAL.—Subject to subsection (b), if the Committee on Finance of the Senate or the Committee on Energy and Commerce or Committee on Ways and Means of the House of Representatives report a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers), the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) and may revise the revenue aggregates and other appropriate budgetary aggregates and allocations in this resolution by the amount provided by that measure for that purpose, but not to exceed $28,000,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2004 or $28,000,000,000 in revenues for the period of fiscal years 2002 through 2004 or any combination of budget authority and outlays or revenues as long as the sum of all revisions does not exceed $28,000,000,000. The chairman of the appropriate Committee on the Budget is authorized to allocate these resources over a period of time longer than that specified in the previous sentence.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 217. RESERVE FUND FOR DEFENSE IN THE SENATE.

(a) IN GENERAL.—Subject to subsection (b), if the President submits a budget amendment and the Committee on Appropriations or the Committee on Armed Services of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, that provides additional resources for defense spending in response to the recommendations of the President's National Defense Review, the Chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee for fiscal year 2002 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 218. STRATEGIC RESERVE FUND IN THE HOUSE.

(a) ADJUSTMENTS.—In the House of Representatives, the chairman of the Committee on the Budget may adjust the appropriate aggregates and committee allocations of new budget authority (and outlays flowing therefrom) for fiscal year 2002 for a bill making appropriations for the Department of Defense and, for fiscal years 2002 through 2011, a bill making authorizations for the Department of Defense, a bill providing a prescription drug benefit, and any other appropriate legislation. The chairman may also make adjustments for amendments to or conference reports on such bills. In making adjustments under this subsection, the chairman shall consider, as appropriate, the recommendations of the President's National Defense Review and any statement of administrative policy or supplemental budget request relating to any legislation referred to in this subsection.

(b) LIMITATIONS.—(1) The adjustments for any bill referred to in subsection (a) shall be in an amount not to exceed the amount by which such bill breaches the applicable allocation or aggregate.

(2) Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

Subtitle C—Miscellaneous Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committees on the Budget of the House of Representatives and the Senate; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

(d) ENFORCEMENT IN THE HOUSE.—

(1) IN GENERAL.—In the House of Representatives, for the purpose of enforcing this concurrent resolution, sections 302(f) and 311(a) of the Congressional Budget Act of 1974 shall apply to fiscal year 2002 and the total for fiscal year 2002 and the four ensuing fiscal years.

(2) APPROPRIATE LEVELS.—For purposes of enforcement of the Congressional Budget Act of 1974 in the House of Representatives, the appropriate levels of total new budget authority and total budget outlays for fiscal years 2002 through 2011 prescribed by this resolution pursuant to section 301(a)(1) of such Act shall be based upon the table entitled ''Conference Report Fiscal Year 2002, Budget Resolution Total Spending and Revenues'' in conjunction with the provisions of title II of this resolution.

(e) ENFORCEMENT IN THE SENATE.—The Senate, for purposes of enforcement of the Congressional Budget Act of 1974 and this resolution, measures discharged pursuant to Senate Resolution 8 shall be considered as if the measure had been reported from the committee of jurisdiction.

SEC. 222. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE AND CONGRESS PROVISIONS

Subtitle A—Sense of the Senate

SEC. 301. SENSE OF THE SENATE ON CONSERVATION.

It is the sense of the Senate that conservation funding is a priority of the One Hundred Seventh Congress.

SEC. 302. SENSE OF THE SENATE ON AIDS AND OTHER INFECTIOUS DISEASES.

Notwithstanding any other provision of this resolution, it is the sense of the Senate that:

(1) FINDINGS.—The Senate finds the following:

(A) HIV/AIDS, having already infected over 58 million people worldwide, is devastating the health, economies, and social structures in dozens of countries in Africa, and increasingly in Asia, the Caribbean and Eastern Europe.

(B) AIDS has wiped out decades of progress in improving the lives of families in the developing world. As the leading cause of death in Africa, AIDS has killed 17 million and will claim the lives of one quarter of the population, mostly productive adults, in the next decade. In addition, 13 million children have been orphaned by AIDS—a number that will rise to 40 million by 2010.

(C) The Agency for International Development, along with the Centers for Disease Control, Department of Labor, and Department of Defense have been at the forefront of the international battle to control HIV/AIDS, with global assistance totaling $330,000,000 from the United States Agency for International Development and $136,000,000 from other agencies in fiscal year 2001, primarily focused on targeted prevention programs.

(D) While prevention is key, treatment and care for those affected by HIV/AIDS is an increasingly critical component of the global response. Improving health systems, providing home-based care, treating AIDS-associated diseases like tuberculosis, providing for family support and orphan care, and making antiretroviral drugs against HIV available will reduce social and economic damage to families and communities.

(E) Pharmaceutical companies recently dramatically reduced the prices of antiretroviral drugs to the poorest countries. With sufficient resources, it is now possible to improve treatment options in countries where health systems are able to deliver and monitor the medications.

(F) The United Nations AIDS program estimates it will cost at least $3,000,000,000 for basic AIDS prevention and care services in Sub-Saharan Africa alone, and at least $2,000,000,000 more if antiretroviral drugs are provided widely. In Africa, only $500,000,000 is currently available from all donors, lending agencies and African governments themselves.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that the spending levels in this budget resolution shall be increased by $200,000,000 in fiscal year 2002 and by $500,000,000 in 2003 and for each year thereafter for the purpose of helping the neediest countries cope with the burgeoning costs of prevention, care and treatment of those affected by HIV/AIDS and associated infectious diseases.

SEC. 303. SENSE OF THE SENATE ON CONSOLIDATED HEALTH CENTERS.

It is the sense of the Senate that appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health services at community, migrant, homeless, and public housing health centers.

SEC. 304. FUNDING FOR DEPARTMENT OF JUSTICE PROGRAMS FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.

It is the sense of the Senate that the levels in this resolution assume increased funding for fiscal year 2002 for the Department of Justice State and local law enforcement grant programs.

SEC. 305. SENSE OF THE SENATE REGARDING UNITED STATES COAST GUARD FISCAL YEAR 2002 FUNDING.

It is the sense of the Senate that any level of budget authority and outlays in fiscal year 2002 below the level assumed in this resolution for the Coast Guard would require the Coast Guard to—

(1) close numerous units and reduce overall mission capability, including the counter narcotics interdiction mission which was authorized under the Western Hemisphere Drug Elimination Act;

(2) reduce the number of personnel of an already streamlined workforce; and

(3) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

SEC. 306. STRENGTHENING OUR NATIONAL FOOD SAFETY INFRASTRUCTURE.

(a) FINDING.—The Senate finds that the United States food supply is one of the safest in the world, but in order to maintain the integrity of our food supply in the face of emerging threats, we must make the necessary investments now, in a time of surplus.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the appropriate amount should be invested at the Food and Drug Administration and the Center for Disease Control food activities next year in order to strengthen our national food safety infrastructure by—

(1) increasing the number of inspectors within the Food and Drug Administration to enable the Food and Drug Administration to inspect high-risk sites at least annually;

(2) supporting research that enables us to meet emerging threats;

(3) improving surveillance to identify and trace the sources and incidence of food-borne illness;

(4) otherwise maintaining at least current funding levels for food safety initiatives in the Food and Drug Administration and the United States Department of Agriculture; and

(5) providing additional funds should such needs arise due to emerging food safety threats.

SEC. 307. SENSE OF THE SENATE WITH RESPECT TO INCREASING FUNDS FOR RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

It is the sense of the Senate that the Senate recognizes the importance of renewable energy resources and that providing for such technologies should be increased by at least $450,000,000 for fiscal year 2002 and at a rate in excess of inflation in subsequent years.

SEC. 308. SENSE OF THE SENATE WITH RESPECT TO INCREASED EDUCATION FUNDING.

It is the Sense of the Senate that—

(1) this budget resolution makes available up to $6.2 billion in discretionary budget authority for funding domestic priorities in excess of the President's request; and

(2) funding for discretionary education programs (including Head Start and funds for the Department of Education in excess of the President's request of $44.5 billion in discretionary budget authority for fiscal year 2002) is one such priority; and

(3) these additional funds for education should be devoted to high priority programs including Head Start, the Individuals with Disabilities Education Act, education for the disadvantaged, Impact Aid, state assessment tests, Pell Grants, reading improvement programs, school construction, and teacher and classroom quality programs.

Subtitle B—Sense of the Congress

SEC. 311. ASSET BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress find the following:

(1) For the vast majority of United States households, the pathway to the economic mainstream and financial security is not through spending and consumption, but through savings, investing, and the accumulation of assets.

(2) One-third of all Americans have no assets available for investment and another 20 percent have only negligible assets. The situation is even more serious for minority households; for example, 60 percent of African-American households have no or negative financial assets.

(3) Nearly 50 percent of all children in America live in households that have no assets available for investment, including 40 percent of Caucasian children and 73 percent of African-American children.

(4) Up to 20 percent of all United States households do not deposit their savings in financial institutions and, thus, do not have access to the basic financial tools that make asset accumulation possible.

(5) Public policy can have either a positive or a negative impact on asset accumulation. Traditional public assistance programs based on income and consumption have rarely been successful in supporting the transition to economic self-sufficiency. Tax policy, through $288,000,000,000 in annual tax incentives, has helped lay the foundation for the great middle class.

(6) Lacking an income tax liability, low-income working families cannot take advantage of asset development incentives available through the Federal tax code.

(7) Individual Development Accounts have proven to be successful in helping low-income working families save and accumulate assets. Individual Development Accounts have been used to purchase long-term, high-return assets, including homes, postsecondary education and training, and small business.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal tax code should support a significant expansion of Individual Development Accounts so that millions of low-income, working families can save, build assets, and move their lives forward; thus, making positive contributions to the economic and social well-being of the United States, as well as to its future.

SEC. 312. FEDERAL FIRE PREVENTION ASSISTANCE.

(a) FINDINGS.—Congress finds the following:

(1) Increased demands on firefighting and emergency medical personnel have made it difficult for local governments to adequately fund necessary fire safety precautions.

(2) The Government has an obligation to protect the health and safety of the firefighting personnel of the United States and to ensure that they have the financial resources to protect the public.

(3) The high rates in the United States of death, injury, and property damage caused by fires demonstrates a critical need for Federal investment in support of firefighting personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government should support the core operations of the Federal Emergency Management Agency by providing needed fire grant programs to assist our firefighters and rescue personnel as they respond to more than 17,000,000 emergency calls annually. To accomplish this task, Congress supports preservation of the Assistance to Firefighters grant program. Continued support of the Assistance to Firefighters grant program will enable local firefighters to adequately protect the lives of countless Americans put at risk by insufficient fire protection.

SEC. 313. FUNDING FOR GRADUATE MEDICAL EDUCATION AT CHILDREN'S TEACHING HOSPITALS.

It is the sense of Congress that:

(1) Function 550 includes an appropriate level of funding for graduate medical education conducted at independent children's teaching hospitals in order to ensure access to care by millions of children nationwide.

(2) An emphasis should be placed on the role played by community health centers in underserved rural and urban communities.

(3) Funding under function 550 should also reflect the importance of the Ryan White CARE Act to persons afflicted with HIV/AIDS.

SEC. 314. CONCURRENT RETIREMENT AND DISABILITY BENEFITS TO RETIRED MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that the Secretary of Defense is the appropriate official for

evaluating the existing standards for the provision of concurrent retirement and disability benefits to retired members of the Armed Forces and the need to change these standards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should report not later than 180 days after the date of adoption of this resolution to the congressional committees of jurisdiction on the provision of concurrent retirement and disability benefits to retired members of the Armed Forces;

(2) the report should address the number of individuals retired from the Armed Forces who would otherwise be eligible for disability compensation, the comparability of the policy to Office of Personnel Management guidelines for civilian Federal retirees, the applicability of this policy to prevailing private sector standards, the number of individuals potentially eligible for concurrent benefits who receive other forms of Federal assistance and the cost of that assistance, and alternative initiatives that would accomplish the same end as concurrent receipt of military retired pay and disability compensation;

(3) the Secretary of Defense should submit legislation that he considers appropriate;

(4) upon receiving such report, the committees of jurisdiction, working with the Committees on the Budget of the House and Senate, should consider appropriate legislation; and

(5) CBO and OMB should report not later than 30 days after the date of adoption of this resolution to the Committees on the Budget on the risk that provision of full concurrent receipt of military retired pay and disability compensation would reduce the surplus below the level of the Medicare Hospital Insurance Trust Fund.

SEC. 315. FEDERAL EMPLOYEE PAY.

(a) FINDINGS.—Congress finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists—

(A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2002 includes a 4.6 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that Federal agencies plan their fiscal year 2002 budgets with a 3.6 percent pay raise for civilian Federal employees.

(5) In almost every year during the past 2 decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 316. SALES TAX DEDUCTION.

(a) FINDINGS.—Congress finds that—

(1) in 1986 the ability to deduct State sales taxes was eliminated from the Federal tax code;

(2) the States of Tennessee, Texas, Wyoming, Washington, Florida, Nevada, and South Dakota have no State income tax;

(3) the citizens of those seven States continue to be treated unfairly by paying significantly more in taxes to the Government than taxpayers with an identical profile in different State because they are prohibited from deducting their State sales taxes from their Federal income taxes in lieu of a State income tax;

(4) the design of the Federal tax code is preferential in its treatment of States with State income taxes over those without State income taxes;

(5) the current Federal tax code infringes upon States' rights to tax their citizens as they see fit in that the Federal tax code exerts unjust influence on States without State income taxes to impose one their citizens;

(6) the current surpluses that our Government holds provide an appropriate time and opportunity to allow taxpayers to deduct either their State sales taxes or their State income taxes from their Federal income tax returns; and

(7) over 50 Members of the House of Representatives have cosponsored legislation to restore the sales tax deduction option to the Federal tax code.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Committee on Ways and Means and the Committee on Finance should consider legislation that makes State sales tax deductible against Federal income taxes.

And the Senate agree to the same.

PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
KIT BOND,
Managers on the Part of the Senate.

JIM NUSSLE,
JOHN E. SUNUNU,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 83), establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal 2003, through 2011, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The Senate amendment struck all out of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

DISPLAYS AND AMOUNTS

The contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise indicated.

House Resolution.—The House budget resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which is used to enforce a point of order applicable only in the Senate).

Senate Amendment.—The Senate amendment includes all of the items required under section 301(a) of the Congressional Budget Act. As permitted under section 301(b) of the Congressional Budget Act, Section 102 of the Senate amendment includes advisory levels on debt held by the public.

Conference Agreement.—The Conference Agreement includes all of the items required by section 301(a) of the Congressional Budget Act.

AGGREGATES AND FUNCTION LEVELS

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
050 - National Defense	BA	310.328	324.563	333.273	342.578	352.184	362.095	372.224	382.734	393.539	404.535	416.303	1714.693	3684.028
	OT	300.591	319.252	325.548	334.048	347.175	354.571	361.909	375.622	386.526	397.616	409.246	1680.594	3611.513
Discretionary	BA	311.051	324.947	333.440	342.776	352.357	362.267	372.443	382.935	393.741	404.722	416.493	1715.787	3686.121
	OT	301.318	319.659	325.723	334.252	347.353	354.748	362.133	375.829	386.735	397.810	409.443	1681.735	3613.685
Mandatory	BA	-0.723	-0.384	-0.167	-0.198	-0.173	-0.172	-0.219	-0.201	-0.202	-0.187	-0.190	-1.094	-2.093
	OT	-0.727	-0.407	-0.175	-0.204	-0.178	-0.177	-0.224	-0.207	-0.209	-0.194	-0.197	-1.141	-2.172
150 - International Affairs	BA	22.424	23.866	23.885	24.493	25.367	26.165	26.932	27.447	28.036	28.422	29.595	123.776	264.208
	OT	19.670	19.560	19.864	20.419	20.780	21.395	22.141	22.826	23.583	24.161	24.997	102.018	219.726
Discretionary	BA	22.641	23.858	23.847	24.502	25.186	25.925	26.622	27.295	27.991	28.427	29.600	123.318	263.253
	OT	23.259	23.205	23.536	23.977	24.265	24.879	25.562	26.210	26.891	27.416	28.288	119.862	254.229
Mandatory	BA	-0.217	0.008	0.038	-0.009	0.181	0.240	0.310	0.152	0.045	-0.005	-0.005	0.458	0.955
	OT	-3.589	-3.645	-3.672	-3.558	-3.485	-3.484	-3.421	-3.384	-3.308	-3.255	-3.291	-17.844	-34.503
250 - General Science, Space and Technology	BA	21.043	22.197	22.633	23.109	23.645	24.295	24.947	25.588	26.240	26.654	27.752	115.879	247.060
	OT	19.612	21.043	21.900	22.584	23.174	23.719	24.309	24.925	25.564	26.086	26.868	112.420	240.172
Discretionary	BA	20.901	22.034	22.454	23.072	23.607	24.256	24.907	25.548	26.199	26.612	27.709	115.423	246.398
	OT	19.562	20.968	21.787	22.440	23.013	23.612	24.250	24.886	25.524	26.045	26.827	111.820	239.352
Mandatory	BA	0.142	0.163	0.179	0.037	0.038	0.039	0.040	0.040	0.041	0.042	0.043	0.456	0.662
	OT	0.050	0.075	0.113	0.144	0.161	0.107	0.059	0.039	0.040	0.041	0.041	0.600	0.820
270 - Energy	BA	1.225	0.835	0.760	0.912	0.899	1.023	1.103	2.196	2.290	2.267	2.191	4.429	14.476
	OT	-0.115	-0.234	-0.531	-0.590	-0.496	-0.354	-0.248	0.385	0.784	0.955	0.927	-2.205	0.598
Discretionary	BA	3.132	2.783	2.730	2.973	3.084	3.203	3.284	3.985	4.045	4.081	4.120	14.773	34.288
	OT	3.104	2.926	2.766	2.873	3.016	3.128	3.235	3.576	3.916	4.046	4.108	14.709	33.590
Mandatory	BA	-1.907	-1.948	-1.970	-2.061	-2.185	-2.180	-2.181	-1.789	-1.755	-1.814	-1.929	-10.344	-19.812
	OT	-3.219	-3.160	-3.297	-3.463	-3.512	-3.482	-3.483	-3.191	-3.132	-3.091	-3.181	-16.914	-32.992
300 - Natural Resources and Environment	BA	28.833	26.700	26.837	27.716	27.938	27.954	28.624	29.349	30.620	31.173	32.417	137.145	289.328
	OT	26.361	26.403	26.951	27.467	27.666	27.815	28.266	28.774	29.888	30.525	31.509	136.302	285.264
Discretionary	BA	28.740	26.404	26.463	27.192	27.389	27.387	28.130	28.842	29.683	30.154	31.387	134.835	283.031
	OT	26.358	26.158	26.588	27.021	27.212	27.332	27.726	28.279	29.018	29.603	30.575	134.311	279.512
Mandatory	BA	0.093	0.296	0.374	0.524	0.549	0.567	0.494	0.507	0.937	1.019	1.030	2.310	6.297
	OT	0.003	0.245	0.363	0.446	0.454	0.483	0.540	0.495	0.870	0.922	0.934	1.991	5.752
350 - Agriculture	BA	26.290	19.144	18.610	18.482	18.337	17.888	16.520	15.648	15.836	15.894	16.123	92.461	172.482
	OT	23.654	17.500	16.981	17.072	16.852	16.288	14.946	14.062	14.359	14.533	14.725	84.693	157.318
Discretionary	BA	4.791	4.834	5.193	5.154	5.298	5.451	5.597	5.742	5.890	5.982	6.230	25.930	55.371
	OT	4.669	4.765	5.070	5.113	5.232	5.375	5.521	5.663	5.813	5.914	6.127	25.555	54.593
Mandatory	BA	21.499	14.310	13.417	13.328	13.039	12.437	10.923	9.906	9.946	9.912	9.893	66.531	117.111
	OT	18.985	12.735	11.911	11.959	11.620	10.913	9.425	8.399	8.546	8.619	8.598	59.138	102.725

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
370 - Commerce and Housing Credit	BA	3.516	8.715	8.450	14.120	12.730	12.660	13.533	13.851	14.267	18.724	13.519	56.675	130.569
	OT	0.229	5.657	3.078	9.885	9.013	8.365	9.223	9.308	9.609	12.834	9.807	35.998	86.779
Discretionary	BA	1.363	-0.234	-0.234	-0.520	-0.642	-0.593	0.269	0.530	0.976	5.421	0.217	-2.223	5.190
	OT	2.008	0.127	-0.274	-0.622	-0.815	-0.805	0.194	0.292	0.613	3.972	1.017	-2.389	3.699
Mandatory	BA	2.153	8.949	8.684	14.640	13.372	13.253	13.264	13.321	13.291	13.303	13.302	58.898	125.379
	OT	-1.779	5.530	3.352	10.507	9.828	9.170	9.029	9.016	8.996	8.862	8.790	38.387	83.080
370 on-budget	**BA**	**2.516**	**7.415**	**8.550**	**12.820**	**12.730**	**12.660**	**13.533**	**13.851**	**14.267**	**18.724**	**13.519**	**54.175**	**128.069**
	OT	**-0.771**	**4.357**	**3.178**	**8.585**	**9.013**	**8.365**	**9.223**	**9.308**	**9.609**	**12.834**	**9.807**	**33.498**	**84.279**
Discretionary	**BA**	**1.363**	**-0.234**	**-0.234**	**-0.520**	**-0.642**	**-0.593**	**0.269**	**0.530**	**0.976**	**5.421**	**0.217**	**-2.223**	**5.190**
	OT	**2.008**	**0.127**	**-0.274**	**-0.622**	**-0.815**	**-0.805**	**0.194**	**0.292**	**0.613**	**3.972**	**1.017**	**-2.389**	**3.699**
Mandatory	**BA**	**1.153**	**7.649**	**8.784**	**13.340**	**13.372**	**13.253**	**13.264**	**13.321**	**13.291**	**13.303**	**13.302**	**56.398**	**122.879**
	OT	**-2.779**	**4.230**	**3.452**	**9.207**	**9.828**	**9.170**	**9.029**	**9.016**	**8.996**	**8.862**	**8.790**	**35.887**	**80.580**
400 - Transportation	BA	62.130	60.991	58.721	59.219	59.720	60.276	60.800	61.314	61.843	62.194	63.056	298.927	608.134
	OT	51.681	55.615	58.299	60.233	61.955	63.709	64.922	66.374	68.007	69.301	71.198	299.811	639.613
Discretionary	BA	18.964	16.199	16.554	17.017	17.483	17.992	18.469	18.934	19.414	19.710	20.517	85.245	182.289
	OT	49.680	53.871	56.215	58.177	59.937	61.747	62.981	64.366	65.972	67.319	69.159	289.947	619.744
Mandatory	BA	43.166	44.792	42.167	42.202	42.237	42.284	42.331	42.380	42.429	42.484	42.539	213.682	425.845
	OT	2.001	1.744	2.084	2.056	2.018	1.962	1.941	2.008	2.035	1.982	2.039	9.864	19.869
450 - Community and Regional Development	BA	11.225	10.120	10.318	10.567	10.920	11.243	11.545	11.844	12.146	12.338	12.844	53.168	113.885
	OT	11.366	11.422	10.961	10.660	10.354	10.262	10.460	10.757	11.038	11.309	11.606	53.659	108.829
Discretionary	BA	11.577	10.089	10.360	10.587	10.882	11.202	11.504	11.801	12.101	12.292	12.796	53.120	113.614
	OT	12.048	11.740	11.460	11.073	10.841	10.777	10.986	11.292	11.585	11.869	12.181	55.891	113.804
Mandatory	BA	-0.352	0.031	-0.042	-0.020	0.038	0.041	0.041	0.043	0.045	0.046	0.048	0.048	0.271
	OT	-0.682	-0.318	-0.499	-0.413	-0.487	-0.515	-0.526	-0.535	-0.547	-0.560	-0.575	-2.232	-4.975
500 - Education, Training, Employment, and Social Services	BA	76.886	82.134	82.013	83.888	87.345	90.205	92.846	95.701	98.444	100.510	104.626	425.585	917.712
	OT	69.790	76.220	81.671	82.281	84.831	87.685	90.364	92.962	95.910	98.366	101.360	412.688	891.650
Discretionary	BA	61.189	65.322	65.577	67.565	69.473	71.539	73.462	75.557	77.488	78.704	81.957	339.476	726.644
	OT	54.012	59.658	65.362	65.959	67.606	69.578	71.592	73.442	75.591	77.211	79.355	328.163	705.354
Mandatory	BA	15.697	16.812	16.436	16.323	17.872	18.666	19.384	20.144	20.956	21.806	22.669	86.109	191.068
	OT	15.778	16.562	16.309	16.322	17.225	18.107	18.772	19.520	20.319	21.155	22.005	84.525	186.296
550 - Health	BA	182.604	203.966	229.688	246.548	253.794	266.790	286.985	307.625	329.698	354.229	382.408	1200.786	2861.731
	OT	175.512	201.117	225.847	244.687	251.455	264.574	284.223	305.213	327.566	352.522	380.214	1187.680	2837.418
Discretionary	BA	38.771	41.005	45.488	46.966	48.456	50.050	51.362	52.646	53.956	54.808	56.909	231.965	501.646
	OT	33.770	38.124	41.540	44.682	46.503	48.115	49.635	50.966	52.270	53.401	54.782	218.964	480.018
Mandatory	BA	143.833	162.961	184.200	199.582	205.338	216.740	235.623	254.979	275.742	299.421	325.499	968.821	2360.085
	OT	141.742	162.993	184.307	200.005	204.952	216.459	234.588	254.247	275.296	299.121	325.432	968.716	2357.400

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
570 - Medicare	BA	217.531	229.128	243.946	260.240	291.770	309.921	336.143	362.842	391.122	423.445	459.396	1335.005	3307.953
	OT	217.708	229.075	243.718	260.446	291.696	309.660	336.366	362.744	390.848	423.698	459.390	1334.595	3307.641
Discretionary	BA	3.357	3.449	3.448	3.545	3.645	3.752	3.852	3.952	4.052	4.116	4.286	17.839	38.097
	OT	3.269	3.416	3.451	3.512	3.609	3.714	3.813	3.910	4.007	4.076	4.233	17.702	37.741
Mandatory	BA	214.174	225.679	240.498	256.695	288.125	306.169	332.291	358.890	387.070	419.329	455.110	1317.166	3269.856
	OT	214.439	225.659	240.267	256.934	288.087	305.946	332.553	358.834	386.841	419.622	455.157	1316.893	3269.900
600 - Income Security	BA	255.942	271.512	281.824	293.331	308.066	315.915	323.428	337.855	349.303	359.890	371.642	1470.648	3212.766
	OT	256.932	272.093	282.335	292.461	306.673	314.382	321.895	336.473	347.618	358.217	369.424	1467.944	3201.571
Discretionary	BA	39.454	42.836	44.471	46.187	47.955	49.435	50.846	52.244	53.768	55.088	57.212	230.884	500.042
	OT	43.974	45.879	47.234	47.546	48.515	49.668	51.006	52.455	53.740	54.925	56.522	238.842	507.490
Mandatory	BA	216.488	228.676	237.353	247.144	260.111	266.480	272.582	285.611	295.535	304.802	314.430	1239.764	2712.724
	OT	212.958	226.214	235.101	244.915	258.158	264.714	270.889	284.018	293.878	303.292	312.902	1229.102	2694.081
650 - Social Security	BA	435.181	457.247	479.657	503.759	529.173	555.826	584.078	614.734	649.513	686.200	725.476	2525.662	5785.663
	OT	433.121	455.011	477.255	501.544	526.861	553.421	581.478	611.748	646.257	683.437	722.812	2514.092	5759.824
Discretionary	BA	3.448	3.520	3.518	3.619	3.719	3.829	3.930	4.033	4.135	4.201	4.373	18.205	38.877
	OT	3.388	3.474	3.497	3.574	3.667	3.774	3.875	3.977	4.079	4.148	4.309	17.986	38.374
Mandatory	BA	431.733	453.727	476.139	500.140	525.454	551.997	580.148	610.701	645.378	681.999	721.103	2507.457	5746.786
	OT	429.733	451.537	473.758	497.970	523.194	549.647	577.603	607.771	642.178	679.289	718.503	2496.106	5721.450
650 on-budget	**BA**	**9.805**	**11.005**	**11.733**	**12.497**	**13.308**	**14.207**	**15.168**	**16.241**	**17.482**	**18.877**	**20.387**	**62.750**	**150.905**
	OT	**9.805**	**11.004**	**11.733**	**12.497**	**13.308**	**14.207**	**15.168**	**16.241**	**17.482**	**18.877**	**20.387**	**62.749**	**150.904**
Discretionary	**BA**	**0.017**	**0.019**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.099**	**0.211**
	OT	**0.017**	**0.018**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.098**	**0.210**
Mandatory	**BA**	**9.788**	**10.986**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
	OT	**9.788**	**10.986**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
700 - Veterans Benefits and Services	BA	46.675	52.261	53.033	55.270	59.329	58.807	58.138	61.998	63.354	64.740	67.114	278.700	594.044
	OT	45.926	51.595	52.778	54.884	58.881	58.325	57.668	61.590	62.975	64.394	66.674	276.463	589.764
Discretionary	BA	22.512	24.215	23.447	24.124	24.800	25.541	26.234	26.919	27.606	27.942	29.217	122.127	260.045
	OT	22.062	23.850	23.493	23.958	24.591	25.297	25.975	26.642	27.324	27.690	28.872	121.189	257.692
Mandatory	BA	24.163	28.046	29.586	31.146	34.529	33.266	31.904	35.079	35.748	36.798	37.897	156.573	333.999
	OT	23.864	27.745	29.285	30.926	34.290	33.028	31.693	34.948	35.651	36.704	37.802	155.274	332.072
750 - Administration of Justice	BA	30.577	30.870	31.899	33.592	34.629	35.651	36.609	37.563	38.539	39.189	40.767	166.641	359.308
	OT	30.003	30.328	32.116	34.056	34.688	35.279	36.119	37.116	38.090	38.842	40.204	166.467	356.838
Discretionary	BA	29.987	29.726	31.563	31.442	32.340	33.315	34.225	35.129	36.051	36.645	38.163	158.386	338.599
	OT	29.335	29.530	31.478	31.780	32.386	33.077	33.864	34.808	35.732	36.424	37.725	158.251	336.804
Mandatory	BA	0.590	1.144	0.336	2.150	2.289	2.336	2.384	2.434	2.488	2.544	2.604	8.255	20.709
	OT	0.668	0.798	0.638	2.276	2.302	2.202	2.255	2.308	2.358	2.418	2.479	8.216	20.034

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
800 - General Government	BA	16.307	16.671	16.313	16.680	17.035	17.492	17.921	17.981	18.426	18.706	19.430	84.191	176.655
	OT	16.065	16.326	16.263	16.627	16.726	17.100	17.504	17.691	17.995	18.285	18.911	83.042	173.428
Discretionary	BA	14.028	14.797	14.753	15.197	15.559	16.014	16.438	16.866	17.298	17.574	18.290	76.320	162.786
	OT	13.795	14.463	14.709	14.969	15.286	15.665	16.046	16.447	16.871	17.175	17.794	75.092	159.425
Mandatory	BA	2.279	1.874	1.560	1.483	1.476	1.478	1.483	1.115	1.128	1.132	1.140	7.871	13.869
	OT	2.270	1.863	1.554	1.658	1.440	1.435	1.458	1.244	1.124	1.110	1.117	7.950	14.003
900 - Net Interest	BA	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
	OT	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
	OT	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
900 on-budget	**BA**	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
	OT	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
	OT	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
920 - Allowances	BA	-0.472	5.004	5.481	6.017	6.190	6.366	6.583	6.720	6.986	7.151	7.452	29.058	63.950
	OT	-0.303	1.842	3.993	4.796	5.701	6.073	6.267	6.445	6.626	6.773	6.986	22.405	55.502
Discretionary	BA	-0.472	5.004	5.481	6.017	6.190	6.366	6.583	6.720	6.986	7.151	7.452	29.058	63.950
	OT	-0.303	1.842	3.993	4.796	5.701	6.073	6.267	6.445	6.626	6.773	6.986	22.405	55.502
Mandatory	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 - Undistributed Offsetting Receipts	BA	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
	OT	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
	OT	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
950 on-budget	**BA**	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**
	OT	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**
Discr.	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mand.	**BA**	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**
	OT	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
Total	BA	1907.181	1977.284	2035.745	2112.813	2200.869	2264.582	2344.090	2437.775	2532.815	2634.089	2743.581	10591.293	23283.643
	OT	1856.739	1941.185	2007.430	2085.852	2175.783	2236.279	2312.943	2409.800	2505.856	2609.682	2718.328	10446.529	23003.138
Discr.	BA	635.434	660.788	678.553	697.415	716.781	736.931	758.157	779.678	801.380	823.630	846.928	3490.468	7500.241
	OT	645.308	683.655	707.627	725.080	747.918	765.754	784.661	809.485	832.307	855.817	878.303	3630.034	7790.607
Mand.	BA	1271.747	1316.496	1357.192	1415.398	1484.088	1527.651	1585.933	1658.097	1731.435	1810.459	1896.653	7100.825	15783.402
	OT	1211.431	1257.530	1299.803	1360.772	1427.865	1470.525	1528.282	1600.315	1673.549	1753.865	1840.025	6816.495	15212.531
Total on-budget	**BA**	**1557.188**	**1613.649**	**1660.452**	**1723.275**	**1800.098**	**1851.451**	**1918.415**	**1998.625**	**2077.292**	**2161.555**	**2252.834**	**8648.925**	**19057.646**
	OT	**1508.806**	**1579.785**	**1634.539**	**1698.529**	**1777.324**	**1825.553**	**1889.868**	**1973.636**	**2053.589**	**2139.911**	**2230.245**	**8515.730**	**18802.979**
Discr.	**BA**	**632.003**	**657.287**	**675.054**	**693.816**	**713.082**	**733.123**	**754.248**	**775.667**	**797.267**	**819.452**	**842.579**	**3472.362**	**7461.575**
	OT	**641.937**	**680.199**	**704.149**	**721.526**	**744.271**	**762.001**	**780.807**	**805.530**	**828.250**	**851.692**	**874.018**	**3612.146**	**7752.443**
Mand.	**BA**	**925.185**	**956.362**	**985.398**	**1029.459**	**1087.016**	**1118.328**	**1164.167**	**1222.958**	**1280.025**	**1342.103**	**1410.255**	**5176.563**	**11596.071**
	OT	**866.869**	**899.586**	**930.390**	**977.003**	**1033.053**	**1063.552**	**1109.061**	**1168.106**	**1225.339**	**1288.219**	**1356.227**	**4903.584**	**11050.536**
Revenues		2128.788	2168.069	2259.955	2344.414	2436.749	2521.375	2628.575	2754.151	2889.595	3038.582	3206.212	11730.562	26247.677
Revenues on-budget		**1624.679**	**1635.761**	**1699.017**	**1755.74**	**1816.689**	**1872.154**	**1948.64**	**2041.697**	**2143.156**	**2256.553**	**2387.027**	**8779.361**	**19556.434**
Surplus		272.049	226.884	252.525	258.562	260.966	285.096	315.632	344.351	383.739	428.900	487.884	1284.033	3244.539
	On-budget	115.873	55.976	64.478	57.211	39.365	46.601	58.772	68.061	89.567	116.642	156.782	263.631	753.455
	Off-budget	156.176	170.908	188.047	201.351	221.601	238.495	256.860	276.290	294.172	312.258	331.102	1020.402	2491.084

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
050 - National Defense	BA	310.328	334.514	333.428	342.728	352.292	362.163	372.279	382.774	393.559	404.547	416.308	1725.125	3694.592
	OT	300.591	326.813	325.703	334.198	347.283	354.639	361.964	375.662	386.546	397.628	409.251	1688.636	3619.687
Discretionary	BA	311.051	334.801	333.440	342.776	352.357	362.267	372.443	382.935	393.741	404.722	416.493	1725.641	3695.975
	OT	301.318	327.123	325.723	334.252	347.353	354.748	362.133	375.829	386.735	397.810	409.443	1689.199	3621.149
Mandatory	BA	-0.723	-0.287	-0.012	-0.048	-0.065	-0.104	-0.164	-0.161	-0.182	-0.175	-0.185	-0.516	-1.383
	OT	-0.727	-0.310	-0.020	-0.054	-0.070	-0.109	-0.169	-0.167	-0.189	-0.182	-0.192	-0.563	-1.462
150 - International Affairs	BA	22.424	24.116	24.435	24.543	25.417	26.215	26.982	27.497	28.086	28.472	29.645	124.726	265.408
	OT	19.670	19.793	20.414	20.469	20.830	21.445	22.191	22.876	23.633	24.211	25.047	102.951	220.909
Discretionary	BA	22.641	24.108	24.397	24.552	25.236	25.975	26.672	27.345	28.041	28.477	29.650	124.268	264.453
	OT	23.259	23.438	24.086	24.027	24.315	24.929	25.612	26.260	26.941	27.466	28.338	120.795	255.412
Mandatory	BA	-0.217	0.008	0.038	-0.009	0.181	0.240	0.310	0.152	0.045	-0.005	-0.005	0.458	0.955
	OT	-3.589	-3.645	-3.672	-3.558	-3.485	-3.484	-3.421	-3.384	-3.308	-3.255	-3.291	-17.844	-34.503
250 - General Science, Space and Technology	BA	21.043	22.798	21.852	22.307	22.859	23.493	24.122	24.741	25.370	25.769	26.829	113.309	240.140
	OT	19.612	21.201	21.059	21.825	22.380	22.925	23.496	24.091	24.707	25.211	25.966	109.390	232.861
Discretionary	BA	20.901	22.635	21.673	22.270	22.821	23.454	24.082	24.701	25.329	25.727	26.786	112.853	239.478
	OT	19.562	21.126	20.946	21.681	22.219	22.818	23.437	24.052	24.667	25.170	25.925	108.790	232.041
Mandatory	BA	0.142	0.163	0.179	0.037	0.038	0.039	0.040	0.040	0.041	0.042	0.043	0.456	0.662
	OT	0.050	0.075	0.113	0.144	0.161	0.107	0.059	0.039	0.040	0.041	0.041	0.600	0.820
270 - Energy	BA	1.225	1.676	0.965	1.117	1.104	1.228	1.308	2.401	2.495	2.472	2.396	6.090	17.162
	OT	-0.115	0.018	-0.266	-0.355	-0.291	-0.149	-0.043	0.590	0.989	1.160	1.132	-1.043	2.785
Discretionary	BA	3.132	3.588	2.935	3.178	3.289	3.408	3.489	4.190	4.250	4.286	4.325	16.398	36.938
	OT	3.104	3.178	3.031	3.108	3.221	3.333	3.440	3.781	4.121	4.251	4.313	15.871	35.777
Mandatory	BA	-1.907	-1.912	-1.970	-2.061	-2.185	-2.180	-2.181	-1.789	-1.755	-1.814	-1.929	-10.308	-19.776
	OT	-3.219	-3.160	-3.297	-3.463	-3.512	-3.482	-3.483	-3.191	-3.132	-3.091	-3.181	-16.914	-32.992
300 - Natural Resources and Environment	BA	28.833	29.644	27.390	28.169	28.392	28.408	29.074	29.799	31.070	31.623	32.867	142.003	296.436
	OT	26.361	29.252	27.480	27.913	28.118	28.268	28.735	29.231	30.338	30.975	31.958	141.031	292.268
Discretionary	BA	28.740	28.998	26.663	27.292	27.489	27.487	28.230	28.942	29.783	30.254	31.487	137.929	286.625
	OT	26.358	28.660	26.788	27.121	27.312	27.432	27.826	28.379	29.118	29.703	30.675	137.313	283.014
Mandatory	BA	0.093	0.646	0.727	0.877	0.903	0.921	0.844	0.857	1.287	1.369	1.380	4.074	9.811
	OT	0.003	0.592	0.692	0.792	0.806	0.836	0.909	0.852	1.220	1.272	1.283	3.718	9.254
350 - Agriculture	BA	35.290	26.189	25.655	25.527	25.382	23.933	22.565	20.693	19.881	18.939	19.168	126.686	227.932
	OT	32.654	24.541	24.026	24.117	23.897	22.333	20.991	19.107	18.404	17.578	17.770	118.914	212.764
Discretionary	BA	4.791	4.879	5.238	5.199	5.343	5.496	5.642	5.787	5.935	6.027	6.275	26.155	55.821
	OT	4.669	4.806	5.115	5.158	5.277	5.420	5.566	5.708	5.858	5.959	6.172	25.776	55.039
Mandatory	BA	30.499	21.310	20.417	20.328	20.039	18.437	16.923	14.906	13.946	12.912	12.893	100.531	172.111
	OT	27.985	19.735	18.911	18.959	18.620	16.913	15.425	13.399	12.546	11.619	11.598	93.138	157.725

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
370 - Commerce and Housing Credit	BA	3.516	8.994	8.503	14.189	12.800	12.729	13.598	13.918	14.332	18.793	13.587	57.215	131.443
	OT	0.229	5.759	3.131	9.954	9.083	8.434	9.288	9.375	9.674	12.903	9.875	36.361	87.476
Discretionary	BA	1.363	-0.022	-0.181	-0.451	-0.572	-0.524	0.334	0.597	1.041	5.490	0.285	-1.750	5.997
	OT	2.008	0.229	-0.221	-0.553	-0.745	-0.736	0.259	0.359	0.678	4.041	1.085	-2.026	4.396
Mandatory	BA	2.153	9.016	8.684	14.640	13.372	13.253	13.264	13.321	13.291	13.303	13.302	58.965	125.446
	OT	-1.779	5.530	3.352	10.507	9.828	9.170	9.029	9.016	8.996	8.862	8.790	38.387	83.080
370 on-budget	**BA**	**2.516**	**7.694**	**8.603**	**12.889**	**12.800**	**12.729**	**13.598**	**13.918**	**14.332**	**18.793**	**13.587**	**54.715**	**128.943**
	OT	**-0.771**	**4.459**	**3.231**	**8.654**	**9.083**	**8.434**	**9.288**	**9.375**	**9.674**	**12.903**	**9.875**	**33.861**	**84.976**
Discretionary	**BA**	**1.363**	**-0.022**	**-0.181**	**-0.451**	**-0.572**	**-0.524**	**0.334**	**0.597**	**1.041**	**5.490**	**0.285**	**-1.750**	**5.997**
	OT	**2.008**	**0.229**	**-0.221**	**-0.553**	**-0.745**	**-0.736**	**0.259**	**0.359**	**0.678**	**4.041**	**1.085**	**-2.026**	**4.396**
Mandatory	**BA**	**1.153**	**7.716**	**8.784**	**13.340**	**13.372**	**13.253**	**13.264**	**13.321**	**13.291**	**13.303**	**13.302**	**56.465**	**122.946**
	OT	**-2.779**	**4.230**	**3.452**	**9.207**	**9.828**	**9.170**	**9.029**	**9.016**	**8.996**	**8.862**	**8.790**	**35.887**	**80.580**
400 - Transportation	BA	62.130	62.156	64.751	66.248	67.741	69.347	70.953	72.578	74.248	75.759	77.835	330.243	701.616
	OT	51.681	56.082	58.952	60.797	62.549	64.303	65.535	67.008	68.664	69.976	71.900	302.683	645.766
Discretionary	BA	18.964	17.089	17.135	17.619	18.069	18.594	19.094	19.581	20.084	20.395	21.240	88.506	188.900
	OT	49.680	54.338	56.868	58.741	60.531	62.341	63.594	65.000	66.629	67.994	69.861	292.819	625.897
Mandatory	BA	43.166	45.067	47.616	48.629	49.672	50.753	51.859	52.997	54.164	55.364	56.595	241.737	512.716
	OT	2.001	1.744	2.084	2.056	2.018	1.962	1.941	2.008	2.035	1.982	2.039	9.864	19.869
450 - Community and Regional Development	BA	11.225	11.228	10.318	10.567	10.920	11.243	11.545	11.844	12.146	12.338	12.844	54.276	114.993
	OT	11.366	11.560	11.088	10.780	10.408	10.179	10.325	10.507	10.783	11.048	11.345	54.015	108.023
Discretionary	BA	11.577	11.197	10.360	10.587	10.882	11.202	11.504	11.801	12.101	12.292	12.796	54.228	114.722
	OT	12.048	11.878	11.640	11.343	11.091	10.937	11.096	11.292	11.585	11.869	12.181	56.889	114.912
Mandatory	BA	-0.352	0.031	-0.042	-0.020	0.038	0.041	0.041	0.043	0.045	0.046	0.048	0.048	0.271
	OT	-0.682	-0.318	-0.552	-0.563	-0.683	-0.758	-0.771	-0.785	-0.802	-0.821	-0.836	-2.874	-6.889
500 - Education, Training, Employment, and Social Services	BA	76.886	111.857	98.870	105.875	113.361	120.752	127.924	134.409	143.285	149.583	159.533	550.715	1265.449
	OT	69.790	79.353	94.064	100.270	107.509	115.992	123.602	130.230	140.009	146.697	156.324	497.188	1194.050
Discretionary	BA	61.189	74.921	66.234	68.252	70.189	72.286	74.240	76.365	78.329	79.577	82.864	351.882	743.257
	OT	54.012	61.111	65.955	66.648	68.284	70.285	72.330	74.210	76.390	78.042	80.219	332.283	713.474
Mandatory	BA	15.697	36.936	32.636	37.623	43.172	48.466	53.684	58.044	64.956	70.006	76.669	198.833	522.192
	OT	15.778	18.242	28.109	33.622	39.225	45.707	51.272	56.020	63.619	68.655	76.105	164.905	480.576
550 - Health	BA	182.604	216.052	242.906	260.309	257.859	271.154	291.758	312.905	335.471	360.544	389.308	1248.280	2938.266
	OT	175.512	213.242	239.126	258.514	255.591	269.004	289.047	310.457	333.359	358.901	387.174	1235.477	2914.415
Discretionary	BA	38.771	46.131	50.108	52.296	54.286	56.410	58.292	60.176	62.156	63.738	66.599	259.231	570.192
	OT	33.770	43.242	46.160	50.012	52.333	54.475	56.565	58.496	60.470	62.331	64.472	246.222	548.556
Mandatory	BA	143.833	169.921	192.798	208.013	203.573	214.744	233.466	252.729	273.315	296.806	322.709	989.049	2368.074
	OT	141.742	170.000	192.966	208.502	203.258	214.529	232.482	251.961	272.889	296.570	322.702	989.255	2365.859

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
570 - Medicare	BA	217.531	229.128	243.946	260.240	291.770	309.921	336.143	362.842	391.122	423.445	459.396	1335.005	3307.953
	OT	217.708	229.075	243.718	260.446	291.696	309.660	336.366	362.744	390.848	423.698	459.390	1334.595	3307.641
Discretionary	BA	3.357	3.449	3.448	3.545	3.645	3.752	3.852	3.952	4.052	4.116	4.286	17.839	38.097
	OT	3.269	3.416	3.451	3.512	3.609	3.714	3.813	3.910	4.007	4.076	4.233	17.702	37.741
Mandatory	BA	214.174	225.679	240.498	256.695	288.125	306.169	332.291	358.890	387.070	419.329	455.110	1317.166	3269.856
	OT	214.439	225.659	240.267	256.934	288.087	305.946	332.553	358.834	386.841	419.622	455.157	1316.893	3269.900
600 - Income Security	BA	255.942	278.801	281.124	292.431	307.066	314.915	322.128	336.555	348.003	358.590	370.342	1474.337	3209.955
	OT	256.932	274.943	281.660	291.586	305.698	313.407	320.620	335.198	346.343	356.942	368.149	1467.294	3194.546
Discretionary	BA	39.454	46.306	44.471	46.187	47.955	49.435	50.846	52.244	53.768	55.088	57.212	234.354	503.512
	OT	43.974	49.349	47.234	47.546	48.515	49.668	51.006	52.455	53.740	54.925	56.522	242.312	510.960
Mandatory	BA	216.488	232.495	236.653	246.244	259.111	265.480	271.282	284.311	294.235	303.502	313.130	1239.983	2706.443
	OT	212.958	225.594	234.426	244.040	257.183	263.739	269.614	282.743	292.603	302.017	311.627	1224.982	2683.586
650 - Social Security	BA	435.181	457.247	479.657	503.759	529.173	555.826	584.078	614.734	649.513	686.200	725.476	2525.662	5785.663
	OT	433.121	455.011	477.255	501.544	526.861	553.421	581.478	611.748	646.257	683.437	722.812	2514.092	5759.824
Discretionary	BA	3.448	3.520	3.518	3.619	3.719	3.829	3.930	4.033	4.135	4.201	4.373	18.205	38.877
	OT	3.388	3.474	3.497	3.574	3.667	3.774	3.875	3.977	4.079	4.148	4.309	17.986	38.374
Mandatory	BA	431.733	453.727	476.139	500.140	525.454	551.997	580.148	610.701	645.378	681.999	721.103	2507.457	5746.786
	OT	429.733	451.537	473.758	497.970	523.194	549.647	577.603	607.771	642.178	679.289	718.503	2496.106	5721.450
650 on-budget	**BA**	**9.805**	**10.865**	**11.315**	**11.852**	**12.387**	**13.038**	**13.739**	**14.750**	**15.927**	**17.289**	**18.799**	**59.457**	**139.961**
	OT	**9.805**	**10.864**	**11.315**	**11.852**	**12.387**	**13.038**	**13.739**	**14.750**	**15.927**	**17.289**	**18.799**	**59.456**	**139.960**
Discretionary	**BA**	**0.017**	**0.019**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.099**	**0.211**
	OT	**0.017**	**0.018**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.098**	**0.210**
Mandatory	**BA**	**9.788**	**10.846**	**11.296**	**11.832**	**12.367**	**13.017**	**13.718**	**14.728**	**15.905**	**17.266**	**18.775**	**59.358**	**139.750**
	OT	**9.788**	**10.846**	**11.296**	**11.832**	**12.367**	**13.017**	**13.718**	**14.728**	**15.905**	**17.266**	**18.775**	**59.358**	**139.750**
700 - Veterans Benefits and Services	BA	46.675	53.789	54.088	56.024	60.007	59.395	58.637	62.418	63.767	65.075	67.366	283.303	600.566
	OT	45.926	53.060	53.771	55.641	59.567	58.929	58.180	62.020	63.396	64.736	66.931	280.968	596.231
Discretionary	BA	22.512	26.150	25.165	25.842	26.518	27.259	27.952	28.637	29.324	29.660	30.935	130.934	277.442
	OT	22.062	25.688	25.120	25.655	26.297	27.015	27.693	28.360	29.042	29.408	30.590	129.775	274.868
Mandatory	BA	24.163	27.639	28.923	30.182	33.489	32.136	30.685	33.781	34.443	35.415	36.431	152.369	323.124
	OT	23.864	27.372	28.651	29.986	33.270	31.914	30.487	33.660	34.354	35.328	36.341	151.193	321.363
750 - Administration of Justice	BA	30.577	32.370	31.899	33.592	34.629	35.651	36.609	37.563	38.539	39.189	40.767	168.141	360.808
	OT	30.003	31.828	32.116	34.056	34.688	35.279	36.119	37.116	38.090	38.842	40.204	167.967	358.338
Discretionary	BA	29.987	31.226	31.563	31.442	32.340	33.315	34.225	35.129	36.051	36.645	38.163	159.886	340.099
	OT	29.335	31.030	31.478	31.780	32.386	33.077	33.864	34.808	35.732	36.424	37.725	159.751	338.304
Mandatory	BA	0.590	1.144	0.336	2.150	2.289	2.336	2.384	2.434	2.488	2.544	2.604	8.255	20.709
	OT	0.668	0.798	0.638	2.276	2.302	2.202	2.255	2.308	2.358	2.418	2.479	8.216	20.034

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
800 - General Government	BA	16.307	16.671	16.313	16.680	17.035	17.492	17.921	17.981	18.426	18.706	19.430	84.191	176.655
	OT	16.065	16.326	16.263	16.627	16.726	17.100	17.504	17.691	17.995	18.285	18.911	83.042	173.428
Discretionary	BA	14.028	14.797	14.753	15.197	15.559	16.014	16.438	16.866	17.298	17.574	18.290	76.320	162.786
	OT	13.795	14.463	14.709	14.969	15.286	15.665	16.046	16.447	16.871	17.175	17.794	75.092	159.425
Mandatory	BA	2.279	1.874	1.560	1.483	1.476	1.478	1.483	1.115	1.128	1.132	1.140	7.871	13.869
	OT	2.270	1.863	1.554	1.658	1.440	1.435	1.458	1.244	1.124	1.110	1.117	7.950	14.003
900 - Net Interest	BA	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
	OT	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
	OT	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
900 on-budget	**BA**	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
	OT	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
	OT	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
920 - Allowances	BA	80.528	-6.056	0.399	0.180	-0.176	-0.561	-0.945	-1.438	-1.875	-2.472	-2.965	-6.214	-15.909
	OT	80.697	-8.600	-0.821	-0.972	-0.624	-0.814	-1.221	-1.673	-2.193	-2.808	-3.388	-11.831	-23.114
Discretionary	BA	-0.472	-5.376	0.399	0.180	-0.176	-0.561	-0.945	-1.438	-1.875	-2.472	-2.965	-5.534	-15.229
	OT	-0.303	-7.920	-0.821	-0.972	-0.624	-0.814	-1.221	-1.673	-2.193	-2.808	-3.388	-11.151	-22.434
Mandatory	BA	81.000	-0.680	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	-0.680	-0.680
	OT	81.000	-0.680	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	-0.680	-0.680
950 - Undistributed Offsetting Receipts	BA	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
	OT	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
	OT	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
950 on-budget	**BA**	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**
	OT	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**
	OT	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
Total	BA	1999.071	2051.127	2083.837	2160.372	2245.076	2309.659	2397.848	2494.731	2595.204	2699.859	2815.397	10850.072	23853.110
	OT	1948.629	1979.210	2046.077	2123.297	2209.414	2270.710	2355.346	2454.495	2555.608	2661.707	2776.016	10628.709	23431.880
Discretionary a/	BA	635.434	688.397	681.319	699.582	718.949	739.098	760.320	781.843	803.543	825.797	849.094	3527.345	7547.942
	OT	645.308	698.629	710.759	727.602	750.327	768.081	786.934	811.650	834.470	857.984	880.469	3655.398	7826.905
Mandatory	BA	1363.637	1362.730	1402.518	1460.790	1526.127	1570.561	1637.528	1712.888	1791.661	1874.062	1966.303	7322.727	16305.168
	OT	1303.321	1280.581	1335.318	1395.695	1459.087	1502.629	1568.412	1642.845	1721.138	1803.723	1895.547	6973.311	15604.975
Total on-budget	**BA**	**1649.078**	**1687.350**	**1708.118**	**1770.170**	**1843.352**	**1895.312**	**1970.680**	**2054.006**	**2138.019**	**2225.603**	**2322.897**	**8904.303**	**19615.507**
	OT	**1600.696**	**1617.668**	**1672.760**	**1735.310**	**1810.002**	**1858.768**	**1930.778**	**2016.756**	**2101.679**	**2190.214**	**2286.180**	**8694.509**	**19220.115**
Discretionary	**BA**	**632.003**	**684.896**	**677.820**	**695.983**	**715.250**	**735.290**	**756.411**	**777.832**	**799.430**	**821.619**	**844.745**	**3509.239**	**7509.276**
	OT	**641.937**	**695.173**	**707.281**	**724.048**	**746.680**	**764.328**	**783.080**	**807.695**	**830.413**	**853.859**	**876.184**	**3637.510**	**7788.741**
Mandatory	**BA**	**1017.075**	**1002.454**	**1030.298**	**1074.187**	**1128.102**	**1160.022**	**1214.269**	**1276.174**	**1338.589**	**1403.984**	**1478.152**	**5395.064**	**12106.231**
	OT	**958.759**	**922.495**	**965.479**	**1011.262**	**1063.322**	**1094.440**	**1147.698**	**1209.061**	**1271.266**	**1336.355**	**1409.996**	**5056.999**	**11431.374**
Revenues		2134.399	2177.131	2283.552	2380.422	2473.967	2564.678	2675.782	2807.658	2953.339	3102.648	3279.146	11879.750	26698.323
Revenues on-budget		**1630.290**	**1644.823**	**1722.614**	**1791.748**	**1853.907**	**1915.457**	**1995.847**	**2095.204**	**2206.900**	**2320.619**	**2459.961**	**8928.549**	**20007.080**
Surplus		185.770	197.921	237.475	257.125	264.553	293.968	320.436	353.163	397.731	440.941	503.130	1251.041	3266.443
	On-budget	29.594	27.155	49.854	56.438	43.905	56.689	65.069	78.448	105.221	130.405	173.781	234.040	786.965
	Off-budget	156.176	170.766	187.621	200.687	220.648	237.279	255.367	274.715	292.510	310.536	329.349	1017.001	2479.478

a/ Discretionary spending in this summary reflects the levels that will apply once new discretionary limits are enacted.

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
050 - National Defense	BA	316.873	324.832	333.646	342.294	350.876	359.807	369.023	378.505	388.323	398.338	408.821	1711.455	3654.465
	OT	302.371	319.137	326.643	335.184	347.073	353.482	359.774	372.416	382.242	392.227	402.579	1681.519	3590.758
Discretionary	BA	317.596	325.070	333.707	342.418	351.006	359.950	369.231	378.695	388.520	398.516	409.005	1712.151	3656.118
	OT	303.098	319.398	326.712	335.314	347.208	353.630	359.987	372.612	382.446	392.412	402.770	1682.262	3592.490
Mandatory	BA	-0.723	-0.238	-0.061	-0.124	-0.130	-0.143	-0.208	-0.190	-0.197	-0.178	-0.184	-0.696	-1.653
	OT	-0.727	-0.261	-0.069	-0.130	-0.135	-0.148	-0.213	-0.196	-0.204	-0.185	-0.191	-0.743	-1.732
150 - International Affairs	BA	22.424	23.214	23.750	24.214	24.911	25.504	26.107	26.482	26.937	27.458	28.065	121.593	256.642
	OT	19.670	19.082	19.554	20.164	20.431	20.900	21.494	22.031	22.650	23.235	23.766	100.131	213.307
Discretionary	BA	22.641	23.206	23.712	24.223	24.730	25.264	25.797	26.330	26.892	27.463	28.070	121.135	255.687
	OT	23.259	22.727	23.226	23.722	23.916	24.384	24.915	25.415	25.958	26.490	27.057	117.975	247.810
Mandatory	BA	-0.217	0.008	0.038	-0.009	0.181	0.240	0.310	0.152	0.045	-0.005	-0.005	0.458	0.955
	OT	-3.589	-3.645	-3.672	-3.558	-3.485	-3.484	-3.421	-3.384	-3.308	-3.255	-3.291	-17.844	-34.503
250 - General Science, Space and Technology	BA	21.043	21.583	22.055	22.379	22.839	23.323	23.812	24.303	24.816	25.335	25.879	112.179	236.324
	OT	19.612	20.725	21.361	21.945	22.429	22.847	23.280	23.743	24.239	24.749	25.274	109.307	230.592
Discretionary	BA	20.901	21.420	21.876	22.342	22.801	23.284	23.772	24.263	24.775	25.293	25.836	111.723	235.662
	OT	19.562	20.650	21.248	21.801	22.268	22.740	23.221	23.704	24.199	24.708	25.233	108.707	229.772
Mandatory	BA	0.142	0.163	0.179	0.037	0.038	0.039	0.040	0.040	0.041	0.042	0.043	0.456	0.662
	OT	0.050	0.075	0.113	0.144	0.161	0.107	0.059	0.039	0.040	0.041	0.041	0.600	0.820
270 - Energy	BA	1.225	1.360	1.328	1.309	1.254	1.336	1.411	1.882	1.998	2.021	1.990	6.587	15.889
	OT	-0.115	-0.019	-0.072	-0.120	-0.091	-0.003	0.071	0.440	0.579	0.703	0.691	-0.305	2.179
Discretionary	BA	3.132	3.308	3.298	3.370	3.439	3.516	3.592	3.671	3.753	3.835	3.919	16.931	35.701
	OT	3.104	3.141	3.225	3.343	3.421	3.479	3.554	3.631	3.711	3.794	3.872	16.609	35.171
Mandatory	BA	-1.907	-1.948	-1.970	-2.061	-2.185	-2.180	-2.181	-1.789	-1.755	-1.814	-1.929	-10.344	-19.812
	OT	-3.219	-3.160	-3.297	-3.463	-3.512	-3.482	-3.483	-3.191	-3.132	-3.091	-3.181	-16.914	-32.992
300 - Natural Resources and Environment	BA	28.833	30.381	31.263	32.249	33.091	33.965	34.767	35.691	37.064	38.111	39.137	160.949	345.719
	OT	26.361	28.652	30.368	31.506	32.365	33.281	34.126	34.903	36.194	37.190	38.190	156.172	336.775
Discretionary	BA	28.740	29.735	30.536	31.372	32.188	33.044	33.923	34.834	35.777	36.742	37.757	156.875	335.908
	OT	26.358	28.060	29.676	30.714	31.559	32.445	33.217	34.051	34.974	35.918	36.907	152.454	327.521
Mandatory	BA	0.093	0.646	0.727	0.877	0.903	0.921	0.844	0.857	1.287	1.369	1.380	4.074	9.811
	OT	0.003	0.592	0.692	0.792	0.806	0.836	0.909	0.852	1.220	1.272	1.283	3.718	9.254
350 - Agriculture	BA	31.790	26.265	26.507	26.562	26.406	25.452	24.083	22.723	21.921	21.553	21.703	131.192	243.175
	OT	29.154	24.593	24.924	25.120	24.915	23.853	22.509	21.134	20.441	20.174	20.319	123.405	227.982
Discretionary	BA	4.791	4.955	5.090	5.234	5.367	5.515	5.660	5.817	5.975	6.141	6.310	26.161	56.064
	OT	4.669	4.858	5.013	5.161	5.295	5.440	5.584	5.735	5.895	6.055	6.221	25.767	55.257
Mandatory	BA	26.999	21.310	21.417	21.328	21.039	19.937	18.423	16.906	15.946	15.412	15.393	105.031	187.111
	OT	24.485	19.735	19.911	19.959	19.620	18.413	16.925	15.399	14.546	14.119	14.098	97.638	172.725
370 - Commerce and Housing Credit	BA	3.516	11.474	11.294	17.342	16.163	16.138	16.245	16.404	16.479	16.597	16.714	72.411	154.850
	OT	0.229	7.887	5.852	13.033	12.387	11.790	12.061	11.894	11.934	11.889	11.915	50.949	110.642
Discretionary	BA	1.363	2.525	2.610	2.702	2.791	2.885	2.981	3.083	3.188	3.294	3.412	13.513	29.471
	OT	2.008	2.357	2.500	2.526	2.559	2.620	3.032	2.878	2.938	3.027	3.125	12.562	27.562
Mandatory	BA	2.153	8.949	8.684	14.640	13.372	13.253	13.264	13.321	13.291	13.303	13.302	58.898	125.379

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
	OT	-1.779	5.530	3.352	10.507	9.828	9.170	9.029	9.016	8.996	8.862	8.790	38.387	83.080
370 on-budget	**BA**	**2.516**	**10.174**	**11.394**	**16.042**	**16.163**	**16.138**	**16.245**	**16.404**	**16.479**	**16.597**	**16.714**	**69.911**	**152.350**
	OT	**-0.771**	**6.587**	**5.952**	**11.733**	**12.387**	**11.790**	**12.061**	**11.894**	**11.934**	**11.889**	**11.915**	**48.449**	**108.142**
Discretionary	**BA**	**1.363**	**2.525**	**2.610**	**2.702**	**2.791**	**2.885**	**2.981**	**3.083**	**3.188**	**3.294**	**3.412**	**13.513**	**29.471**
	OT	**2.008**	**2.357**	**2.500**	**2.526**	**2.559**	**2.620**	**3.032**	**2.878**	**2.938**	**3.027**	**3.125**	**12.562**	**27.562**
Mandatory	**BA**	**1.153**	**7.649**	**8.784**	**13.340**	**13.372**	**13.253**	**13.264**	**13.321**	**13.291**	**13.303**	**13.302**	**56.398**	**122.879**
	OT	**-2.779**	**4.230**	**3.452**	**9.207**	**9.828**	**9.170**	**9.029**	**9.016**	**8.996**	**8.862**	**8.790**	**35.887**	**80.580**
400 - Transportation	BA	62.130	64.965	62.392	64.154	65.907	67.794	69.637	71.490	73.377	76.412	78.652	325.212	694.780
	OT	51.681	56.167	60.521	62.662	64.225	65.702	66.577	67.775	69.221	70.588	72.183	309.277	655.621
Discretionary	BA	18.964	19.652	20.215	20.797	21.364	21.961	22.577	23.217	23.874	24.551	25.257	103.989	223.465
	OT	49.680	54.423	58.437	60.606	62.207	63.740	64.636	65.767	67.186	68.606	70.144	299.413	635.752
Mandatory	BA	43.166	45.313	42.177	43.357	44.543	45.833	47.060	48.273	49.503	51.861	53.395	221.223	471.315
	OT	2.001	1.744	2.084	2.056	2.018	1.962	1.941	2.008	2.035	1.982	2.039	9.864	19.869
450 - Community and Regional Development	BA	11.225	11.892	12.067	12.350	12.664	12.933	13.198	13.476	13.759	14.048	14.340	61.906	130.727
	OT	11.366	11.730	11.731	11.967	11.913	11.936	12.181	12.444	12.696	12.962	13.233	59.277	122.793
Discretionary	BA	11.577	11.861	12.109	12.370	12.626	12.892	13.157	13.433	13.714	14.002	14.292	61.858	130.456
	OT	12.048	12.048	12.230	12.380	12.400	12.451	12.707	12.979	13.243	13.522	13.808	61.509	127.768
Mandatory	BA	-0.352	0.031	-0.042	-0.020	0.038	0.041	0.041	0.043	0.045	0.046	0.048	0.048	0.271
	OT	-0.682	-0.318	-0.499	-0.413	-0.487	-0.515	-0.526	-0.535	-0.547	-0.560	-0.575	-2.232	-4.975
500 - Education, Training, Employment, and Social Services	BA	76.951	81.234	82.805	84.386	87.122	89.233	91.327	93.501	95.780	98.113	100.517	424.780	904.018
	OT	69.850	76.742	81.479	83.574	85.819	87.924	89.955	92.115	94.341	96.654	99.017	415.538	887.620
Discretionary	BA	61.189	64.377	65.734	67.063	68.375	69.747	71.133	72.537	73.979	75.442	76.963	335.296	705.350
	OT	54.012	60.140	64.780	66.472	67.774	69.067	70.458	71.865	73.277	74.734	76.227	328.233	694.794
Mandatory	BA	15.762	16.857	17.071	17.323	18.747	19.486	20.194	20.964	21.801	22.671	23.554	89.484	198.668
	OT	15.838	16.602	16.699	17.102	18.045	18.857	19.497	20.250	21.064	21.920	22.790	87.305	192.826
550 - Health	BA	180.104	198.775	221.150	235.474	242.661	259.125	278.882	299.116	320.791	345.380	372.407	1157.185	2773.761
	OT	173.012	196.668	219.770	234.672	241.084	257.594	276.575	297.091	319.017	343.729	370.945	1149.788	2757.145
Discretionary	BA	38.771	39.827	40.725	41.634	42.536	43.479	44.439	45.412	46.426	47.449	48.523	208.201	440.450
	OT	33.770	37.688	39.238	40.409	41.345	42.229	43.167	44.119	45.098	46.098	47.128	200.909	426.519
Mandatory	BA	141.333	158.948	180.425	193.840	200.125	215.646	234.443	253.704	274.365	297.931	323.884	948.984	2333.311
	OT	139.242	158.980	180.532	194.263	199.739	215.365	233.408	252.972	273.919	297.631	323.817	948.879	2330.626

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
570 - Medicare	BA	217.531	229.179	244.838	271.378	306.158	326.564	363.686	393.686	424.278	458.957	497.379	1378.117	3516.103
	OT	217.708	229.121	244.596	271.579	306.079	326.298	363.901	393.578	423.993	459.194	497.366	1377.673	3515.705
Discretionary	BA	3.357	3.500	3.640	3.783	3.933	4.095	4.275	4.476	4.688	4.908	5.149	18.951	42.447
	OT	3.269	3.462	3.629	3.745	3.892	4.052	4.228	4.424	4.632	4.852	5.089	18.780	42.005
Mandatory	BA	214.174	225.679	241.198	267.595	302.225	322.469	359.411	389.210	419.590	454.049	492.230	1359.166	3473.656
	OT	214.439	225.659	240.967	267.834	302.187	322.246	359.673	389.154	419.361	454.342	492.277	1358.893	3473.700
600 - Income Security	BA	255.942	273.840	283.864	295.030	309.192	316.761	324.056	338.278	349.561	360.308	371.593	1478.687	3222.483
	OT	256.932	272.122	282.611	293.420	307.667	315.312	322.627	336.950	347.987	358.600	369.419	1471.132	3206.715
Discretionary	BA	39.454	44.845	46.511	47.886	49.081	50.281	51.474	52.667	54.026	55.506	57.163	238.604	509.440
	OT	43.974	45.828	47.485	48.480	49.484	50.573	51.713	52.907	54.084	55.283	56.492	241.850	512.329
Mandatory	BA	216.488	228.995	237.353	247.144	260.111	266.480	272.582	285.611	295.535	304.802	314.430	1240.083	2713.043
	OT	212.958	226.294	235.126	244.940	258.183	264.739	270.914	284.043	293.903	303.317	312.927	1229.282	2694.386
650 - Social Security	BA	435.181	457.324	479.853	503.978	529.413	556.082	584.363	615.054	649.872	686.642	725.901	2526.650	5788.482
	OT	433.121	455.079	477.432	501.752	527.095	553.672	581.756	612.060	646.606	683.864	723.230	2515.030	5762.546
Discretionary	BA	3.448	3.597	3.714	3.838	3.959	4.085	4.215	4.353	4.494	4.643	4.798	19.193	41.696
	OT	3.388	3.542	3.674	3.782	3.901	4.025	4.153	4.289	4.428	4.575	4.727	18.924	41.096
Mandatory	BA	431.733	453.727	476.139	500.140	525.454	551.997	580.148	610.701	645.378	681.999	721.103	2507.457	5746.786
	OT	429.733	451.537	473.758	497.970	523.194	549.647	577.603	607.771	642.178	679.289	718.503	2496.106	5721.450
650 on-budget	**BA**	**9.805**	**11.004**	**11.733**	**12.496**	**13.308**	**14.207**	**15.168**	**16.241**	**17.483**	**18.878**	**20.388**	**62.748**	**150.906**
	OT	**9.805**	**11.003**	**11.733**	**12.496**	**13.308**	**14.207**	**15.168**	**16.241**	**17.483**	**18.878**	**20.388**	**62.747**	**150.905**
Discretionary	**BA**	**0.017**	**0.018**	**0.019**	**0.019**	**0.020**	**0.021**	**0.021**	**0.022**	**0.023**	**0.024**	**0.025**	**0.097**	**0.212**
	OT	**0.017**	**0.017**	**0.019**	**0.019**	**0.020**	**0.021**	**0.021**	**0.022**	**0.023**	**0.024**	**0.025**	**0.096**	**0.211**
Mandatory	**BA**	**9.788**	**10.986**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
	OT	**9.788**	**10.986**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
700 - Veterans Benefits and Services	BA	46.675	51.512	53.801	56.161	60.317	59.863	59.345	63.407	64.981	66.973	69.063	281.654	605.423
	OT	45.926	50.921	53.408	55.744	59.847	59.368	58.853	62.971	64.570	66.555	68.632	279.288	600.869
Discretionary	BA	22.512	23.466	24.215	25.015	25.788	26.597	27.441	28.328	29.233	30.175	31.166	125.081	271.424
	OT	22.062	23.176	24.123	24.818	25.557	26.340	27.160	28.023	28.919	29.851	30.830	124.014	268.797
Mandatory	BA	24.163	28.046	29.586	31.146	34.529	33.266	31.904	35.079	35.748	36.798	37.897	156.573	333.999
	OT	23.864	27.745	29.285	30.926	34.290	33.028	31.693	34.948	35.651	36.704	37.802	155.274	332.072
750 - Administration of Justice	BA	30.577	32.431	32.545	35.330	36.420	37.466	38.543	39.665	40.822	42.021	43.284	174.192	378.527
	OT	30.003	31.436	32.809	35.543	36.347	37.036	38.013	39.152	40.292	41.483	42.728	173.171	374.839
Discretionary	BA	29.987	31.287	32.209	33.180	34.131	35.130	36.159	37.231	38.334	39.477	40.680	165.937	357.818
	OT	29.335	30.638	32.171	33.267	34.045	34.834	35.758	36.844	37.934	39.065	40.249	164.955	354.805
Mandatory	BA	0.590	1.144	0.336	2.150	2.289	2.336	2.384	2.434	2.488	2.544	2.604	8.255	20.709
	OT	0.668	0.798	0.638	2.276	2.302	2.202	2.255	2.308	2.358	2.418	2.479	8.216	20.034
800 - General Government	BA	16.307	16.496	16.651	17.082	17.560	18.068	18.609	18.791	19.377	19.968	20.599	85.857	183.201
	OT	16.065	16.193	16.493	16.978	17.201	17.641	18.144	18.445	18.882	19.437	20.048	84.506	179.462
Discretionary	BA	14.028	14.622	15.091	15.599	16.084	16.590	17.126	17.676	18.249	18.836	19.459	77.986	169.332
	OT	13.795	14.330	14.939	15.320	15.761	16.206	16.686	17.201	17.758	18.327	18.931	76.556	165.459
Mandatory	BA	2.279	1.874	1.560	1.483	1.476	1.478	1.483	1.115	1.128	1.132	1.140	7.871	13.869
	OT	2.270	1.863	1.554	1.658	1.440	1.435	1.458	1.244	1.124	1.110	1.117	7.950	14.003

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
900 - Net Interest	BA	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
	OT	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
	OT	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
900 on-budget	**BA**	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
	OT	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
	OT	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
920 - Allowances	BA	84.528	-5.953	-6.115	-6.268	-6.423	-6.580	-6.744	-6.908	-7.079	-7.251	-7.429	-31.340	-66.750
	OT	84.697	-3.690	-5.222	-5.912	-6.263	-6.503	-6.665	-6.828	-6.994	-7.165	-7.340	-27.589	-62.581
Discretionary	BA	-0.472	-5.953	-6.115	-6.268	-6.423	-6.580	-6.744	-6.908	-7.079	-7.251	-7.429	-31.340	-66.750
	OT	-0.303	-3.690	-5.222	-5.912	-6.263	-6.503	-6.665	-6.828	-6.994	-7.165	-7.340	-27.589	-62.581
Mandatory	BA	85.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	85.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 - Undistributed Offsetting Receipts	BA	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
	OT	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
	OT	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
950 on-budget	**BA**	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**
	OT	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**
	OT	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
Total	BA	2003.674	1990.203	2049.949	2129.714	2221.841	2286.679	2378.718	2472.687	2566.898	2668.427	2777.954	10678.386	23543.071
	OT	1948.462	1951.945	2020.513	2103.122	2195.832	2255.976	2343.601	2439.456	2532.731	2633.511	2741.534	10527.388	23218.221
Discretionary a/	BA	641.979	661.300	678.877	696.558	713.777	731.734	750.208	769.114	788.819	809.022	830.330	3482.246	7429.739
	OT	647.088	682.776	707.084	725.949	746.329	761.752	777.511	799.616	819.686	840.153	861.470	3623.890	7722.326
Mandatory	BA	1361.695	1328.903	1371.072	1433.157	1508.064	1554.945	1628.510	1703.573	1778.080	1859.405	1947.624	7196.140	16113.332
	OT	1301.374	1269.169	1313.429	1377.174	1449.503	1494.224	1566.089	1639.840	1713.045	1793.359	1880.064	6903.498	15495.895
Total on-budget	**BA**	**1653.681**	**1626.488**	**1674.452**	**1739.937**	**1820.798**	**1873.245**	**1952.694**	**2033.133**	**2110.910**	**2195.318**	**2286.618**	**8734.920**	**19313.594**
	OT	**1600.529**	**1590.474**	**1647.437**	**1715.571**	**1797.107**	**1844.952**	**1920.184**	**2002.896**	**2080.009**	**2163.180**	**2252.869**	**8595.541**	**19014.679**
Discretionary	**BA**	**638.548**	**657.721**	**675.182**	**692.739**	**709.838**	**727.670**	**746.014**	**764.783**	**784.348**	**804.403**	**825.557**	**3463.150**	**7388.255**
	OT	**643.717**	**679.251**	**703.429**	**722.186**	**742.448**	**757.748**	**773.379**	**795.349**	**815.281**	**835.602**	**856.768**	**3605.062**	**7681.441**
Mandatory	**BA**	**1015.133**	**968.767**	**999.270**	**1047.199**	**1110.960**	**1145.575**	**1206.680**	**1268.350**	**1326.563**	**1390.915**	**1461.061**	**5271.770**	**11925.339**
	OT	**956.812**	**911.223**	**944.008**	**993.386**	**1054.659**	**1087.204**	**1146.804**	**1207.547**	**1264.728**	**1327.579**	**1396.101**	**4990.479**	**11333.238**
Revenues		2134.571	2170.510	2266.982	2368.984	2472.706	2550.525	2674.609	2802.180	2940.393	3100.084	3255.735	11829.707	26602.708
Revenues on-budget		**1630.462**	**1638.202**	**1706.044**	**1780.310**	**1852.646**	**1901.304**	**1994.674**	**2089.726**	**2193.954**	**2318.055**	**2436.550**	**8878.506**	**19911.465**
Surplus		186.109	218.565	246.469	265.862	276.874	294.549	331.008	362.724	407.662	466.573	514.201	1302.319	3384.487
	On-budget	29.933	47.728	58.607	64.739	55.539	56.352	74.490	86.830	113.945	154.875	183.681	282.965	896.786
	Off-budget	156.176	170.837	187.862	201.123	221.335	238.197	256.518	275.894	293.717	311.698	330.520	1019.354	2487.701
Debt Held by the Public		3243.211	3037.867	2810.731	2563.647	2303.144	2022.464	1702.918	1349.973	947.307	878.000	818.000		
Accumulated Excess Cash		0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	392.678	843.560		

a/ Discretionary spending in this summary reflects the levels that will apply once new discretionary limits are enacted.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The Conference Agreement is built upon the economic forecasts developed by the Congressional Budget Office and presented in CBO's ''The Economic and Budget Outlook: Fiscal Years 2002–2011'' (January 2001).

House Resolution.—CBO's economic assumptions were used.

Senate Amendment.—CBO's economic assumptions were used.

Conference Agreement.—CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS
(By calendar years)

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	**2002-2011**
Percent change, year over year:												
Real GDP Growth	2.4	3.4	3.3	3.0	3.0	3.0	3.0	3.0	3.0	3.1	3.1	3.1
Consumer Price Index	2.8	2.8	2.7	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.6
GDP Price Index	2.3	2.1	2.0	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9
Percent, annual average:												
Unemployment Rate	4.4	4.5	4.5	4.7	4.8	4.9	5.0	5.1	5.2	5.2	5.2	4.9
Three-Month Treasury Bill Rate	4.8	4.9	5.0	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9
Ten-Year Treasury Note Rate	4.9	5.3	5.5	5.6	5.7	5.8	5.8	5.8	5.8	5.8	5.8	5.7

FUNCTIONS AND REVENUES

Pursuant to section 301(a)(3) of the Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the House resolution, the Senate amendment, and the Conference Agreement for each major budget function are discussed in the following section. The Conference Agreement provides aggregate discretionary spending in 2002 of $661.3 billion in budget authority (BA) and $682.8 billion in outlays.

These two aggregate numbers are allocated to the Appropriations Committees to be suballocated to their 13 individual appropriation subcommittees. For the purposes of presentation in this Conference Agreement, functional discretionary numbers are set at fiscal year 2002 Congressional Budget Office baseline estimates, and do not reflect any specific policy orientation except for the defense function, which assumes President Bush's budget authority request for fiscal year 2002. For years beyond 2002 this report assumes that the 2002 discretionary function levels grow by inflation.

The only specific discretionary policy decision inherent in this resolution is a $661.3 billion discretionary budget authority allocation. The Appropriations Committees are responsible for allocating this budget authority to their subcommittees to address specific policy priorities.

FUNCTION 050: NATIONAL DEFENSE

Major Programs in Function.—Under current law, spending for Function 050, National Defense, will total $310.3 billion in BA and $300.6 billion in outlays for 2001. This function includes funding for the Department of Defense (about 95 percent of the function), the defense activities of the Department of Energy (about 5 percent of the function), and other defense activities in other departments and agencies, including the Department of Transportation, the Department of Justice, the General Services Administration, and the Selective Service (less than 1% of the function).

House Resolution.—The resolution establishes levels of $324.6 billion in budget authority [BA] and $319.3 billion in outlays in fiscal year 2002, an increase of 4.6 percent in BA compared with fiscal year 2001. The function totals are $1.71 trillion in BA and $1.68 trillion in outlays over 5 years, and $3.68 trillion in BA and $3.61 trillion in outlays over 10 years. Funding in the resolution accommodates the President's proposal to increase military pay and other compensation by $1.4 billion in 2002. The resolution also assumes an additional $400 million to improve the quality of housing for military personnel and their families, and $3.9 billion for the first year of expanded health benefits for over-65 military retirees (Tricare for Life). In addition, the resolution accommodates the President's proposed $2.6-billion initiative ($20 billion over 5 years) to fund research and development of new technologies. The Department of Defense intends to apply this funding to create new capabilities to defend against projected future threats, following a comprehensive review by the Secretary of Defense to assess national security needs. To potentially augment the levels in this function, the resolution creates two reserve funds that could accommodate additional defense spending: one, in fiscal year 2001, to eliminate Department of Defense shortfalls; and a second, in fiscal year 2002, for possible legislation pursuant to the President's defense review. See also section 1218A.

Senate Amendment.—The Senate amendment provides $334.5 billion in BA and $326.8 billion in outlays in 2002, and $3.69 trillion in BA and $3.62 trillion in outlays over 2002–2011. These amounts include full funding for the President's request, which for 2002 constitutes a $14.3. billion increase in BA over 2001—a 4.6 percent nominal increase—and which in 2002 accommodates increases of $1.4 billion in BA for military personnel pay and retention, $0.4 billion for military housing, $2.6 billion for research and development for missile defense and ''transformation,'' and $3.9 billion for the Tricare for Life program enacted in the 106th Congress. The President's request also incorporated reductions below inflated baseline levels for the Department of Energy defense activities (subfunction 053) and other defense-related activities in subfunction 054, amounting to approximately $1 billion per year over 2002–2011.

The Senate amendment includes the President's proposal to make the Radiation Exposure Compensation Trust Fund a mandatory program and to delay payments to certain beneficiaries pending the scientific findings of a study by the National Institute of Occupational Safety and Health.

The Senate amendment also encompasses increases directed by certain amendments adopted by the Senate for 2002. These include an amendment adding $8.5 billion in BA and $6.5 billion in outlays to redress serious and pressing Defense Health Program shortfalls ($3.1 billion), unfunded Department of Energy non-proliferation and ''Stockpile Stewardship'' activities ($900 million), and readiness shortages ($4.5 billion). Another floor amendment added $1.0 billion in additional BA and $0.7 billion in outlays for the Department of Energy's Environmental Management program.

Conference Agreement.—For 2001, the Conferees adopted $316.9 billion in BA and $302.4 billion in outlays. This is an increase of $6.5 billion in BA over previously enacted—appropriations for 2001. For 2002, the Conferees adopted. $324.8 billion in BA and $319.1 billion in outlays. This is an increase of $14.5 billion above levels enacted to date for 2001. For 2002–2011, the Conference Agreement totals $3.65 trillion in BA and $3.59 trillion in outlays.

Regarding discretionary spending, the Conferees adopted the House amendment with certain understandings and alterations. Among the understandings, the primary ones are to redress shortfalls in the National Defense budget function for 2001 and 2002 regarding the Defense Health Program, readiness, and certain Department of Energy defense activities. The key alteration is a revised mechanism to accommodate the as yet unspecified additional funding needed for the results of the President's Defense Review to adjust U.S. national security strategy and defense programs to the requirements twenty-first century.

To redress shortfalls in 2001, the Conferees have revised the Section 302(a) allocation up to the level of the statutory cap for 2001 to accommodate a 2001 supplemental for the Department of Defense totaling $6.5 billion in BA and $1.8 billion in outlays. The Conferees assume and urge in the strongest possible terms that this budget authority be used, in the amounts specified, exclusively for urgent shortfalls in the Defense Health Program ($1.4 billion) and immediate readiness needs, including spare parts, training, depot and other maintenance, fuel and energy costs, and base operations ($5.1 billion).

For discretionary spending in 2002, the Conferees adopted $325.1 billion in BA and $319.4 billion in outlays. These totals match the President's request as scored by CBO, together with the outlays estimated by CBO from the 2001 supplemental allocation described above. In addition, the Conferees adopted reserve funds, described more fully in the discussion of Title II, to accommodate a Presidential budget amendment in response to the President's Defense Review.

The Conferees assume that, taken together, the National Defense budget as originally submitted by the President and the subsequent budget amendment will fully fund the ''transformation'' initiatives recommended by the President and the Secretary of Defense and all pre-existing priority national security programs in the Department of Defense and the Department of Energy. The Conferees are particularly concerned that the amended budget request fully address all shortfalls that have heretofore been identified for 2002, including those in the Defense Health Program (up to $3.1 billion), activities where readiness has in recent years fallen below optimal levels (totaling several billions of dollars), and essential national security programs in the Department of Energy, including Stockpile Stewardship ($800 million), non-proliferation activities ($100 million), and Environmental Management programs (up to $1 billion, which could occur in the fiscal year deemed most appropriate, 2001 or 2002). The Conferees agree that it is essential for the National Defense budget as amended, to fully fund each of these concerns respecting both shortfalls and ''transformation.''

Regarding mandatory spending, the Conferees adopted the Senate amendment concerning the Radiation Exposure Compensation Trust Fund, revised to reflect more recent CBO scoring. This updated scoring amounts to $172 million in 2002 and $655 million for 2002–2011 with an offsetting reduction of expenses in the Energy Occupation Illness Compensation fund that brings net costs to $146 million in 2002 and $440 million for 2002–2011.

FUNCTION 150: INTERNATIONAL AFFAIRS

Major Programs in Function.—Under current law, spending for Function 150, International Affairs, will total $22.4 billion in BA and $19.7 billion in outlays for 2001. This function includes funding for the operation of the foreign affairs establishment including embassies and other diplomatic missions abroad, foreign aid loan and technical assistance activities in developing countries, security assistance to foreign governments, activities of the Foreign Military Sales Trust Fund, U.S. contributions to international financial institutions and the United Nations, the Export-Import Bank and other trade promotion activities, and refugee assistance.

House Resolution.—The resolution fully funds the President's requested levels of $23.9 billion in budget authority [BA] and $19.6 billion in outlays in fiscal year 2002, an increase of 6.4 percent in BA compared with fiscal year 2001. The function totals are $123.8 billion in BA and $102.0 billion in outlays over 5 years, and $264.2 billion in BA and $219.7 billion in outlays over 10 years. The levels fully fund the President's request and accommodate his proposal to increase the Administration of Foreign Affairs funding by $888 million above the 2001 level, to a total of $5.7 billion for fiscal year 2002, and his request to increase military assistance to Israel by $60 million. In addition, to maintain and expand programs to stem the flow of cocaine and heroin from Colombia and its Andean neighbors, the budget assumes the President's $624-million increase for international narcotics control and law enforcement. The resolution also assumes sufficient resources for the Tropical Forest Conservation Act [TFCA].

Senate Amendment.—The Senate amendment provides $24.1 billion in BA and $19.8 billion in outlays in 2002, and $265.4 billion in BA and $220.9 billion in outlays over 2002–2011. These amounts include full funding for the President's request, which for 2002 constitutes a $1.5 billion increase in BA over

2001—a 6.7 percent nominal increase. The Senate amendment also reflects the Senate's adoption of a floor amendment to increase the President's request by $200 million in BA in 2002 and by $500 million in BA in 2003—with commensurate outlays—for the purpose of assisting the response of needy counties to the international HIV/AIDS pandemic. The Senate also adopted an amendment regarding conservation that affected several budget functions, including the addition of $50 million in BA in every year over the 2002–2011 period in Function 150.

Conference Agreement.—The Conference Agreement totals $23.2 billion in BA and $19.1 billion in outlays for 2002. For 2002–2011, the Conference Agreement totals $256.6 billion in BA and $213.3 billion in outlays, a reduction of $7.6 billion in BA below the request and the House resolution. The BA and outlays for International Affairs equal the amounts of CBO's inflated baseline for 2002–2011, plus the outlays needed in 2002 to address the payment of arrearages to the UN discussed below.

Regarding discretionary spending, the Conferees strongly support Secretary of State Powell's proposals to reinvigorate the US foreign policy establishment and to expand some international programs. The Senate expressed this support in the form of expanding even further proposed programs to address the HIV/AIDS epidemic in regions, such as Africa.

Regarding the payment of arrearages to the United Nations, the conferees recognize that Congress has appropriated funds for the payment of arrears to the UN and related agencies in 1999 and 2000. Those funds have not been obligated because not all of the reforms required by authorizing statute have been met, in particular the requirement that the United States' assessment for contributions to international peacekeeping activities be reduced to no more than 25 percent of the total. Recognizing the substantial reforms that have been negotiated, the President has proposed legislation, not subject to PAYGO, that would release the funds for obligation. The legislative proposal would increase outlays by $582 million in 2001 and $244 million in 2002. This resolution accommodates the increased spending in its estimates of outlays from prior year's appropriations. The conferees direct that if the legislative proposal is included in authorizing legislation, the cost of such legislation up to the amounts included in the fiscal year 2001 and 2002 allocations of the appropriations committee shall not be charged against the allocation of the authorizing committee for purposes of enforcing this resolution.

FUNCTION 250: GENERAL SCIENCE, SPACE AND TECHNOLOGY

Major Programs in Function.—Under current law, spending for Function 250, General Science, Space and Technology, will total $21.0 billion in BA and $19.7 billion in outlays for 2001. The General Science, Space and Technology function consists of funds in two major categories: general science and basic research, and space flight, research, and supporting activities. The general science component includes the budgets for the National Science Foundation [NSF], and the fundamental science programs of the Department of Energy [DOE]. The largest component of the function, nearly two thirds of the total, is for space flight, research, and supporting activities of the National Aeronautics and Space Administration [NASA] (except for NASA's air transportation programs, which are included in Function 400).

House Resolution.—The resolution establishes levels of $22.2 billion in budget authority [BA] and $21.0 billion in outlays in fiscal year 2002, an increase of 5.7 percent in BA compared with fiscal year 2001. The function totals are $115.9 billion in BA and $112.4 billion in outlays over 5 years, and $247.1 billion in BA and $240.2 billion in outlays over 10 years. The resolution assumes $4.5 billion for the National Science Foundation [NSF], a $56-million increase from 2001. It assumes $14.5 billion for the National Aeronautics and Space Administration [NASA], a 2-percent increase over 2001. This total allows for the President's recommendations, including increased funds for International Space Station development and operations; a 64-percent increase over 2001 for NASA's Space Launch Initiative; six space shuttle flights a year; and continued funding for safety improvements in NASA.

Senate Amendment.—The Senate amendment sets forth $22.8 billion in BA and $21.2 billion in outlays in 2002, and $240.1 billion in BA and $232.9 billion in outlays over 2002–2011. The total spending within Function 250 was amended by the following two amendments:

The Senate adopted an amendment that added $1.441 billion in BA and $530 million in outlays in 2002 to the function total proposed by President Bush. The amendment assumed an increase of $674 million for NSF in 2002. The increase is intended to provide additional funding for NSF along a doubling path similar to that of the National Institutes of Health. NASA would also receive an increase of $518 million, and DOE science would increase by $469 million in 2002. The amendment would allow funding for all of the President's initiatives in Function 250, as well as address other needs within the scientific community. The total assumed increase above the 2001 appropriated level is $1.661 billion.

The Senate also adopted an amendment related to global climate changes that affected several functional categories, including Function 150, 250, 270, 300, and 350. In this function, the amendment reflected an increase in BA of $50 million each year for 10 years, for a total increase of $500 million in BA from FY2002–2011.

Conference Agreement.—The Conference Agreement assumes $21.6 billion in BA and $20.7 billion in outlays in 2002, and $236.3 billion in BA and $230.6 billion in outlays over the 2002–2011 period.

FUNCTION 270: ENERGY

Major Programs in Function.—Under current law, spending for Function 270 Energy, will total $1.2 billion in BA and −$0.1 billion in outlays for 2001. This Function includes civilian activities of the Department of Energy, the Rural Utilities Service, the power programs of the Tennessee Valley Authority (TVA), and the Nuclear Regulatory Commission (NRC). Mandatory spending in this function contains large levels of offsetting receipts, resulting in net mandatory spending of −$1.9 billion in BA and −$3.2 billion in outlays for 2001. Congress provided $3.1 billion in discretionary BA for 2001.

House Resolution.—The resolution establishes levels of $835 million in budget authority [BA] and −$234 million in outlays in fiscal year 2002, a decrease of 33 percent in BA compared with fiscal year 2001. The 5-year function totals are $4.4 billion in BA and −$2.2 billion in outlays; and the 10-year totals are $14.5 billion in BA and $598 million in outlays. The resolution assumes the President's proposed $1.4 billion over 10 years (a $120-million increase) for the Department of Energy's Weatherization Assistance Program to help low-income families who live in poorly insulated housing or have insufficient heating or cooling systems. It also assumes a total of $8 million to support the Northeast Heating Oil Reserve that was established because of low heating oil stocks. Finally, in light of past management and security problems, the resolution accommodates the President's efforts to reform the Department of Energy.

Senate Amendment.—The Senate amendment sets forth $1.676 billion in BA and $.018 billion in outlays in 2002, and $17.162 billion in BA and $2.785 billion in outlays over the 2002–2011 period. The Senate amendment assumes the President's budget with the following Senate adopted amendments to discretionary spending: $205 million in BA each year over the 2002–2011 period to reduce greenhouse gas emissions, $450 million in BA in 2002 for Renewable Energy R&D, and $150 million in BA in 2002 for Fossil Energy R&D. The Senate amendment does not assume the President's proposal for the Arctic National Wildlife Refuge (ANWR).

Conference Agreement.—The Conference Agreement assumes $1.36 billion in BA and −$0.02 in outlays in 2002 and $15.9 billion in BA and $2.2 billion in outlays over the 2002–2011 period.

FUNCTION 300: NATURAL RESOURCES AND THE ENVIRONMENT

Major Programs in Function.—Under current law, spending for Function 300 Natural Resources and the Environment, will total $28.8 billion in BA and $26.4 billion in outlays for 2001. This Function includes funding for water resources, conservation and land management, recreation resources, and pollution control and abatement. Agencies with major program activities within the Function include the Environmental Protection Agency (EPA), the Army Corps of Engineers, the National Oceanic and Atmospheric Administration (NOAA), the Forest Service (within the Department of Agriculture), and the Department of the Interior, including the National Park Service, the Fish and Wildlife Service, the U.S. Geological Survey, the Bureau of Land Management and the Bureau of Reclamation, among others.

House Resolution.—The resolution establishes levels of $26.7 billion in budget authority [BA] and $26.4 billion in outlays in fiscal year 2002, a decrease of 7.3 percent in BA compared with fiscal year 2001. The 5-year function totals are $137.1 billion in BA and $136.3 billion in outlays; and the 10-year totals are $289.3 billion in BA and $285.3 billion in outlays. The resolution accommodates the President's recommendation to fully fund the Land and Water Conservation [LWC] Fund at $900 million starting in 2002, an increase of $356 million over 2001. It also provides for an addition of $440 million in 2002 as a down payment on eliminating the National Park Service's deferred maintenance backlog, currently pegged at $4.9 billion. In addition, it assumes more than $1 billion in EPA grants for States and tribes to administer environmental programs, and a total of $3.7 billion in funding for the EPA's Operating Program, which comprises the agency's core regulatory, research, and enforcement activities. The resolution would support substantially reducing the backlog of school repairs and maintenance in the Bureau of Indian Affairs, with the goal of eliminating the backlog within 5 years, and assumes increased funding for the Army Corps of Engineers program evaluating proposed development in wetlands. The resolution also accepts the administration's proposed extension of a user fee pilot program in the National Park Service, but does not include increase in Corps of Engineers recreation fees.

Senate Amendment.—The Senate amendment sets forth $29.6 billion in BA and $29.3 billion in outlays in 2002, and $296.4 billion in BA and $292.3 billion in outlays over 2002–2011. The Senate amendment assumes the President's budget with the following Senate adopted amendments to discretionary spending: $250 million in BA and $199 million in

outlays in 2002 to fully fund the Conservation Spending Cap, $44 million in BA in 2002 for water system improvements, $1.3 billion in BA and outlays in 2002 for agriculture conservation programs, $100 million in BA in 2002 to reduce greenhouse gases, $800 million in BA in 2002 for wastewater infrastructure improvements, and $100 million in BA in 2002 for the Bureau of Reclamation construction account.

The Senate amendment assumes mandatory spending of $350 million in BA and outlays each year over the 2002–2011 period to address agricultural conservation needs.

Conference Agreement.—The Conference Agreement assumes $30.4 billion in BA and $28.7 billion in outlays in 2002, and $345.7 billion in BA and $336.8 billion in outlays over the 2002–2011 period. The Conference Agreement accepts the Senate position on the extension of the recreational fee demonstration program. The Conference Agreement assumes mandatory agriculture spending of $350 million in BA and outlays in 2002. Section 213 establishes a reserve fund for agriculture that permits the chairman of the appropriate Committee on the Budget to adjust the Agriculture Committee's allocation to accommodate legislation providing, among other things, as much as $350 billion for the period of 2003 through 2011 for conservation programs.

FUNCTION 350: AGRICULTURE

Major Programs in Function.—Under current law, spending for Function 350 Agriculture, is estimated to total $26.3 billion in budget authority (BA) and $23.7 billion in outlays for FY 2001. This Function includes funding for federal programs intended to promote the economic stability of agriculture through direct assistance and loans to food and fiber producers; provide regulatory, inspection and reporting services for agricultural markets; and promote research as well as education in agriculture and nutrition.

House Resolution.—The resolution establishes levels of $19.1 billion in budget authority [BA] in fiscal year 2002, and $17.5 billion in outlays. The 5-year function totals are $92.5 billion in BA and $84.7 billion in outlays; and the 10-year totals are $172.5 billion in BA and $157.3 billion in outlays. The resolution accommodates the President's recommendations, including: support of United States Department of Agriculture [USDA] food safety activities, including providing 7,600 meat and poultry inspectors; allocation of conservation assistance to 650,000 landowners, farmers, and ranchers; maintaining funding for priority activities in the Forest Service's wildland fire management plan, including hazardous fuels reduction; redirecting USDA research to provide new emphasis in key areas such as biotechnology, the development of new agricultural products, and improved protection against emerging exotic plant and animal diseases as well as crop and animal pests; and expanding overseas markets for American agricultural products by strengthening USDA's market intelligence capabilities and the Department's expertise for resolving technical trade issues with foreign trading partners. The resolution contains two reserve funds that would accommodate additional agricultural needs: a fiscal year 2001 reserve fund that could be used for emergency Agricultural Market Transition payments; and a fiscal year 2002 reserve fund that could accommodate a reauthorization of the Federal Agricultural Improvement and Reform Act or additional emergency relief.

Senate Amendment.—The Senate amendment revises the 2001 spending levels. It increases BA and outlays by $9 billion to $35.3 and $32.7 respectively. For 2002, the Senate assumes $26.2 billion in BA and $24.5 billion in outlays. Over the ten-year period 2002–2011, the Senate assumes a total of $227.9 billion in BA and $212.8 billion in outlays. The Senate adopted mandatory amendments which increased CCC spending by $9 billion in BA and outlays in 2001 and a total of $55 billion in BA and outlays over the 2002–2011 period. The Senate adopted a discretionary amendment which added $0.045 billion in BA and $0.041 billion in outlays in 2002 and $0.45 billion in BA and $0.446 billion in outlays over the ten-year period 2002–2011.

Conference Agreement.—The Conference Agreement revises the 2001 spending levels. It increases both BA and outlays by $5.5 billion to $31.8 billion and $29.2 billion respectively. For 2002, the Conference Agreement assumes $26.3 billion in BA and $24.6 billion in outlays. Over the ten-year period 2002–2011, the agreement assumes a total of $243.2 billion in BA and $228.0 billion in outlays. The 2001 and 2002 levels assume $12.5 billion of new mandatory BA and outlays. This money would be allocated to the Senate and House agriculture authorizing committees. It is assumed that the additional funds for 2001 and 2002 will address low income concerns in the agriculture sector today. For 2003 to 2011, the Conference Agreement assumes increased mandatory BA and outlays totaling $63 billion to be made available for the extension and revision of the Federal Agriculture Improvement and Reform Act of 1996, which expires in 2002. Fiscal Year 2003 monies may be made available for 2002 crop year support. The money would be placed in a reserve fund for the authorizing committees. This function assumes the necessary funding for the modernization plan of USDA's National Animal Disease Center and National Veterinary Services Laboratory in Ames, IA.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

Major Programs in Function.—Under current law, spending for Function 370, Commerce and Housing Credit, will total about $3.5 billion in BA and $0.2 billion in outlays for 2001. Function 370 includes both on-budget and an off-budget (Postal Service) components, but the budget resolution text includes only the on-budget portion. Both on-budget and total spending are shown, however, in the summary tables contained in this Conference Agreement. This budget function includes funding for discretionary housing programs, such as subsidies for single and multifamily housing in rural areas and mortgage insurance provided by the Federal Housing Administration; off-budget net spending by the Postal Service; discretionary funding for commerce programs, such as international trade and exports, science and technology, the census, and small business; and mandatory spending for deposit insurance activities related to banks, savings and loans, and credit unions.

House Resolution.—For on-budget spending in this function, the resolution establishes levels of $7.4 billion in budget authority [BA] and $4.4 billion in outlays in fiscal year 2002, an increase of 195 percent in BA compared with fiscal year 2001. The on-budget function totals are $54.2 billion in BA and $33.5 billion in outlays over 5 years, and $128.1 billion in BA and $84.3 billion in outlays over 10 years. The resolution assumes the President's recommendation that premiums for specified Federal Housing Administration [FHA] programs, such as condominiums, rehabilitation loans, and multifamily loans, are to be increased so that all single-family FHA borrowers pay the same premiums, and that the programs operate without the need for a subsidy.

Senate Amendment.—The Senate amendment does not revise the levels for 2001. For 2002, the resolution provides $7.7 billion in BA and $4.5 billion in outlays. Over 10 years, the resolution provides $128.9 billion in BA and $85.0 billion in outlays. The Senate amendment does not include the House's assumption of a reduction in fees charged by the Securities and Exchange Commission. Because of an amendment adopted by the Senate that dropped the President's proposal to charge exam fees for state-chartered banks, the Senate amendment is now comparable to the House resolution in this regard. Further, the Senate amendment reflects the Senate's adoption of an amendment to increase spending on the International Trade Administration by $655 million over 2002–2011 and of another amendment to restore $264 million in funding in 2002 for programs of the Small Business Administration to offset cuts that had been proposed in the President's budget.

Conference Agreement.—The Conference Agreement does not revise the fiscal year 2001 levels. For 2002, the resolution provides $10.2 billion in BA and $6.6 billion in outlays. Over 10 years, it provides $152.4 billion in BA and $108.1 billion in outlays.

FUNCTION 400: TRANSPORTATION

Major Programs in Function.—Under current law, spending for Function 400, Transportation, will total $62.1 billion in BA and $51.7 billion in outlays for 2001. The function primarily comprises funding for the Department of Transportation, including ground transportation programs, such as the federal-aid highway program, mass transit, motor carrier safety, and the National Rail Passenger Corporation (Amtrak); air transportation through the Federal Aviation Administration (FAA) airport improvement program, facilities and equipment program, research, and operation of the air traffic control system; water transportation through the Coast Guard and Maritime Administration; the Surface Transportation Board; the National Transportation Safety Board; and related transportation safety and support activities within the Department of Transportation. In addition, funds for air transportation programs under the auspices of NASA are included within this function.

House Resolution.—The resolution establishes levels of $61.0 billion in BA and $55.6 in outlays in fiscal year 2002; $298.9 billion in BA and $299.8 billion in outlays over 5 years; and $608.1 billion in BA and $639.6 billion in outlays over 10 years. The resolution accommodates the President's proposal to fully fund the authorized levels provided for highways ($32.3 billion) and transit ($6.7 billion) under the Transportation Equity Act for the 21st Century and for the Federal Aviation Administration's operating ($6.9 billion), capital ($2.9 billion), and airport grants ($3.3 billion) programs under the Aviation Investment and Reform Act for the 21st Century. To assist Americans with disabilities in overcoming transportation barriers to work, the resolution assumes the President's $145-million proposal to fund two new programs under his New Freedom Initiative to increase the ability of individuals with disabilities to integrate into the workforce. The resolution also assumes an increase in Coast Guard operating expenses of $250 million above the fiscal year 2002 level recommended by the President for fiscal year 2002 and subsequent years. This increase is provided to eliminate Coast Guard vessel and aircraft spare parts problems, to improve personnel training, to fund new Department of Defense entitlements, and to operate drug interdiction assets at optimal levels. (The resolution acknowledged that the Office of Management and Budget's budget submission contained recently identified errors, and indicated conferees would seek to address them.)

Senate Amendment.—The Senate amendment does not revise the 2001 levels. For 2002,

the resolution provides $62.2 billion in BA and $56.1 billion in outlays. Over 10 years, the resolution provides $701.6 billion in BA and $645.8 billion in outlays. The Senate amendment assumes the President's budget plus a Senate adopted amendment to add $250 million in BA and outlays for the Coast Guard in 2002.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the resolution provides $65.0 billion in BA and $56.2 billion in outlays. Over 10 years, it provides $694.8 billion in BA and $655.6 billion in outlays.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

Major Programs in Function.—Under current law, spending for Function 450, Community and Regional Development, will total $11.2 billion in BA and $11.4 billion in outlays for 2001. This function reflects programs that provide Federal funding for economic and community development in both urban and rural areas. Funding for disaster relief and insurance—including activities of the Federal Emergency Management Agency—also is provided in this function.

House Resolution.—The resolution establishes levels of $10.1 billion in budget authority [BA] and $11.4 billion in outlays in fiscal year 2002, a decrease of 9.8 percent in BA compared with fiscal year 2001. The 5-year totals are $53.2 billion in BA and $53.7 billion in outlays; and the 10-year totals are $113.9 billion in BA and $108.8 billion in outlays. Consistent with the President's recommendations, the budget assumes continuation of Community Development Block Grant [CDBG] formula funding at the 2001 level. It also assumes that the Rural Housing and Economic Development Program, begun in 1999, will be terminated due to its duplication of other programs, such as CDBGs.

Senate Amendment.—For 2002, the Senate amendment sets forth $11.2 billion in BA and $11.6 billion in outlays. Over the 2002–2011 ten year period, it assumes $115.0 billion in BA and $108.0 billion in outlays. The Senate adopted an amendment to increase by $108 million Federal Emergency Management Agency (FEMA) funds in 2002. Also adopted was an amendment to increase clean water grants by $1.0 billion in 2002.

Conference Agreement.—The Conference Agreement does not revise the fiscal year 2001 levels. For 2002, it sets forth $11.9 billion in BA and $11.7 billion in outlays. Over the 2002–2011 ten year period, it sets forth $130.7 billion in BA and $122.8 billion in outlays.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SERVICES

Major Programs in Function.—Under current law, spending for Function 500, Education, Training, Employment and Social Services, will total $76.9 billion in BA and $69.8. billion in outlays for 2001. This function includes funding for elementary and secondary, vocational, and higher education; education research and other education activities; job training and employment services; aging services; children and families services; adoption and foster care assistance; and funding for the arts and humanities.

House Resolution.—The resolution establishes levels of $82.1 billion in budget authority [BA] and $76.2 billion in outlays in fiscal year 2002, an increase of 6.8 percent in BA compared with fiscal year 2001. The 5-year function totals are $425.6 billion in BA and $412.7 billion in outlays; and the 10-year totals are $917.7 billion in BA and $891.7 billion in outlays.

The resolution assumes the President's proposal to redirect the $1.2 billion provided for school renovation, first funded in 2001, allowing States to reallocate the 2001 funds among school renovation, technology, or special education. For 2002, the budget assumes States can use this funding stream for priorities such as special education, help for low-performing schools, or accountability reforms.

The resolution also accommodates the President's proposed increase in program spending of the Department of Education by $4.6 billion, or 11.5 percent, in fiscal year 2002. It provides sufficient funding in elementary and secondary education for the President's ''No Child Left Behind'' education reform plan. Key initiatives include the following:

—A tripling of reading education funds, to $900 million in 2002, and a total increase in reading education spending of $5 billion over 5 years.

—The provision of $2.6 billion for States to improve teacher quality through high-quality professional development, recruitment and retention activities.

—A total of $320 million to help States to develop annual assessments of students, and to establish strong accountability systems; and $69 million to expand State participation in the National Assessment of Education Progress, so that parents, teachers and policymakers can ensure that students are improving.

—Consolidation and streamlining of existing Federal elementary and secondary education programs.

The resolution also assumes the following recommendations by the President: an increase of $137 million for the Impact Aid construction program, which currently receives only $12.8 million; consolidation and increased funding for teacher training and recruiting; a sum of $175 million to help charter schools acquire, construct, or renovate facilities; an increase for ''character education'' from $9.3 million to $25 million; an increase for the Troops to Teachers program to $30 million; an expansion of the teacher student loan forgiveness program by increasing the loan forgiveness limit from $5,000 to $17,500 for math and science majors who teach those subjects in high-need schools for 5 years.

To provide fiscal assistance to low-income college students, the budget accommodates the President's proposal to increase the Pell Grant program by $1 billion. This will increase the maximum award for all qualifying students to $3,850.

The budget also assumes an increase of 6.4 percent in funding for historically black colleges and graduate institutions, and Hispanic serving institutions, with a goal of increasing these programs 30 percent by 2005. The resolution also accommodates the President's proposed expansion of programs to protect abused and neglected children under the Safe and Stable Families Act, and provision of education or training vouchers to children aging out of foster care.

The resolution creates a $1.25-billion reserve fund for the Individuals with Disabilities Education Act [IDEA] Part B grants to States.

Senate Amendment.—The Senate Amendment does not revise the 2001 levels. For 2002, the Senate provides $111.9 billion in BA and $79.4 billion in outlays. Over the ten-year period 2002–2011, the Senate provides a total of $1,265.4 billion in BA, and $1,194.1 billion in outlays.

The Senate adopted the following amendments to the President's budget:

—For unspecified education funding, an amendment adding $8.3 billion in discretionary BA and $1.0 billion in outlays in 2002, and adding $242.0 billion in mandatory BA and $223.6 billion in outlays over the period 2003–2011.

—For IDEA (special education), an amendment adding $70.0 billion in mandatory BA and $70.0 billion in outlays over the ten-year period 2002–2011.

—For the Social Services Block Grant, an amendment adding $680 million in mandatory BA and outlays in 2002.

—For education technology, an amendment adding $628 million in discretionary BA and $35 million in outlays in 2002.

—For Impact Aid, an amendment adding $300 million in discretionary BA and $150 million in outlays in 2002.

—For children's services, an amendment adding $271 million in discretionary BA and $243 million in outlays in 2002.

—For American history education, an amendment adding $100 million in discretionary BA and $25 million in outlays in 2002.

Conference Agreement.—The Conference Agreement revises 2001 levels to $77.0 billion in BA and $69.9 billion in outlays. For 2002, the Conference Agreement provides $81.2 billion in BA and $76.7 billion in outlays. Over the ten-year period 2002–2011, the Conference Agreement provides a total of $904.0 billion in BA and $887.6 billion in outlays. The Conferees assume that within these aggregate numbers, the Grants to States program under the Individuals with Disabilities Education Act (IDEA) will receive funds of at least $7.59 billion in 2002, and that further additional resources for education should be focused on this program.

FUNCTION 550: HEALTH

Major Programs in Function.—Under current law, spending for Function 550, Health, will total $180.1 billion in BA and $173.0 billion in outlays for 2001. The major programs in this function include Medicaid, the State Children's Health Insurance Program, health benefits for federal workers and retirees, the National Institutes of Health, the Food and Drug Administration, the Health Resources Services Administration, Indian Health Services, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration.

House Resolution.—The resolution establishes levels of $204.0 billion in BA and $201.1 billion in outlays in fiscal year 2002, an increase of 13.3 percent in BA compared with fiscal year 2001. The function totals are $1.20 trillion in BA and $1.19 trillion in outlays over 5 years, and $2.86 trillion in BA and $2.84 trillion in outlays over 10 years. Funding in the resolution accommodates the President's proposal to double the National Institutes of Health [NIH] 1998 funding level of $13.6 billion by 2003. To accomplish this, the 2002 budget assumes $23.1 billion for NIH, a $2.8 billion increase above the 2001 level. To strengthen the health care safety net, the budget assumes the President's $124-million increase for community health centers. The budget also assumes $8.3 billion over 10 years for the enactment of H.R. 600, the Family Opportunity Act of 2001. Under the Act, States would have the option to expand Medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

Finally, Function 550 assumes $43.1 billion (fiscal years 2002–2005) of the President's proposed Medicare reform, including the Immediate Helping Hand Prescription Drug Plan. (The costs for fiscal years 2006 through 2011 are reflected in Function 570.) The resolution also assumes the outlay effect of the President's proposed refundable health care tax credits, and the impact of the extension of an OBRA 1990 provision limiting Department of Veterans Affairs [VA] pensions for Medicaid recipients in nursing homes.

Senate Amendment.—The Senate amendment revises 2001 BA and outlays by $2.5 billion for the President's Immediate Helping

Hand prescription drug program for seniors. The amendment sets forth $216.1 billion in BA and $213.2 billion in outlays in 2002, and $2,938.3 billion in BA and $2,914.4 billion in outlays over 2002–2011.

The Senate amendment as introduced assumed the President's budget for both mandatory and discretionary spending. The following provisions were added through floor amendments. For mandatory spending, an additional $28 billion was added over 2002–2004 for health spending for the uninsured. A reserve fund of $200 million in 2002 and $7.9 billion over 10 years was included for the Family Opportunity Act. In discretionary spending, an additional $700 million was assumed for NIH spending in 2002. The Indian Health Service was increased by $67.3 billion over 10 years. Budget authority for the FDA was increased by $40 million in 2002 and $400 million over 10 years. Amendments were adopted to increase funding for graduate medical education at children's hospitals by $50 million in 2002 and to provide an additional $136 million in 2002 for both graduate medical education and consolidated health centers.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the resolution provides $198.8 billion in BA and $196.7 billion in outlays. Over 10 years, it provides $2,773.8 billion in BA and $2,757.1 billion in outlays.

Under the Conference Agreement, funding for the President's Immediate Helping Hand prescription drug proposal ($43.1 billion over 2002–2005 plus an additional $2.5 billion in 2001) was moved to Function 570 (Medicare). The Conference Agreement includes a reserve fund for the Family Opportunity Act of $227 million in 2002 and $8.3 billion over 10 years. The function totals also include a reserve fund of $28 billion over 3 years for additional health spending for the uninsured. This reserve fund can be used for either direct spending or revenue changes associated with legislation to improve health insurance coverage. The Conference Agreement also assumes Medicaid Upper Payment Limit savings of $11.7 billion over 10 years.

FUNCTION 570: MEDICARE

Major Programs in Function.—Under current law, spending for Function 570, Medicare, will total $217.5 billion in BA and $217.7 billion in outlays for 2001. Medicare provides health insurance coverage for persons over age 65 and qualified disabled workers.

House Resolution.—The resolution establishes levels of $229.1 billion in budget authority [BA] and outlays in fiscal year 2002, an increase of 5.3 percent in BA compared with fiscal year 2001. The function totals are $1.34 trillion in BA and $1.33 trillion in outlays over 5 years, and $3.31 trillion in BA and outlays over 10 years. As proposed in the President's budget, the budget resolution assumes $153 billion over 10 years for Medicare Reform, including the Immediate Helping Hand Prescription Drug Plan. This total is shared by Function 550 and Function 570; Function 570 incorporates $109.9 billion of the total over 10 years. The budget is consistent with the provisions of the Social Security and Medicare Lock-Box Act of 2001, which stipulates that the Medicare Hospital Insurance [HI] surplus can be used only for debt reduction or Medicare reform. The resolution establishes a reserve fund that could be used to accommodate an expanded Medicare reform/prescription drug proposal. It also establishes a general purpose reserve fund that could address Medicare initiatives.

Senate Amendment.—The Senate amendment does not revise 2001 levels. For 2002, the amendment provides $229.1 billion in BA and outlays. Over 10 years, the amendment provides $3,308.0 billion in BA and $3,307.6 billion in outlays for this function, the same as the House resolution.

The Senate amendment as introduced assumed the President's budget for both mandatory and discretionary spending. The following provisions were added through floor amendments. A reserve fund was adopted that allows for additional spending for Medicare reform and prescription drugs that goes beyond the $153 billion over 10 years already included in the functional totals and budget aggregates. (This amount includes $43.1 billion in Function 550 and $109.9 billion in Function 570.) The amount allocated from the reserve fund will be determined by the Chairman of the Senate Budget Committee using a Congressional Budget Office cost estimate of the President's Medicare reform proposal or a comparable proposal submitted by the Committee on Finance. In no case will the amount exceed $300 billion over 10 years (including the $153 already reflected in the budget totals). The Senate amendment also includes a reserve fund of $13.7 billion over 10 years for additional Medicare home health spending.

Conference Agreement.—The Conference Agreement does not revise 2001 levels. For 2002, the resolution provides $229.2 billion in BA and $229.1 billion in outlays. Over 10 years, the resolution provides $3,516.1 billion in BA and $3,515.7 billion in outlays for this function. The Conference Agreement includes a reserve fund of up to $300 billion for Medicare reform and a prescription drug benefit. The amount allocated from the reserve fund will be determined by the Chairmen of the Budget Committees of the House and Senate. The resolution also includes a reserve fund of $13.7 billion over 10 years for additional Medicare home health spending. This reserve fund is to be used to finance the repeal of the 15% reduction in Medicare home health payments, currently scheduled to take effect on October 1, 2002.

FUNCTION 600: INCOME SECURITY

Major Programs in Function.—Under current law, spending for Function 600, Income Security, will total $255.9 billion in BA and $256.9 billion in outlays for 2001. This function contains: (1) major cash and in-kind means-tested entitlements; (2) general retirement, disability, and pension programs excluding Social Security and Veterans' compensation programs; (3) federal and military retirement programs; (4) unemployment compensation; (5) low-income housing programs; and (6) other low-income support programs. This last category includes Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), and spending for the refundable portion of the Earned Income Credit (EIC).

House Resolution.—The resolution establishes levels of $271.5 billion in budget authority [BA] and $272.1 billion in outlays in fiscal year 2002, an increase of 6.1 percent in BA compared with fiscal year 2001. The function totals are $1.47 trillion in BA and outlays over 5 years, and $3.21 trillion in BA and $3.20 trillion in outlays over 10 years. Consistent with the President's budget, the resolution accommodates continued State innovation, and the mobilization of private-sector, corporate, and faith-based sources, for addressing the needs of low-income Americans—a process that began with the historic 1996 welfare reform law. In particular, the budget proposes a number of initiatives to encourage more charitable giving to community organizations that are effectively helping disadvantaged Americans to improve their lives and increase their families' well-being. Other initiatives are intended to strengthen low-income families and to address the needs of children caught in the Nation's foster care system. The budget provides sufficient funding to renew all expiring public housing contracts, and adds funding for 34,000 new section 8 vouchers. Additionally, the budget provides new funding to increase home-ownership among low-income families. Beyond these priorities, the focus in fiscal year 2002 will be to improve management of HUD's programs, several of which have been designated among the General Accounting Office's ''High Risk'' programs, vulnerable to substantial amounts of fraud and mismanagement.

Other assumptions of the resolution are the following:

—Providing $1.4 billion for Low-Income Home Energy Assistance Program [LIHEAP] funding to help low-income families heat their homes.

—Funding the Special Supplemental Nutrition Program for Women, Infants and Children [WIC] at 7.25 million individuals per month, maintaining current program level.

—Maintaining current law policies for the Food Stamp Program, which will result in $20 billion in outlays for benefits and program administration in fiscal year 2002.

The resolution also accommodates the outlay effects related to the President's refundable tax proposals.

Senate Amendment.—The Senate amendment does not revise 2001 levels. For 2002, the resolution provides $278.8 billion in BA and $274.9 billion in outlays. Over 10 years, the resolution provides $3,210.0 billion in BA and $3,194.5 billion in outlays. The Senate adopted three amendments to the President's budget. In mandatory funds for 2002, the Senate amendment includes $319 million to extend TANF supplemental grants. In discretionary funds for 2002, the Senate amendment includes an additional $2.6 billion for Low Income Home Energy Assistance and $870 million for child care. The remaining difference between the House resolution and the Senate amendment is due to the Senate's treatment of advance appropriations and the greater amount of BA and outlays provided in the House resolution for the refundable portion of tax credits.

Conference Agreement.—The Conference Agreement does not revise 2001 levels. For 2002, the resolution provides $273.8 billion in BA and $272.1 billion in outlays. Over 10 years, it provides $3,222.5 billion in BA and $3,206.7 billion in outlays. The Conference Agreement adopts the Senate amendment regarding TANF supplemental grants.

FUNCTION 650: SOCIAL SECURITY

Major Programs in Function.—Under current law, spending for Function 650, Social Security, will total $435.2 billion in BA and $433.1 billion in outlays for 2001. This function includes Social Security benefits and administrative expenses. Under provisions of the Budget Enforcement Act, Social Security trust funds are off-budget. The figures below reflect the on-budget portions of this function, primarily payments from the general fund to the trust funds to credit the trust funds for income taxes collected on Social Security benefits. Both on-budget and off-budget spending are shown, however, in the summary tables contained in the statement of managers accompanying the Conference Agreement.

House Resolution.—For on-budget spending in this function, the resolution establishes levels of $11.0 billion in budget authority [BA] and outlays in fiscal year 2002, an increase of 12.2 percent in BA compared with fiscal year 2001. The on-budget function totals are $62.8 billion in BA and $62.7 billion in outlays over 5 years, and $150.9 billion in BA and outlays over 10 years. The resolution supports the President's approach to Social Security reform through the following specific measures:

—It assumes provisions of the Social Security and Medicare Lock-Box Act of 2001 (H.R. 2), recently passed by the House, which prohibits using Social Security surpluses for any purpose other than debt reduction or Social Security reform.

—It assumes the President's proposal to provide $7.7 billion for the SSA, an increase of $456 million, or 6.3 percent, above fiscal year 2001. The increase will allow SSA to process 100,000 more initial disability claims in 2002 than in 2001.

—It makes no changes in current Social Security benefits or taxes.

Senate Amendment.—The Senate amendment does not revise 2001 on-budget totals of $9.8 billion in BA and outlays. For 2002, the resolution assumes $10.9 billion in both BA and outlays. Over 10 years, the resolution provides $140.0 billion in both BA and outlays.

The President's budget assumes no changes to Social Security benefits. Indirectly, however, the tax cut proposal would decrease both on-budget spending and the trust fund surplus. The President's tax proposal would reduce marginal income rates, thereby decreasing the amount of income taxes paid on Social Security benefits. This reduces on-budget payments from the general fund to the trust funds to credit the trust funds for income taxes paid on Social Security benefits by $11 billion over 10 years. The difference between the House resolution and the Senate amendment is that the House holds the Social Security trust funds harmless for the impact of the tax cut.

Conference Agreement.—The Conference Agreement does not revise 2001 on-budget totals. The Senate recedes to the House and agrees to hold the trust funds harmless for the impact of any tax cuts resulting from this agreement. For 2002, the Conference Agreement assumes $11.0 billion in both BA and outlays. Over 10 years, it provides $150.9 billion in BA and $150.9 billion in outlays.

FUNCTION 700: VETERANS BENEFITS AND SERVICES

Major Programs in Function.—Under current law, spending for Function 700 Veterans Benefits and Services, will total $46.7 billion in BA and $45.9 billion in outlays for 2001. This budget function includes income security needs of disabled veterans, indigent veterans, and survivors of deceased veterans through compensation benefits, pensions, and life insurance programs. Major education, training, and rehabilitation and readjustment programs include the Montgomery GI Bill, the Veterans Educational Assistance program, and the Vocational Rehabilitation and Counseling program. Veterans can also receive guarantees on home loans. Roughly half of all spending in this function is for the Veterans Health Administration, which is comprised of hospitals, nursing homes, domiciliaries, and outpatient clinics.

House Resolution.—The resolution establishes levels of $52.3 billion in BA and $51.6 billion in outlays in fiscal year 2002, an increase of 12 percent in BA compared with fiscal year 2001. The function totals are $278.7 billion in BA and $276.5 in outlays over 5 years, and $594.0 billion in BA and $589.8 billion in outlays over 10 years.

The budget assumes the enactment of veterans' burial benefits enhancements in H.R. 801, the Veterans' Opportunity Act of 2001. It also assumes increases in mandatory spending for Montgomery GI Bill education benefits improvements. The budget assumes the permanent extension of several expiring provisions of existing law pertaining to veterans benefits. These include IRS income verification for means-tested veterans and survivor benefits; limiting VA pension to Medicaid recipients in nursing homes; and continuing current housing loan fees.

Senate Amendment.—The Senate amendment assumes $53.8 billion in BA and $53.1 billion in outlays in 2002, and $600.6 billion in BA and $596.2 billion in outlays over 2002–2011. The Senate adopted two amendments to increase funding for Veterans Medical Care. The first amendment added $1.718 billion in BA each year from 2002 to 2011 and the second amendment added, $967 million in BA for 2002.

Conference Agreement.—For 2002, it sets forth $51.5 billion in BA and $50.9 billion in outlays. Over 10 years, it provides $605.4 billion in BA and $600.9 billion in outlays.

The agreement also assumes an increase in funding in mandatory spending for improvements to the Montgomery GI Bill and veterans burial benefits. The agreement also assumes an extension of several expiring provisions of the Omnibus Budget Reconciliation Act of 1990.

FUNCTION 750: ADMINISTRATION OF JUSTICE

Major Programs in Function.—Under current law, spending for Function 750, Administration of Justice, will total $30.6 billion in BA and $30.0 billion in outlays for 2001. This function provides funding for federal law enforcement activities. These activities include criminal investigations by the Federal Bureau of Investigation and the Drug Enforcement Administration, and border enforcement and the control of illegal immigration by the Customs Service and the Immigration and Naturalization Service. Also funded through this function are the federal courts, federal prison operation and construction, and criminal justice assistance.

House Resolution.—The resolution establishes levels of $30.9 billion in budget authority [BA] and $30.3 billion in outlays in 2002, an increase of 1.0 percent in BA compared with fiscal year 2001. The function totals are $166.6 billion in BA and $166.5 billion in outlays over 5 years, and $359.3 billion in BA and $356.8 billion in outlays over 10 years. The resolution accommodates the President's proposals to increase funding for the Drug Enforcement Agency by 9 percent; the Federal Bureau of Investigation by 8 percent; the Federal Bureau of Prisons by 8 percent; the U.S. Attorneys by 7 percent; and to hire and train 550 new Border Control agents.

Senate Amendment.—For 2002, the resolution sets forth $32.4 billion in BA and $31.8 billion in outlays. Over the 2002–2011 ten year period, it sets forth $360.8 billion in BA and $358.3 billion in outlays. These levels reflect adoption of an amendment to increase Department of Justice state and local law enforcement assistance grant programs by $1.5 billion in 2002.

Conference Agreement.—The Conference Agreement sets forth $32.4 billion in BA and $31.4 billion in outlays for 2002. Over the 2002–2011, the agreement sets forth $378.5 billion in BA and $374.8 billion in outlays.

FUNCTION 800: GENERAL GOVERNMENT

Major Programs in Function.—Under current law, spending for Function 800 General Government, will total $16.3 billion in BA and $16.1 billion in outlays for 2001. This function consists of the activities of the Legislative Branch, the Executive Office of the President, U.S. Treasury fiscal operations (including the Internal Revenue Service), personnel and property management, and general purpose fiscal assistance to states, localities, and U.S. territories.

House Resolution.—The resolution establishes levels of $16.7 billion in budget authority [BA] and $16.3 billion in outlays in fiscal year 2002, an increase of 2.2 percent in BA compared with fiscal year 2001. The function totals are $84.2 billion in BA and $83.0 billion in outlays over 5 years, and $176.7 billion in BA and $173.4 billion in outlays over 10 years.

Senate Amendment.—The Senate amendment does not revise the 2001 levels. For 2002, the resolution assumes $16.6 billion in BA and $16.3 outlays. Over 10 years, the resolution provides $176.7 billion in BA and $173.4 billion in outlays.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the Conference Agreement assumes $16.5 billion in both BA and $16.2 billion outlays. Over 10 years, it provides $183.2 billion in BA and $179.5 billion in outlays.

FUNCTION 900: NET INTEREST

Major Programs in Function.—Under current law, on-budget spending for Function 900, Net Interest, will total $254.8 billion in BA and outlays for 2002. Net interest is the interest paid for the federal government's borrowing minus the interest income received by the federal government. Net interest includes both on-budget and off-budget components, but the budget resolution text includes only the on-budget portion. Both on-budget and total interest spending are shown, however, in the summary tables contained in the statement of managers accompanying the Conference Agreement. Interest is a mandatory payment, with no discretionary component.

House Resolution.—The accounting of net interest in the budget includes only the on-budget component of interest spending. This spending declines at a relatively steady but moderate pace from $274 billion in 2001 to $219 billion in 2011. But even this decline understates—by significant amounts—the benefits to taxpayers of the debt reduction incorporated in this budget. When off-budget interest is taken into account (the increasing Federal credit accruing to the Social Security Trust Fund surplus in the form of government IOUs, and entered as negative spending), the overall net interest spending of the Federal Government is being virtually eliminated. It declines from $205 billion in 2001 to just $21 billion. in 2011.

Senate Amendment.—The Senate amendment revises the 2001 on-budget levels to $275.5 billion in BA and outlays. For 2002, it sets forth on-budget levels of $262.1 billion in BA and outlays. Over ten years, it provides on-budget amounts of $2,410.0 billion in BA and outlays.

Conference Agreement.—The Conference Agreement revises the 2001 on-budget levels to $275.5 billion in BA and outlays. For 2002, it sets forth on-budget levels of $262.1 billion in BA and outlays. Over ten years, it provides on-budget amounts of $2,410.0 billion in BA and outlays.

FUNCTION 920: ALLOWANCES

Major Programs in Function.—Under current law, spending for Function 920, Allowances, will total −$0.5 billion in BA and −$0.3 billion in outlays for 2001. This function usually displays the budgetary effects of proposals that cannot be easily distributed across other budget functions. In the case of 2001, it reflects the 0.22% across-the-board cut that was enacted in the Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 2001. CBO could not display those cuts by account and by function until the Administration could display how the cuts would be implemented in the release of the full President's budget request.

In past years, Function 920 has also included total savings or costs from proposals associated with emergency spending or proposals contingent on possible future events that have uncertain chances of occurring. Most recently, in the Senate amendment and Conference Agreement on budget resolutions for both 2001 and 2002, the figures expressed in the budget resolution text (as well as the summary tables) for all other budget functions reflect the total level of discretionary spending contemplated by the budget resolution (e.g., as described in section 203 of the

Conference Agreement on the 2002 budget). These levels are higher than the statutory cap on discretionary spending in place for those years. But because a budget resolution would be out of order in the Senate if it contains a level of discretionary spending higher than the statutory cap, the figures in the budget resolution text in Function 920 have had to reflect a negative entry that reduces the net level of discretionary spending from the contemplated level (as aggregated across all other budget functions) to the statutory level. The summary tables, however, omit this negative entry for Function 920 so that their aggregates reflect the levels ultimately intended by the resolution.

House Resolution.—For discretionary spending, the budget resolution calls for $5.0 billion in budget authority [BA] and $1.8 billion in outlays in fiscal year 2002. The 5-year spending totals are $29.1 billion in BA and $22.4 billion in outlays; and the 10-year totals are $64.0 billion in BA and $55.5 billion in outlays. There is no mandatory spending in this function.

The funds identified constitute primarily a set-aside fund for unanticipated emergency needs during the fiscal year.

Senate Amendment.—The Senate amendment revises the 2001 levels to $80.5 billion in BA and $80.7 billion in outlays in 2001, reflecting the Senate's adoption of an amendment to further increase a tax refund for that year. For 2002, the resolution sets forth −$6.1 billion in BA and −$8.6 billion in outlays. The resolution provides −$15.9 billion in BA and −$23.1 billion in outlays over 2002–2010. These figures (as shown in the summary tables) reflect the effect of 13 amendments adopted by the Senate that sought to suggest an increase in spending in other functions and that appeared to ''offset'' such increased spending by bookkeeping the same amount with a negative value in Function 920. These figures do not include the entry necessary to reduce the overall discretionary level to the statutory cap.

Conference Agreement.—The Conference Agreement revises the 2001 levels to $84.5 billion in BA and $84.7 billion in outlays. For 2002, the resolution provides −$6.0 billion in BA and −$3.7 billion in outlays. Over 10 years, it provides −$66.8 billion in BA and −$62.6 billion in outlays.

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

Major Programs in Function.—Under current law, receipts in Function 950, Undistributed Offsetting Receipts, will total about $46.2 billion (negative BA and outlays) for 2001. Function 950 includes both on-budget and off-budget components, but the budget resolution text includes only the on-budget portion. Both on-budget and total receipts are shown, however, in the summary tables contained in this Conference Agreement. This function records offsetting receipts (receipts, not federal revenues or taxes, that the budget shows as offsets to spending programs) that are too large to record in other budget functions. Such receipts are either intrabudgetary (a payment from one federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some type of business transaction with the government). The main types of receipts recorded as ''undistributed'' in this function are: the payments federal agencies make to retirement trust funds for their employees, payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf, and payments by those who bid for the right to buy or use the public property or resources, such as the electromagnetic spectrum.

House Resolution.—The resolution calls for −$42.3 billion in budget authority [BA] and outlays in fiscal year 2002, a decrease of 10.6 percent in BA compared with fiscal year 2001, (or an increase of 10.6 percent in receipts compared with fiscal year 2001). The 5-year function totals are −$239.8 billion in BA and outlays; and the 10-year totals are −$492.3 billion in BA and outlays.

These totals comprise entirely of mandatory spending. There is no discretionary spending in this function.

The resolution does not assume lease bonuses from the Arctic National Wildlife Refuge or an analog spectrum license fee or other spectrum offsets. It also assumes permanent extension of the Balanced Budget Act [BBEDCA] provision that increased, by 1.51 percentage points, Federal agency contributions to the Civil Service Retirement and Disability Trust Fund [CSRDF] on behalf of their CSRS-participant employees. That provision had been scheduled to sunset after fiscal year 2002.

Senate Amendment.—The Senate amendment does not revise the 2001 levels. For 2002, the resolution provides −$38.8 billion in BA and outlays. Over 10 years, the resolution provides −$495.7 billion in BA and outlays. The Senate amendment is the same as the House resolution, except that it reflects both the President's proposals to delay certain spectrum auctions and to impose a fee on broadcasters using spectrum channels for analog broadcasts to encourage the transition to digital television.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the resolution provides −$38.8 billion in BA and outlays. Over 10 years, it provides −$494.1 billion in BA and outlays. The conferees agree to the President's proposal to delay certain spectrum auctions that was assumed in the Senate amendment, but do not agree to the President's proposal for an analog lease fee.

REVENUES

Federal revenues are taxes and other collections from the public that result from the government's sovereign or governmental powers. Federal revenues include individual income taxes, corporate income taxes, social insurance taxes, excise taxes, estate and gift taxes, custom duties and miscellaneous receipts (which include deposits of earnings by the Federal Reserve System, fines, penalties, fees for regulatory services, and others).

Under current law, federal tax collections are projected to total $28 trillion over the next ten years. This year, total revenues are projected to equal 20.7 percent of GDP, slightly below the World War II record level of 20.9 percent. Over the projection period 2002–2011, under current law, total revenues are projected to average 20.3 percent of GDP, far above historical averages for any time period, including times of war.

House Resolution.—The House resolution provides for $1.62 trillion in tax reduction over the next 10 years. This level would accommodate the President's priority tax cut proposals: reducing marginal tax rates, doubling the per-child tax credit; providing relief from the marriage penalty, and providing death tax relief. It also provides for additional tax reduction, subject to the discretion of the Committee on Ways and Means. Such measures might include charitable deduction expansion; refundable tax credits for private health insurance; Education Savings Account expansion and other education provisions; Individual Retirement Account [IRA] increases and other pension reform; and permanent extension of the research and development [R&D] tax credit. (The refundable elements of the President's tax proposals, which are treated as spending, appear in the functional areas to which they apply.) It also assumes, but does not reconcile, the revenue effect of a proposed reduction in fees levied by the Securities and Exchange Commission, and a requirement that the Federal Reserve pay interest on deposits at the Reserve. The resolution also establishes a reserve fund for further tax reduction should the Congressional Budget Office's summer update indicate additional non-Social Security surpluses. The reserve fund could allow for measures such as extension of Medical Savings Accounts, repeal of transportation deficit reduction fuel taxes, and reduction of the capital gains rate.

Senate Amendment.—The Senate amendment revises the 2001 on-budget revenue level to $1,630.3 billion. It sets forth on-budget revenues of $1,644.8 billion in 2002, and $20,007.1 billion over the ten years 2002–2011. The Senate amendment assumes a tax reduction, relative to the CBO baseline, of $1,188.1 billion over the period 2002–2011, about $450 billion less than the tax relief assumed in the House resolution. The Senate amendment includes an allowance (in Function 920) for a surplus refund of up to $85 billion in 2001. The refund represents about 88 percent of the $96 billion non-Social Security, non-Hospital Insurance surplus projected under current law for 2001. The tax relief assumed in the Senate amendment represents just four percent of all projected revenues over the next ten years, and less than one percent of GDP over the next ten years.

Conference Agreement.—The Conference Agreement includes language for reconciliation of tax relief including a surplus refund of $1.350 trillion over the period 2001–2011. (see description of reconciliation). In addition, the Conference Agreement accepts the House position to assume a one-year extension of tax provisions expiring in 2001, legislation to reduce SEC fees, and legislation to permit the Federal Reserve System to pay interest on reserve balances. These three provisions would not be reconciled, and are assumed to reduce revenues by $19 billion over ten years. The total amount of tax relief, surplus refund, and other revenue changes assumed in the Conference Agreement, both reconciled and non-reconciled, is $1.369 trillion over the 2001–2011 period.

DEBT LEVELS

Debt held by the public peaked at $3.773 trillion in 1997. At the end of 2001, debt held by the public is projected to be $3.243 trillion, $530 billion lower than just four years ago. This is a reduction of 14 percent from peak levels.

The table on the following page shows the levels of debt held by the public resulting from the policies assumed in the Conference Agreement. The policies assumed in the Conference Agreement result in a reduction in debt in every year through 2011 and total debt reduction of $2.425 trillion from the end of 2001 through the end of 2011. Debt held by the public falls to 4.8 percent of GDP, its lowest level since 1916, prior to World War I.

The Conference Agreement proposals result in retiring the maximum amount of public debt that can reasonably be retired. Under the budget resolution, the debt remaining in 2010 and 2011 is considered (by CBO's estimates) to be the minimum debt level. It consists mostly of marketable bonds that will not have matured and that will be too expensive to buy back, savings bonds, and special bonds for State and local governments.

Debt Held by the Public

[$ billions]

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Debt Held by the Public	3,243.2	3,037.9	2,810.7	2,563.6	2,303.1	2,022.5	1,702.9	1,350.0	947.3	878.0	818.0

RECONCILIATION INSTRUCTIONS

Under section 310(a) of the Budget Act, the budget resolution may include directives to the committees of jurisdiction to make revisions in law necessary to accomplish a specified change in spending or revenues. If the resolution includes directives to only one committee of the House or Senate, then that committee is required to directly report to its House legislative language of its design that would implement the spending or revenue changes provided for in the resolution. Any bill considered pursuant to a reconciliation instruction is subject to special procedures set forth in sections 310 and 313 of the Budget Act.

House resolution

Section 4 provides for five different reconciliation bills. It contains directives to the Ways and Means Committee to report three tax-only bills to the floor by May 2, May 23, and June 20 of fiscal year 2001. Additional directives to the Ways and Means and the Energy and Commerce Committees are designed to allow those committees to reform the Medicare program and provide a prescription drug benefit. The Medicare-related legislation must be submitted to the House Budget Committee no later than July 24, 2001. An additional omnibus bill will be composed of submissions from six different committees that will contain both spending and revenue changes. These Committees are required to submit their recommendations to the Budget Committee by September 11, 2001.

Senate amendment

The Senate amendment provides a reconciliation instruction to the Senate Committee on Finance to reduce revenues for the period of fiscal years 2001 through 2011 by not more than the amount of revenue reductions set out in the revenue aggregates in the resolution. It also instructs the Committee on Finance to increase outlays by not more than $60 billion for the period of fiscal years 2001 through 2011. This reconciliation instruction was added by an amendment offered by Senator Domenici. The reduction in the revenue aggregates plus the $60 billion in outlays would permit up to $1.248 trillion in ''tax relief'' over this 11-year period.

Conference agreement

The Conference Agreement provides a reconciliation instruction to the Senate Committee on Finance to report by May 18, 2001, legislation to reduce revenues by not more than $1.25 trillion and increase outlays by not more than $100 billion for the period of fiscal years 2001 through 2011 provided that $100 billion of the revenues and outlays changes shall only be available for 2001 and 2002. The Conference Agreement also provides a reconciliation instruction to the House Committee on Ways and Means to report legislation by May 18, 2001 to reduce revenues by not more than $1.250 trillion for the period of fiscal years 2001 through 2011 and to increase outlays by not more than $100 billion for the period of fiscal years 2001 through 2011. The total reconciliation instruction to both the House Committee on Ways and Means and the Senate Committee on Finance is for $1.350 trillion over the period 2001 through 2011.

ALLOCATIONS

As required in section 302 of the Budget Act, the joint statement of the managers includes an allocation, based on the Conference Agreement, of total budget authority and total budget outlays among each of the appropriate House and Senate committees.

The allocations are as follows:

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Appropriations Committee

(In millions of dollars)

		2001	2002
General Purpose *	BA	641,979	659,540
	OT	615,529	647,780
Highways *	BA		
	OT	26,920	28,489
Mass Transit *	BA		
	OT	4,639	5,275
Conservation *	BA		1,760
	OT		1,232
Total Discretionary Action	BA	641,979	661,300
	OT	647,088	682,776
Current Law Mandatory	BA	332,768	357,786
	OT	316,432	350,418

* - Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES
Committees Other than Appropriations

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total 2002-2006	Total 2002-2011
Agriculture Committee														
Current Law	BA	21,035	14,020	3,570	3,436	3,486	3,537	3,580	3,362	3,855	3,997	4,062	28,049	46,905
	OT	17,238	10,701	67	-11	-8	33	38	-284	361	720	830	10,782	12,447
Discretionary Action	BA	5,500	7,350	0	0	0	0	0	0	0	0	0	7,350	7,350
	OT	5,500	7,350	0	0	0	0	0	0	0	0	0	7,350	7,350
Reauthorizations	BA	0	0	30,479	31,321	31,777	31,732	30,897	30,574	31,331	31,972	32,579	125,309	282,662
	OT	0	0	29,137	31,222	31,690	31,654	30,825	30,507	31,268	31,918	32,533	123,703	280,754
Total	BA	26,535	21,370	34,049	34,757	35,263	35,269	34,477	33,936	35,186	35,969	36,641	160,708	336,917
	OT	22,738	18,051	29,204	31,211	31,682	31,687	30,863	30,223	31,629	32,638	33,363	141,835	300,551
Armed Services Committee														
Current Law	BA	50,884	52,630	59,578	61,763	63,987	66,156	68,382	70,624	72,894	75,262	77,684	304,114	668,960
	OT	50,761	52,536	59,494	61,675	63,905	66,070	68,293	70,535	72,806	75,177	77,599	303,680	668,090
Discretionary Action	BA	0	146	106	74	43	29	11	11	5	9	6	398	440
	OT	0	146	106	74	43	29	11	11	5	9	6	398	440
Total	BA	50,884	52,776	59,684	61,837	64,030	66,185	68,393	70,635	72,899	75,271	77,690	304,512	669,400
	OT	50,761	52,682	59,600	61,749	63,948	66,099	68,304	70,546	72,811	75,186	77,605	304,078	668,530
Financial Services Committee														
Current Law	BA	9,629	6,697	6,978	6,404	6,189	5,904	5,833	5,668	5,637	5,737	5,865	32,172	60,912
	OT	4,149	1,366	1,228	763	187	-710	-886	-1,092	-1,147	-1,196	-1,245	2,834	-2,732
Committee on Education and the Workforce														
Current Law	BA	5,408	5,698	4,774	4,123	5,099	5,302	5,396	5,498	5,624	5,752	5,867	24,996	53,133
	OT	4,544	5,049	4,627	4,137	4,519	4,844	4,901	4,997	5,116	5,236	5,342	23,176	48,768
Discretionary Action	BA	5	5	5	5	7	10	10	10	10	10	10	32	82
	OT	5	5	5	5	7	10	10	10	10	10	10	32	82
Reauthorizations	BA	0	305	305	757	774	793	3,640	3,731	3,820	3,914	4,012	2,934	22,051
	OT	0	58	244	669	772	790	2,789	3,622	3,794	3,887	3,984	2,533	20,609
Total	BA	5,413	6,008	5,084	4,885	5,880	6,105	9,046	9,239	9,454	9,676	9,889	27,962	75,266
	OT	4,549	5,112	4,876	4,811	5,298	5,644	7,700	8,629	8,920	9,133	9,336	25,741	69,459
Energy and Commerce Committee														
Current Law	BA	1,852	9,774	11,636	16,674	17,773	17,853	18,852	13,903	13,891	13,928	13,967	73,710	148,251
	OT	3	9,660	10,240	16,538	17,592	17,687	17,867	17,189	17,594	14,925	13,919	71,717	153,211
Discretionary Action	BA	0	2,687	1,925	-4,042	-2,013	-5,094	-1,180	-1,275	-1,377	-1,490	-1,615	-6,537	-13,474
	OT	0	2,687	1,925	-4,042	-2,013	-5,094	-1,180	-1,275	-1,377	-1,490	-1,615	-6,537	-13,474
Reauthorizations	BA	0	0	0	0	0	0	0	5,000	5,000	5,000	5,000	0	20,000
	OT	0	0	0	0	0	0	0	893	833	3,721	4,993	0	10,440
Total	BA	1,852	12,461	13,561	12,632	15,760	12,759	17,672	17,628	17,514	17,438	17,352	67,173	154,777
	OT	3	12,347	12,165	12,496	15,579	12,593	16,687	16,807	17,050	17,156	17,297	65,180	150,177

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES
Committees Other than Appropriations

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total 2002-2006	Total 2002-2011
Government Reform Committee														
Current Law	BA	60,669	62,982	65,455	68,016	70,498	73,038	75,736	78,477	81,347	84,403	87,520	339,989	747,472
	OT	59,270	61,610	64,142	66,808	69,358	71,963	74,709	77,574	80,423	83,676	86,797	333,881	737,060
Discretionary Action	BA	0	0	-496	-523	-501	-475	-446	-413	-378	-340	-299	-1,995	-3,871
	OT	0	0	-496	-523	-501	-475	-446	-413	-378	-340	-299	-1,995	-3,871
Total	BA	60,669	62,982	64,959	67,493	69,997	72,563	75,290	78,064	80,969	84,063	87,221	337,994	743,601
	OT	59,270	61,610	63,646	66,285	68,857	71,488	74,263	77,161	80,045	83,336	86,498	331,886	733,189
Committee on House Administration														
Current Law	BA	112	87	89	86	87	87	87	88	88	88	88	436	875
	OT	68	33	60	252	42	27	59	221	88	70	64	414	916
International Relations Committee														
Current Law	BA	11,390	11,727	11,813	11,829	12,114	12,369	12,694	12,661	12,607	12,586	12,629	59,852	123,029
	OT	10,463	10,482	10,599	10,838	11,039	11,281	11,607	11,817	11,935	12,005	12,078	54,239	113,681
Resources Committee														
Current Law	BA	2,682	2,742	2,552	2,291	2,324	2,363	2,507	2,512	2,624	2,728	2,691	12,272	25,334
	OT	2,551	2,636	2,662	2,354	2,312	2,330	2,455	2,443	2,550	2,656	2,614	12,294	25,012
Discretionary Action	BA	0	0	87	89	93	96	0	0	0	0	0	365	365
	OT	0	-3	-58	4	56	89	149	88	31	0	-1	88	355
Total	BA	2,682	2,742	2,639	2,380	2,417	2,459	2,507	2,512	2,624	2,728	2,691	12,637	25,699
	OT	2,551	2,633	2,604	2,358	2,368	2,419	2,604	2,531	2,581	2,656	2,613	12,382	25,367
Judiciary Committee														
Current Law	BA	5,064	5,221	4,346	4,410	4,410	4,416	4,475	4,543	4,630	4,706	4,782	22,803	45,939
	OT	4,847	4,695	4,541	4,469	4,444	4,392	4,415	4,425	4,494	4,556	4,632	22,541	45,063
Total	BA	5,064	5,221	4,346	4,410	4,410	4,416	4,475	4,543	4,630	4,706	4,782	22,803	45,939
	OT	4,847	4,695	4,541	4,469	4,444	4,392	4,415	4,425	4,494	4,556	4,632	22,541	45,063
Transportation and Infrastructure Committee														
Current Law	BA	52,510	54,581	51,787	10,815	10,930	11,154	11,273	11,890	12,198	12,437	12,798	139,267	199,863
	OT	9,662	9,781	9,901	9,868	9,643	9,545	9,487	9,967	10,194	10,378	10,690	48,738	99,454
Reauthorizations	BA	0	0	0	42,665	43,420	44,663	45,843	47,007	48,188	50,491	51,970	130,748	374,247
	OT	0	0	0	86	307	495	569	601	620	633	639	888	3,950
Total	BA	52,510	54,581	51,787	53,480	54,350	55,817	57,116	58,897	60,386	62,928	64,768	270,015	574,110
	OT	9,662	9,781	9,901	9,954	9,950	10,040	10,056	10,568	10,814	11,011	11,329	49,626	103,404
Science Committee														
Current Law	BA	158	192	213	72	74	77	78	80	81	84	85	628	1,036
	OT	66	104	147	179	197	145	97	79	80	83	83	772	1,194
Small Business Committee														
Current Law	BA	-375	0	0	0	0	0	0	0	0	0	0	0	0
	OT	-475	-100	-100	0	0	0	0	0	0	0	0	-200	-200

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES
Committees Other than Appropriations

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total 2002-2006	Total 2002-2011
Veterans' Affairs Committee														
Current Law	BA	1,249	1,356	1,358	1,365	1,356	1,349	1,344	1,335	1,301	1,271	1,243	6,784	13,278
	OT	1,041	1,195	1,220	1,259	1,262	1,274	1,300	1,303	1,277	1,261	1,240	6,210	12,591
Discretionary Action	BA	0	264	479	761	816	885	953	1,008	594	640	687	3,205	7,087
	OT	0	264	479	761	816	885	953	1,008	594	640	687	3,205	7,087
Reauthorizations	BA	0	445	1,035	1,641	2,431	2,888	3,211	4,012	4,644	5,294	5,963	8,440	31,564
	OT	0	407	985	1,590	2,355	2,798	3,111	3,960	4,591	5,240	5,907	8,135	30,944
Total	BA	1,249	2,065	2,872	3,767	4,603	5,122	5,508	6,355	6,539	7,205	7,893	18,429	51,929
	OT	1,041	1,866	2,684	3,610	4,433	4,957	5,364	6,271	6,462	7,141	7,834	17,550	50,622
Ways and Means Committee														
Current Law	BA	697,787	684,366	680,440	697,193	718,687	729,999	752,688	771,900	791,581	810,744	831,149	3,510,685	7,468,747
	OT	696,886	684,537	679,418	695,843	716,988	728,179	751,350	770,209	789,680	809,335	829,471	3,504,965	7,455,010
Reauthorizations	BA	0	285	19,793	19,994	20,001	20,007	20,014	20,022	20,036	20,045	20,053	80,080	180,250
	OT	0	208	20,036	20,913	21,121	21,227	21,284	21,342	21,356	21,365	21,373	83,505	190,225
Discretionary Action	BA	85,000	1,360	3,089	2,834	3,879	4,247	4,984	4,983	4,945	4,902	4,862	15,409	40,085
	OT	85,000	900	3,060	2,867	3,950	4,292	5,019	4,998	4,960	4,907	4,867	15,069	39,820
Total	BA	782,787	686,011	703,322	720,021	742,567	754,253	777,686	796,905	816,562	835,691	856,064	3,606,174	7,689,082
	OT	781,886	685,645	702,514	719,623	742,059	753,698	777,653	796,549	815,996	835,607	855,711	3,603,539	7,685,055

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2001
(in millions of dollars)

Committee		Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
		Budget Authority	Outlays	Budget authority	Outlays
Appropriations					
General Purpose Discretionary		640,803	617,507	0	0
Memo:	*on-budget*	*637,372*	*614,136*		
	off-budget	*3,431*	*3,371*		
Highways		0	26,920	0	0
Mass Transit		0	4,639	0	0
Mandatory		332,768	316,432	0	0
Total		973,571	965,498	0	0
Agriculture, Nutrition, and Forestry		26,339	22,544	29,963	12,133
Armed Services		50,881	50,764	54	54
Banking, Housing and Urban Affairs		11,512	4,075	0	0
Commerce, Science, and Transportation		394	(3,472)	751	749
Energy and Natural Resources		2,691	2,609	40	51
Environment and Public Works		39,185	1,838	0	0
Finance		793,558	790,942	169,158	169,328
Foreign Relations		11,369	10,433	0	0
Governmental Affairs		60,669	59,270	0	0
Judiciary		5,064	4,847	264	264
Health, Education, Labor, and Pensions		9,726	8,740	1,852	1,851
Rules and Administration		112	68	0	0
Veterans' Affairs		1,249	1,245	23,556	23,465
Indian Affairs		267	233	0	0
Small Business		(375)	(475)	0	0
Unassigned to Committee		(330,341)	(313,341)	0	0
TOTAL		1,655,871	1,605,818	225,638	207,895

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2002
(in millions of dollars)

Committee		Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
		Budget Authority	Outlays	Budget authority	Outlays
Appropriations					
General Purpose Discretionary		546,945	537,091	0	0
Memo:	*on-budget*	*543,366*	*533,566*		
	off-budget	*3,579*	*3,525*		
Highways		0	28,489	0	0
Mass Transit		0	5,275	0	0
Conservation		1,760	1,232		
Mandatory		358,567	350,837	0	0
Total		907,272	922,924	0	0
Agriculture, Nutrition, and Forestry		21,175	17,856	22,293	13,209
Armed Services		53,053	52,964	54	54
Banking, Housing and Urban Affairs		8,417	1,273	0	0
Commerce, Science, and Transportation		13,452	9,630	805	801
Energy and Natural Resources		2,543	2,435	40	56
Environment and Public Works		41,494	1,799	0	0
Finance		699,700	699,169	185,672	185,713
Foreign Relations		11,706	10,454	0	0
Governmental Affairs		62,982	61,610	0	0
Judiciary		5,195	4,669	264	264
Health, Education, Labor, and Pensions		10,179	9,419	1,804	1,822
Rules and Administration		87	33	0	0
Veterans' Affairs		1,620	1,622	26,902	26,762
Indian Affairs		272	280	0	0
Small Business		0	(100)	0	0
Unassigned to Committee		(329,947)	(320,947)	0	0
TOTAL		1,509,200	1,475,090	237,834	228,681

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
5-YEAR TOTAL: 2002-2006
(in millions of dollars)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	69,640	52,349	106,745	71,186
Armed Services	305,980	305,551	274	274
Banking, Housing and Urban Affairs	59,463	2,355	0	0
Commerce, Science, and Transportation	72,789	50,419	4,493	4,468
Energy and Natural Resources	11,145	10,947	200	230
Environment and Public Works	181,030	8,380	0	0
Finance	3,740,350	3,737,604	1,086,697	1,086,656
Foreign Relations	59,747	54,108	0	0
Governmental Affairs	337,994	331,886	0	0
Judiciary	22,667	22,405	1,320	1,320
Health, Education, Labor, and Pensions	48,155	46,411	8,972	8,995
Rules and Administration	436	414	0	0
Veterans' Affairs	9,989	9,964	148,529	147,804
Indian Affairs	1,103	1,116	0	0
Small Business	0	(200)	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
10-YEAR TOTAL: 2002-2011
(in millions of dollars)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	114,692	80,210	225,304	156,220
Armed Services	671,521	670,656	549	549
Banking, Housing and Urban Affairs	132,028	(3,390)	0	0
Commerce, Science, and Transportation	164,611	118,775	10,178	10,292
Energy and Natural Resources	22,064	21,882	400	430
Environment and Public Works	371,833	15,995	0	0
Finance	8,261,320	8,254,702	2,663,216	2,662,654
Foreign Relations	122,819	113,442	0	0
Governmental Affairs	743,601	733,189	0	0
Judiciary	45,724	44,848	2,640	2,640
Health, Education, Labor, and Pensions	102,173	97,860	17,950	17,973
Rules and Administration	875	916	0	0
Veterans' Affairs	19,277	19,318	317,909	316,669
Indian Affairs	2,112	2,108	0	0
Small Business	0	(200)	0	0

The Conferees agree that it would be ideal to enforce this resolution using CBO's best cost estimates based on its most recent baseline. Typically, CBO prepares a preliminary baseline published in January and then a revised baseline in March that incorporates information CBO learns in reestimating the President's budget, which is usually released in early February. Almost always, the budget resolution is based on CBO's revised baseline. This year, however, the President's budget was not released until April 9, so CBO will not release its full analysis of the President's budget and accompanying revised baseline until May 18. Thus, this budget resolution is still based on CBO's preliminary baseline. Therefore the Conferees intend that the Chairmen of the Committees on the Budget will enforce this resolution (pursuant to Section 312 of the Budget Act) with respect to appropriation measures consistent with the assumptions underlying CBO's revised baseline only after CBO publishes its analysis of the President's budgetary proposals for fiscal year 2002 including its revised baseline and only to reflect the revised baseline, and may use CBO's estimates (that are consistent with the revised baseline) for purposes of enforcing the budget resolution.

The Conferees also agree that transfers from non-budgetary governmental entities such as the Federal Reserve Banks shall not be used to offset increased on-budget spending when such transfers produce no real budgetary effects. It has long been the view of both Committees on the Budget that transfers of Federal Reserve surpluses to the Treasury are not valid offsets for increased spending. Nonetheless, such transfers have been legislated in the past—as recently as the fall of 1999. The Conferees agree to a scoring rule to make clear that such transfers will not be taken into account when determining compliance with the various Budget Act and Senate paygo points of order.

RULEMAKING AND BUDGETARY PROCEDURES

ENFORCEMENT PROCEDURES

The Budget Act contains procedures for the enforcement of the levels contained therein. In addition, many budget resolutions have contained additional enforcement procedures. In general, enforcement is accomplished by setting forth new scoring rules or new points of order which can be raised by any member of either House. Subtitle A of title II of the Conference Agreement contains 4 such provisions.

House resolution

Section 5: Reserve Fund for Emergencies

Section 5 modifies Congressional procedures related to emergency spending in fiscal year 2001. It establishes a separate allocation to the Appropriations Committee for emergencies of $5.6 billion. In lieu of the current practice of automatically increasing the appropriate levels in the budget resolution for designated emergencies, it permits the Appropriations Committee to make such adjustments only if emergency-designated appropriations meet a statutory definition of an emergency and key disaster accounts have been fully funded.

Section 13: Restrictions on Advance Appropriations

Section 13 establishes a scoring rule and budgetary control designed to limit advance appropriations. It provides that for purposes of enforcing the budget resolution, advance appropriations are to be scored in the year in which they are enacted. Under current scorekeeping conventions, appropriations are scored in the year in which they are available for obligation. An exception is provided for programs for which advance appropriations do not exceed a specified level that will be identified in the joint statement of managers.

Section 12: Compliance with Section 13301

Section 12 provides the House the authority to include the administrative expenses related to Social Security in the 302(a) allocation to the Appropriations Committee. As part of an agreement between the House and Senate Budget Committees in 2000, the administrative expenses of the Social Security trust funds are no longer included in the budget resolution. The Budget Committees, however, continue to include these expenses in the 302(a) allocations of the Appropriations Committee because they are controlled through the annual appropriations process. Absent the authority provided under section 12, these expenses could not be included in the 302(a) allocations because the allocations must be consistent with the amounts set forth in the budget resolution.

Senate amendment

Section 201: Restrictions on Advance Appropriations

The Senate amendment contains a new scoring rule with respect to advance appropriations. The new rule provides that both the BA and the outlays for an advance appropriation will be scored for the budget year regardless of the fiscal year in which the funds actually become available for obligation. An exception is provided for advance appropriations which provide full funding for a capital project. The exception is intended to apply to the federal buildings fund within the General Services Administration and not as a means of providing incremental funding to other federal acquisitions.

Section 202: Mechanism for implementing increase of fiscal year 2002 discretionary spending limits

The Senate amendment contains a mechanism virtually identical to that which was included in section 206 of the fiscal year 2001 budget resolution. The Senate amendment provides the Chairman of the Senate Committee on the Budget the authority to increase the section 302(a) allocation to the Committee on Appropriations after the statutory discretionary spending limit for fiscal year 2002 (set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985) has been amended. Such adjustment is limited to the levels set forth in the mechanism. As passed the Senate, the allocation may be adjusted up to $689.2 billion in BA and $666.5 in outlays for the general discretionary category, $28.5 billion in outlays for the highway category, $5.3 billion in outlays for the mass transit category, and $1.76 billion in BA and $1.38 in outlays for the conservation category. Note that with an exception for a necessary adjustment within Function 920 (to bring the Senate-passed resolution in compliance with section 312(b) of the Budget Act) these numbers are intended to reflect the sum of the functional totals. However due to mathematical inconsistency within some of the amendments adopted during the Senate debate of the resolution, this may not be the case.

Section 207: Limitation on consideration of amendments under reconciliation and a budget resolution

The Senate amendment contains language which modifies the time for debate on budget resolutions, reconciliation bills, and amendments thereto. The language was added by an amendment offered by Senator Byrd. The Senate amendment modifies the procedural rules as follows: (1) limits overall debate time (including the offering of amendments) for both budget resolutions and reconciliation bills to 50 hours (current rules permit 50 hours for budget resolutions and 20 for reconciliation bills); (2) eliminates the non-debatable motion to reduce the time, so that time may only be reduced by unanimous consent; (3) reduces time on 1st degree amendments from 2 hours to 1 hour, and reduce time on amendments to amendments (and debatable motions and appeals) from 1 hour to 30 minutes; (4) requires that 1st degree amendments be offered or filed with the Clerk prior to the end of the 10th hour of consideration and that 2nd degree amendments be offered or filed with the Clerk prior to the end of the 20th hour of consideration; (5) requires that after 40 hours of consideration, the resolution be set aside for 1 calendar day; (6) provides that waiver or appeal from these new rules requires 60 votes in the Senate.

Conference Agreement

Section 201: Restrictions on Advance Appropriations—House

Section 201 of the Conference Agreement adopts a limitation on advance appropriations similar to the approach taken in last year's budget resolution. The Conference Agreement establishes a rule against any advance appropriation for 2003 and any year thereafter with two exceptions: (1) advance appropriations may be provided for the accounts in the appropriation bills listed below, provided that their sum does not exceed $23.159 billion in budget authority for 2003 and (2) advance appropriations may be provided for the Corporation for Public Broadcasting.

Accounts Identified for Advance Appropriations:

Commerce, Justice, State
- Patent and Trademark Office (13 1006 01 376)
- Legal Activities and U.S. Marshals, Antitrust Division (15 0319 01 752)
- U.S. Trustee System (15 5073 02 752)
- Federal Trade Commission (29 0100 01 376)

Interior
- Elk Hills (89 5428 02 271)

Labor, Health and Human Services, Education
- Employment and Training Administration (16 0174 01 504)
- Health Resources (75 0350 01 551)
- Low Income Home Energy Assistance Program (75 1502 01 609)
- Child Care Development Block Grant (75 1515 01 609)
- Elementary and Secondary Education [reading excellence] (91 0011 01 501)
- Education for the Disadvantaged (91 0900 01 501)
- School Improvement (91 1000 01 501)
- Children and Family Services [head start] (75 1536 01 506)
- Special Education (91 0300 01 501)
- Vocational and Adult Education (91 0400 01 501)

Treasury, General Government
- Payment to Postal Service (18 1001 01 372)
- Federal Building Fund (47 4542 04 804)

Veterans, Housing and Urban Development
- Section 8 Renewals (86 0319 01 604)

The Conference Agreement adopts the definition of ''advance appropriation'' that was used in section 203(b)(2) of last year's budget resolution (which was the provision applicable in the House of Representatives). This limitation can be enforced by points of order, which may be raised against advance appropriations not falling within the exception. The effect of a point of order under this section, if sustained by the Chair, is to cause the appropriation(s) to be stricken from the bill or joint resolution. The bill itself, however, continues to be considered.

Section 202: Restrictions on Advance Appropriations—Senate

Section 201(a) of the Conference Agreement adopts a limitation on advance appropriations similar to the approach taken in last year's budget resolution. The Conference Agreement prohibits any advance appropriation for 2003 and any year thereafter with two exceptions: (1) advance appropriations may be provided for the accounts in the appropriation bills listed below, provided that their sum does not exceed $23.159 billion in budget authority for 2003 and (2) advance appropriations may be provided for the Corporation for Public Broadcasting.

Accounts Identified for Advance Appropriations:

Commerce, Justice, State
- Patent and Trademark Office (13 1006 01 376)
- Legal Activities and U.S. Marshals, Antitrust Division (15 0319 01 752)
- U.S. Trustee System (15 5073 02 752)
- Federal Trade Commission (29 0100 01 376)

Interior
- Elk Hills (89 5428 02 271)

Labor, Health and Human Services, Education
- Employment and Training Administration (16 0174 01 504)
- Health Resources (75 0350 01 551)
- Low Income Home Energy Assistance Program (75 1502 01 609)
- Child Care Development Block Grant (75 1515 01 609)
- Elementary and Secondary Education [reading excellence] (91 0011 01 501)
- Education for the disadvantaged (91 0900 01 501)
- School Improvement (91 1000 01 501)
- Children and Family Services [head start] (75 1536 01 506)
- Special Education (91 0300 01 501)
- Vocational and Adult Education (91 0400 01 501)

Treasury, General Government
- Payment to Postal Service (18 1001 01 372)
- Federal Building Fund (47 4542 04 804)

Veterans, Housing and Urban Development
- Section 8 Renewals (86 0319 01 604)

The Conference Agreement adopts the definition of ''advance appropriation'' that was used in section 203(b)(2) of last year's budget resolution (which was the provision applicable in the Senate). Both the overall cap on advanced appropriations for fiscal year 2002 for the specified accounts and the prohibition for subsequent fiscal years will be enforced in the Senate by a 60-vote point of order. The effect of a point of order under this section, if sustained by the Chair, is to cause the appropriation(s) to be stricken from the bill or joint resolution. The bill itself, however, continues to be considered.

Section 203: Mechanism for Implementing Increase of Fiscal Year 2002 Discretionary Spending Limits

Section 203 of the Conference Agreement retains the language from section 202 of the Senate amendment. Virtually identical language was included in section 206 of last year's budget resolution. It provides the Chairman of the Senate Committee on the Budget the authority to increase the section 302(a) allocation to the Committee on Appropriations after the statutory discretionary spending limit for fiscal year 2002 (set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985) has been amended. The Conference Agreement permits the allocation to be adjusted up to $659.540 billion in BA and $647.780 billion in outlays for the general discretionary category, $28.489 billion in outlays for the highway category, $5.275 billion in outlays for the mass transit category, and $1.760 billion in BA and $1.232 billion in outlays for the conservation category. Note that with an exception for a necessary adjustment within Function 920 (to bring the Conference Agreement in to compliance with section 312(b) of the Budget Act), the functional totals of this Conference Agreement reflect a level of discretionary spending equal to the levels provided in this section.

Section 203 of the Conference Agreement also includes a mechanism for establishing a budget authority firewall in the Senate with respect to defense and nondefense discretionary spending. This firewall would be enforced by a 60-vote point of order only after the section 251 discretionary spending limit for 2002 has been amended. Similar language was included in section 207 of last year's budget resolution. The Conferees feel that a firewall is necessary to add credibility to the total level of discretionary spending provided for in this resolution given the additional authority set out in section 218 of the resolution to increase the section 302(a) allocation to the Committee on Appropriations for additional defense spending. The Conferees stress the need for the President to transmit to Congress a budget amendment requesting additional resources for defense after the completion of the President's National Defense Review prior to the Chairman of the Budget Committee considering any increase in the 302(a) allocation pursuant to section 218.

Section 204: Compliance with Section 13301 of the Budget Enforcement Act of 1990

Section 204 of the Conference Agreement retains the language of section 12 of the House Resolution regarding the budgetary treatment in the House of discretionary spending for the Social Security Administration. Similar language was included in section 231 of last year's resolution.

Other issues

The Conference Agreement does not include any language reflecting section 206 of the Senate amendment which provided limitations on consideration of amendments to budget resolutions and reconciliation bills in the Senate.

Senate Pay-as-you-go Point of Order

For convenience, and in keeping with previous years, the text of the Senate's current Pay-go point of order (see Section 207 of H. Con. Res. 68 (106th Cong. 1st Sess.) and the starting balances for the Senate pay-go scorecard are set out below. The starting balance represents the Congressional Budget Office's baseline estimate of the on-budget surpluses over the ten-year period. The Conferees note that the levels of spending and revenue reductions set out in the Conference Agreement, if enacted, would not result in a violation of the Senate pay-as-you-go point of order.

SEC. . PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PURPOSES.—The Senate declares that it is essential to—

(1) ensure continued compliance with the balanced budget plan set forth in this resolution; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For the purposes of this subsection the term ''applicable time period'' means any one of the three following time periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affect the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget, and

(B) be calculated under the requirements of subsection (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or cause an on-budget deficit when taken individually, then it must also increase the on-budget deficit or causes an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that the direct spending or revenue effects resulting from legislation enacted pursuant to the reconciliation instruction included in that concurrent resolution on the budget shall not be available.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 23 of H. Con. Res. 218 (103rd Cong.) is repealed.

(g) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2002.

2002 BUDGET RESOLUTION

[$ Billions]

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Baseline on-budget surpluses	142.097	171.286	195.686	211.605	266.799	316.203	359.195	416.669	484.265	558.187

RESERVE FUNDS

Reserve funds are special procedures which permit the consideration of specified legislation by making available the resources that are assumed within the aggregate levels of the budget resolution, but are not initially allocated to the appropriate committee of jurisdiction. In general, such provisions provide that upon the reporting of the legislation by the appropriate committee, the Chairmen of the Committees on the Budget may adjust the appropriate allocations to accommodate the legislation provided that all the terms of the reserve fund have been satisfied. The Chairmen intend to make reserve fund adjustments only for legislation reported by the appropriate committee. Subtitle B of Title II of the Conference Agreement contains nine reserve funds.

House resolution

Section 6: Strategic Reserve

Section 6 establishes a reserve fund for Department of Defense spending following the President's National Defense Review and a potential reauthorization of the Federal Agriculture Improvement Act of 1996. It could also accommodate other legislation. In order to be eligible for adjustments under this section, the legislation must be reported before July 11, 2001.

Section 7: Supplemental Reserve for Medicare

Section 7 establishes a reserve fund to accommodate a potentially more expensive Medicare bill than was reflected in the budget resolution. The Budget Committee chairman is authorized to make the adjustment for reconciliation legislation that provides for Medicare reform and prescription drug coverage. The Budget Committee chairman may increase the 302(a) allocations to the appropriate committees of jurisdiction by the amount of the Congressional Budget Office [CBO] reestimate of the cost of the President's Medicare plan or an alternative plan submitted by the Ways and Means and Commerce Committees. As a further limit on the cost of the bill, the adjustment under this section may not cause the on-budget surplus in the budget resolution to be less than $36 billion in fiscal year 2002 and comparable levels in fiscal years 2003 through 2011.

Section 8: Reserve for FY 2001

Section 8 establishes a reserve fund for fiscal year 2001. The Chairman of the Budget Committee is authorized to make adjustments for Department of Defense shortfalls, emergency agricultural assistance, and other measures. It also limits the amount of the adjustments to the amount the bill exceeds the Committee's allocation. The adjustments may also not cause the on-budget surplus to be less than $29 billion in fiscal year 2001.

Section 9: Reserve for Education

Section 9 establishes a reserve fund to allow additional spending for programs authorized by the Individuals with Disabilities Education Act (IDEA) in fiscal year 2002. It permits the Budget Committee chairman to increase the allocation when an appropriation increases spending for IDEA above the baseline level of $6.37 billion. The adjustment may not exceed $1.25 billion.

Section 10: Reserve for Additional Tax Cuts and Debt Reduction

Section 10 permits the budget resolution to be adjusted to accommodate a larger tax cut or debt reduction if the surplus estimates increase in the Congressional Budget Office update of its budget and economic forecast for any fiscal years 2001 through 2011. If the estimate of the on-budget surplus increases, the chairman of the Budget Committee may increase the tax cut or reduce the debt levels by up to the amount of the increase in the surplus.

Senate amendment

Section 203: Reserve fund for prescription drugs and Medicare reform in the Senate

The Senate amendment contains language creating a reserve fund for Medicare reform and a prescription drug benefit. This reserve fund replaced the language in the initial substitute amendment offered by Senator Domenici and was added by an amendment offered by Senator Grassley. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Finance that reforms medicare and improves access to prescription drugs for beneficiaries. The adjustments may not exceed the Congressional Budget Offices's cost estimate of either a plan submitted by the President or a comparable plan submitted by the Chairman of the Committee on Finance and in no case may total spending exceed $300 billion for the period of fiscal years 2002 through 2011. Note that the aggregates and function levels in the Senate amendment assume only $153 billion (of the potential $300 billion) over ten years.

Section 206: Reserve fund for medicare payments to home health agencies

The Senate amendment contains language creating a reserve fund to restore Medicare payments to home health agencies. This reserve fund was added by an amendment offered by Senator Collins. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Finance that repeals the scheduled 15% reduction in home health payments. Adjustments may not exceed $4 billion for the period of fiscal years 2002 through 2006 and $13.7 billion for the period of fiscal years 2002 through 2011. In addition, no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the on-budget surplus before the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution. Note that the function levels and aggregates in the Senate amendment assume the reductions would have gone into effect.

Section 208: Reserve fund for the payment of retired pay and compensation to disabled military retirees

The Senate amendment contains language creating a reserve fund to provide for the payment of retired pay and veterans' disability benefits to disabled military retirees. This reserve fund was added by an amendment offered by Senator Reid. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Armed Services (and the appropriate committee of the House of Representatives) that funds the payment of full retired pay and veterans' disability benefits to disabled military retirees. The amendment does not, however, make any provision for the additional $14.4 billion in discretionary spending that the Congressional Budget Office has estimated would also be required to fully fund these benefits. Adjustments may not exceed $2.9 billion for fiscal year 2002 or $40 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Section 209: Reserve fund for refundable tax credits

The Senate amendment contains language which in effect provides ''fungibility'' between outlays and revenues in a reconciliation tax legislation. This provision was added by an amendment offered by Senator Bingaman. The Senate amendment permits budget resolution levels, committee allocation, and reconciliation instruction to be adjusted for legislation reported from the Senate Committee on Finance that provides refundable tax credits. Adjustments are limited such that the sum of the spending increase and revenue reductions must not exceed the total amount of the reconciliation instruction. This will have the same effect as the ''fungibility'' language set out in section 310(c) of the Budget Act—and is superfluous in this case since the reconciliation instruction in the Senate amendment to Senate Finance contains an outlay component.

Section 212: Reserve fund for Family Opportunity Act

The Senate amendment contains a reserve fund to facilitate the consideration of the Family Opportunity Act in the Senate. This reserve fund was added by an amendment offered by Senator Grassley. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Finance that expands Medicaid coverage for children with special needs to permit their parents to purchase such coverage. Adjustments may not exceed $200 million for fiscal year 2002 or $7.9 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Section 213: Reserve fund for Veterans' education

The Senate amendment contains a reserve fund to provide additional resources for veterans' education benefits. This reserve fund was added by an amendment offered by Senator Collins. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Veterans' Affairs (and the appropriate committee of the House of Representatives) that increases the basic monthly benefit under the G.I. bill. Adjustments may not exceed $775 million for fiscal year 2002 or $4.3 billion for the period of fiscal years 2002 through 2006 or $9.9 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Section 214: Reserve fund for payments in lieu of taxes

The Senate amendment contains a reserve fund to provide additional resources for payments in lieu of taxes and for refuge revenue sharing. This reserve fund was added by an amendment offered by Senator Bingaman. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Energy and Natural Resources that fully funds payments in lieu of taxes for entitlement lands under chapter 69 of title 31 of the U.S. Code. Adjustments may not exceed $353 million for fiscal year 2002 or $3.709 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Conference agreement

Section 211: Medicare Reserve Fund

Section 211 of the Conference Agreement is in two parts. Section (a) retains the language from the House and Senate resolutions to accommodate Medicare reform and prescription drug legislation. The language is modeled on section 203 of the Senate Amendment. The aggregate level of spending for such legislation has been assumed within the Function 570 levels and the aggregates in the Conference Agreement, but will not be allocated to the committees. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committee report legislation providing for Medicare reform and a prescription drug benefit provided that the cost of such legislation does not exceed $59.1 billion in BA and outlays for the period of fiscal years 2003 through 2006 and $300 billion in BA and outlays for the period of fiscal years 2003 through 2011. The Conferees note that in the Senate the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation.

The Conferees note that it would be appropriate for the cost of such legislation (but no other legislation) to be funded in whole or in part from the surpluses of the Hospital Insurance Trust Fund.

Section 211(b) of the Conference Agreement retains the language of section 206 of the Senate Amendment which provides a reserve fund for legislation regarding payments under Medicare to home health providers—with a modification. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported (or for amendments thereto or conference report thereon) from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committees report legislation that repeals the scheduled 15% reduction in home health payments. The aggregate level of spending for such legislation has been assumed within the Function 570 levels and the aggregates in the Conference Agreement, but will not be allocated to the committees. Adjustments may not exceed $4 billion in BA and outlays for the period of fiscal years 2003 through 2006 and $13.7 billion in BA and outlays for the period of fiscal years 2003 through 2011. The Conferees note that in the Senate the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Subsection (b) provides, however, that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation, would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 212: Reserve Fund for the Family Opportunity Act

Section 212 of the Conference Agreement retains the language of section 212 of the Senate Amendment which provides a reserve fund for legislation to enable the expansion of Medicaid coverage for children with special needs to permit their parents to purchase such coverage—with a modification. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported (and amendments thereto, or any conference report thereon) from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committees report legislation that expands Medicaid coverage for children with special needs to permit their parents to purchase such coverage. Adjustments may not exceed $227 million in BA and $180 million in outlays for fiscal year 2002, $3.035 billion in BA and $2.724 billion in outlays for the period of fiscal years 2002 through 2006 and $8.337 billion in BA and $7.867 billion in outlays for the period of fiscal years 2002 through 2011.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Note that the aggregate level of spending for such legislation has been assumed within the Function 550 levels and the aggregates in the Conference Agreement, but will not be allocated to the committees. The Conference Agreement provides, however, that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 213: Reserve Fund for Agriculture

Section 213 of the Conference Agreement includes a new reserve fund for legislation reauthorizing the Federal Agriculture Improvement and Reform (FAIR) Act of 1996, Title I of such act, and other appropriate agriculture production legislation. Funding for agriculture was assumed in the budget totals but not the allocation. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported (and amendments thereto, or any conference report thereon) from the Senate Committee on Agriculture, Nutrition and Forestry and the House Committee on Agriculture if the committees report such legislation. Adjustments may not exceed $66.15 billion in BA and outlays for the period of fiscal years 2003 through 2011.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Note that the aggregate level of spending for such legislation has been assumed within the levels for Function 300 and 350 and within the aggregates in the Conference Agreement, but will not be allocated to the committees. The Conference Agreement provides however that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 214: Reserve Fund for Additional Tax Cuts and Debt Reduction

Section 214 of the Conference Agreement retains the language of Section 10 of the House Resolution, which provides a mechanism by which the assumed tax cuts or debt levels may be adjusted by an increase in CBO's mid-session update of the surplus. Similar language was included in section 213 of last year's budget resolution.

Section 215: Technical Reserve Fund for Student Loans

Section 215 of the Conference Agreement includes a new technical reserve for legislation that permanently retains the interest rate schedule currently in effect for student loans and that repeals the switch to a replacement interest rate structure scheduled to occur under current law on July 1, 2003. This technical reserve would permit extension of the overwhelmingly bipartisan agreement reached in the Higher Education Amendments of 1998 to support the interest rate structure of the student loan programs as it operates today.

The Conference Agreement permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation (reported from the Senate Committee on Health, Education, Labor and Pensions and within the jurisdiction of House Committee on Education and the Workforce) that repeals an provision (from 1993) that, if left in place, would dismantle the existing interest rate structure for student loans starting July 1, 2003. The adjustment may not exceed $110 million in BA and $100 million in outlays for the combined period 2001–2002, nor may it exceed $3.440 billion in BA and $2.840 billion in outlays for the combined period 2001–2006, nor may it exceed $7.665 billion in BA and $6.590 billion in outlays over the 2001–2011 period. The Conferees note that the Senate the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation.

Section 216: Reserve Fund for the Purchase of Health Insurance by the Uninsured

Section 216 of the Conference Agreement includes a reserve fund for legislation which provides resources to facilitate the purchase of health insurance for the uninsured. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations (including the revenue aggregates) for legislation which is reported (and amendments thereto, or any conference report thereon) from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committees report legislation that enables the uninsured to purchase health insurance. The aggregate level of spending for such legislation has been assumed within the Function 550 levels and the

spending aggregates in the Conference Agreement, but will not be allocated to the committees. Adjustments may not exceed $28 billion in BA and outlays or $28 billion in revenues or any combination of spending and revenues for the period of fiscal years 2002 through 2004.

The Conferees note that in the Senate the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. The Conferees intend, however, to provide complete flexibility to the authorizing committees to draft such legislation providing spending or tax changes. The Conference Agreement provides however that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 217: Reserve Fund for Defense in the Senate

Section 217 of the Conference Agreement includes a mechanism in the Senate to increase the section 302(a) allocation (and other appropriate budgetary aggregates) to the Committee on Appropriations and the Committee on Armed Services of the Senate for 2002 in order to make additional resources available in response to the President's National Defense Review. The Conference Agreement permits the Chairman of the Committee on the Budget to increase the 302(a) allocation only when two requirements are satisfied. First, the President must submit a specific budget amendment to the Congress requesting additional funding for fiscal year 2002 in response to the National Defense Review. Second, the Committee on Appropriations must have reported an appropriations measure which provides funding for such budget amendment.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Note that neither the Function 050 levels nor the aggregates of the resolution contain any additional resources for this National Defense Review. Therefore, any adjustments made pursuant to the authority in this section will reduce the surplus aggregates contained in the resolution. The Conferees acknowledge that because of the limitation contained in section 302(a)(3)(A) of the Budget Act, the chairman of the Committee on the Budget may not adjust the section 302(a) allocation to the Committee on Appropriations until the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 has been increased for 2002 by an amount sufficient to accommodate the increase envisioned by this section. The Conference Agreement provides, however, that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 218: Strategic Reserve Fund in the House

Section 218 of the Conference Agreement establishes a reserve in the House of Representatives for authorizing or appropriations measures for the Department of Defense, following the President's National Defense Review; it also may be used for legislation that would provide for a prescription drug benefit, or for other appropriate legislation. The adjustment may only be made for the amount that the relevant legislation exceeds the applicable committee's allocation or the aggregate provided for in the budget resolution. The reserve fund is further limited in that the adjustment may not be made if it would cause the on-budget surplus to be less than an amount equal to the Medicare Hospital Insurance Trust Fund.

Additional items

The Conferees note that the Conference Agreement does not include any reserve fund language from section 9 of the House resolution regarding additional discretionary funding for programs authorized in the Individuals with Disabilities Act.

The Conferees note that the Conference Agreement does not include any reserve fund language from section 208 of the Senate Amendment regarding the payment of retired pay and veterans' disability benefits to disabled military retirees. The Conference Agreement does however retain the Sense of the Congress language from section 19 of the House Resolution which is set out in section 314.

Section 314 of the conference report includes a sense of the Congress directing the Secretary of Defense to report within 180 days after the adoption of this Conference Agreement to the relevant congressional defense committees and to the House and Senate Budget Committees on the provision of concurrent retirement and disability benefits for retired members of the Armed Forces. The report shall address the number of individuals retired from the Armed Forces who would otherwise be eligible for disability compensation under the proposed legislation (S. 170 in the Senate and H.R. 303 in the House of Representatives); the comparability of the policy to Office of Personnel Management guidelines for civilian Federal retirees; the comparability of this proposed policy to prevailing private sector standards; the numbers of individuals potentially eligible for concurrent benefits who receive other forms of Federal assistance and the cost of that assistance; and alternative initiatives that would accomplish the same result as concurrent receipt of military retired pay and disability compensation at different levels of cost. The Secretary of Defense may submit legislation that he considers appropriate.

Section 314 of the Conference Agreement also includes a Sense of Congress requesting the Congressional Budget Office and the Office of Management and Budget to report to the Budget Committees within 30 days after the adoption of this conference report on the risk that providing full concurrent receipt of military retired pay and disability compensation under the proposed legislation identified above could reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund.

The Conferees also note that the Conference Agreement does not include any reserve fund language from section 209 of the Senate Amendment which purported to provide ''fungibility'' between outlays and revenues in reconciliation tax legislation. Given the language in section 310(c) of the Budget Act which statutorily provides for ''fungibility,'' the language from section 209 was superfluous.

The Conference Agreement does not include the language from section 213 of the Senate Amendment regarding increased funding for veterans' education benefits. Instead the Conferees agreed to include the funding within the Function 700 levels, the resolution aggregates, and the allocation to the appropriate authorizing committees of the House of Representatives and the Senate.

The Conference Agreement does not include the language from section 214 of the Senate Amendment regarding additional resources for payments in lieu of taxes and for refuge revenue sharing.

MISCELLANEOUS PROVISIONS

In addition to enforcement provisions and reserve funds, budget resolutions may contain miscellaneous provisions that may affect the level of spending or that provide additional enforcement mechanisms or additional guidance in interpreting the resolution. Subtitle C of Title II of the Conference Agreement contains two of these provisions.

House resolution

Section 11. Application and effect of changes in allocations and aggregates

Section 11 establishes the procedures for making adjustments pursuant to the reserve funds included in this resolution. It provides that the adjustments may only be made during the interval that the legislation is under consideration and do not take effect until the legislation is actually enacted. It also requires the Budget Committee chairman to submit any revisions in the budget resolution pursuant to the reserves for printing in the Congressional Record.

Senate Amendment

Section 204: Application and effect of changes in allocations and aggregates

The Senate amendment contains language which is similar to the language found in section 222 of the fiscal year 2001 budget resolution and clarifies the application and effectiveness of the adjustments made by the Chairman of the Committee on the Budget pursuant to the ''reserve funds'' set out in the resolution.

Section 205: Exercise of rulemaking powers

The Senate amendment contains language identical to section 234 of the fiscal year 2001 budget resolution and states the authority by which Congress adopts the various budgetary enforcement rules and procedures for the consideration of certain legislation set out in the resolution.

Section 210: Additional Revenue reductions

The Senate amendment contains a provision which states that revenue reductions set out in the underlying resolution should be increased by an additional $69 billion for the period of fiscal years 2002 through 2011—in order to provide marriage penalty relief. The language was added by an amendment offered by Senator Hutchison (TX).

Section 211: Increase funding for IDEA

The Senate amendment contains a provision that states that the revenue reductions set out in the underlying resolution should be reduced by $70 billion for the period of fiscal years 2002 through 2011 and an additional $70 billion in BA and outlays should be added to Function 500 (Education) over that same time period—in order to provide additional resources to IDEA. This language was added by an amendment offered by Senator Breaux.

Conference Agreement

Section 221: Application and Effect of Changes in Allocations and Aggregates

Section 221 of the Conference Agreement retains the language of section 11 of the House Resolution (which is virtually identical to Section 204 of the Senate Amendment) clarifying the process for implementing any adjustment made pursuant to the reserve funds and the status of these adjusted levels. It further clarifies that the Budget Committee determines scoring for purposes of points of order. This section also makes clear that levels in the joint statement will be used for purposes of budget enforcement rather than the levels in the conference report. Finally the Budget Committee chairmen are given the authority to score legislation for enforcement purposes based on CBO's updated baseline.

Section 222: Exercise of Rulemaking Powers

Section 222 of the Conference Agreement retains the language of section 205 of the

Senate Amendment. It states the authority by which Congress adopts the various budgetary enforcement rules and procedures for the consideration of certain legislation set out in the budget resolution. An identical provision was included in section 234 of last year's budget resolution.

The Conference Agreement does not include the language from either section 210 or 211 of the Senate Amendment because all assumptions regarding revenues are taken into account within the actual revenue aggregates set out in the Conference Agreement. In addition, the issue of the level of funding for programs authorized in the Individuals with Disabilities Education Act is taken into account within the levels for Function 500.

SENSE OF CONGRESS, HOUSE AND SENATE PROVISIONS

House Resolution

The House budget resolution contains the following Senses of the House or Congress that have no legal force but reflect the Congress' views on a variety of budget-related issues. The section numbers and section headings of these reserve funds are as follows:

Section 14 states a Sense of the House concerning Federal pay.

Section 15 states a Sense of Congress relating to Individual Development Accounts and the working poor.

Section 16 provides a Sense of Congress relating to Federal fire prevention assistance.

Section 17 states a Sense of the House regarding the deduction of state sales tax from Federal income taxes.

Section 18 states a Sense of Congress regarding funding for Graduate Medical Education.

Senate Amendment

The Senate amendment contains the following Sense of the Senate provisions:

Section 301 Sense of the Senate on Debt Reduction.

Section 302 Sense of the Senate on AIDS and Other Infectious Diseases.

Section 303 Sense of the Senate on Consolidated Health Centers.

Section 304 Sense of the Senate on Funding for Department of Justice Programs for State and Local Law Enforcement Assistance.

Section 305 Sense of the Senate on United States Coast Guard Fiscal Year 2002 Funding.

Section 306 Sense of the Senate on Strengthening our National Food Safety Infrastructure.

Section 307 Sense of the Senate with Respect to Increasing Funds for Renewable Energy Research and Development.

Conference agreement

The Conference Agreement contains the following Sense of the Senate and Sense of Congress provisions:

Subtitle A—Sense of the Senate provision.

Section 301 Sense of the Senate on conservation.

Section 302 Sense of the Senate on AIDS and other infectious diseases.

Section 303 Sense of the Senate on Consolidated Health Centers.

Section 304 Sense of the Senate on Funding for Department of Justice Programs for State and Local Law Enforcement Assistance.

Section 305 Sense of the Senate on United States Coast Guard Fiscal Year 2002 Funding.

Section 306 Sense of the Senate on Strengthening our National Food Safety Infrastructure.

Section 307 Sense of the Senate with Respect to Increasing Funds for Renewable Energy Research and Development.

Section 308 Sense of the Senate with respect to increased education funding.

Subtitle B—Sense of the Congress provisions.

Section 311 Asset building for the working poor.

Section 312 Federal Fire prevention assistance.

Section 313 Funding for graduate medical education at children's teaching hospitals.

Section 314 Concurrent retirement and disability benefits to retired members of the armed forces.

Section 315 Federal Employee Pay.

Section 316 Sales tax deduction.

JIM NUSSLE,
JOHN E. SUNUNU,
Managers on the Part of the House.

PETE DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
KIT BOND,
Managers on the Part of the Senate.

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

(Mr. HINOJOSA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESSIONAL HEARINGS ON VTOL TECHNOLOGY WILL EXAMINE FAILED OSPREY PROJECT AND NEW TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I rise tonight to discuss an issue that relates directly to the safety of the men and women whose task it is to defend our country. It also goes to the heart of the American lead in the aviation technology upon which we depend so much.

For over a decade, I backed a project that I believed would permit America to take the lead in the next major step in aviation technology, that is, Vertical Takeoff and Vertical Landing aircraft. Unfortunately, it is clear now that the project, the Osprey project, has been a costly and a dangerous failure.

Of the 11 aircraft built, four have crashed, and three of the crashes resulted in 30 fatalities. That is 30 dead heroes whom we cannot bring back. The flight crews that were lost were the most experienced on this craft and some of the best and the brightest of the Marine Corps.

On page 32 of the most recent copy of the Marine Corps Gazette, there is an article by a pilot who is also a weapons and tactics instructor that underscores the skepticism about the viability of the Osprey program. Then there is the alarming allegations of a cover-up, a cover-up and records falsification by Marine officers directly involved in the Osprey's operational testing. Recently, the Defense Department's Blue Ribbon panel echoed the finding of the Marine Corps' Accident Mishap Board in recommending extensive redesign of the craft. All of this calls into question the Osprey's future use by the military and, of equal significance, its commercial viability. No commercial aviation company in this country is ever going to get insurance on a craft with this kind of safety record.

The Blue Ribbon panel mandates that we go back to the drawing board. That is not a condemnation of vertical landing, vertical takeoff; it is a condemnation of the Osprey program. Vertical Takeoff and Vertical Landing technologies are the way to alleviate our overcrowded airports, to ease our overburdened air traffic control systems, and to ensure our military's ability to respond when our runways have been destroyed by a wartime adversary. To pull us into the 21st century, we need a simple Vertical Takeoff, Vertical Landing aircraft with longer range, higher speed, and greater payload capacity. Perhaps like a transport version of the Harrier jet.

Tomorrow, the Subcommittee on Space and Aeronautics, a subcommittee that I chair, will be holding a hearing on one such aircraft that holds promise for the future, and it will fly for the first time this summer. Let me note that my father was a Marine pilot.

Mr. Speaker, these 30 casualties during the testing of the Osprey program are unconscionable, 30 dead Marines. We do not need any more dead Marines. The Osprey program is a failure, but the Vertical Takeoff, Vertical Landing concept is not. We should not abandon that technology, and we should try to keep America first in aviation technology by ensuring that new concepts of Vertical Landing, Vertical Takeoff will be available to the American military and also available to commercial aviation so that the United States of America will be able to fly its up-to-date, cutting-edge aircraft throughout the world and remain the leader in aviation technology, creating jobs for our people and creating a capability, both militarily and commercially, that will keep America ahead of the competition and ahead of our adversaries.

So I would ask my colleagues tomorrow to pay attention to our hearing, and I would ask the public to pay attention to the hearing of the Subcommittee on Space and Aeronautics

that I chair, and we will be examining the Vertical Takeoff and Vertical Landing concept, and perhaps some of the reasons why the old program failed and why there is hope that better technology is available in the future, technology that would protect our military people and offer great commercial possibilities for our country.

Mr. Speaker, I would submit for the RECORD the article in the Marine Corps Gazette entitled, ''MV–22 Osprey or Edsel?''

[Ideas & Issues, MV–22 Osprey]

MV–22 OSPREY OR EDSEL?

(By LtCol Bruce A. Milton, USMCR)

IS THE OSPREY 'TOO MUCH' AIRCRAFT?

Mishaps have been an aviation bane ever since Orville and Wilbur made those first epic flights amid the dunes of Kitty Hawk. The early days of powered flight took an incredible toll on those intrepid airmen who ventured forth to challenge gravity. Despite tremendous losses, the potential benefits to both the civil and military complexes enabled a fledgling enterprise to evolve into the technologically advanced industry that we have today. I doubt few events in modern history can compare with the meteoric accomplishments of the aviation field. To think that Neil Armstrong walked on the moon less than 65 years after the Wrights' first powered flight is simply phenomenal.

Throughout these ever-evolving phases of aviation, countless steps have been taken to reduce the inherent risks associated with flying. There isn't adequate space in this article to pay homage to all the positive changes incorporated by manufacturers, operators, government entities, and others to enhance flight safety. Suffice it to say that the mishap rate—a tangible statistic that measures how safe we really are—has improved markedly over the years as a result of these positive changes.

However, just as the automotive industry has had models that were not successful, the annals of aviation history also include numerous aircraft that were ''scrapped'' or pulled from production. Unlike the doomed Edsel, a car that the driving public simply did not find aesthetically pleasing, many prematurely canceled aircraft, certainly many military aircraft, had their operational lives shortened because they were deemed too dangerous.

With a new aircraft, as with any complicated machine, there is a learning curve. This wringing out period includes the time that skilled test pilots put the aircraft through its paces. They ''push the envelope'' to establish limitations, procedures, and guidelines for subsequent squadron pilot usage. During this wringing out, the aircraft also undergoes operational test and evaluation (OTE). During OTE, more guidelines and procedures are established as how to best employ the aircraft in a tactical environment. Once the new aircraft has successfully completed this rigorous testing, it is ready for introduction to the fleet.

When speaking of the MV–22, it is with this latter portion of the learning curve that I am most concerned. I am not now, nor have I ever been, a test pilot. I have, however, spent the majority of my aviation career in some type of instructional capacity. From my days on active duty as a weapons and tactics instructor to my current duties as a training captain for a large commercial emergency medical services operator, I have amassed literally thousands of hours of flight instruction in both fixed- and rotary-wing aircraft. This experience has provided me with some insights into pilot performance and behavior.

Collectively, pilots are merely a cross section of society. As such, among pilots there exists a widely varying degree of aeronautical prowess and ability. I have flown with pilots whose seemingly effortless skill I admired. I have flown with those who struggled very hard to make the required grade. I have also flown with pilots whose performance made me wonder how they had progressed as far as they had. Interestingly enough, I suppose most of the pilots I have flown with over the last 19 years can be defined as being average.

In most communities and subcultures of naval aviation, there is certainly nothing wrong with average. Average can be equated to someone who is safe, reliable, and aware of his or her capabilities and limitations. However, in the case of the Osprey, I am concerned that average may not be good enough. As recent tragic events illustrate, ''above average'' or even ''outstanding'' may not be sufficient skill levels to successfully master the MV–22. We have lost the two most experienced Osprey aircrews, senior test pilots even, in the first stages of fleet incorporation. What happens when we man this aircraft with less than stellar experienced aircrews? I'm not sure the jury is ''in'' on this subject.

In my capacity as an instructor, I have more than a layman's appreciation for helicopter aerodynamics. I understand such phenomena as ''settling with power'' and ''vortex ring state.'' I have deliberately induced this condition at altitude to show pilots how dangerous it can be if encountered in close proximity to the ground. I opine that in most helicopters, under most conditions—even tactically—it is rare to enter the vortex ring state. Reports I have read about the Marana incident attribute the mishap to the pilot having entered a vortex ring state. The speed and rates of descent reported certainly did not seem to me to be excessive. I have seen conditions far worse with no hint of loss of control. Is the margin of error or more correctly, margin of safety, of the Osprey so narrow as to put the aircrews at a disadvantage?

If the Osprey is as demanding to fly as it might seem, what happens when we man it with the inevitable average crew, cloak them in the fog of war, and send them forth in harm's way? Send them into a hot landing zone on a dark night wearing night vision goggles? Send relatively inexperienced crews into tactical situations where it is prudent to expedite time spent in the vulnerable landing phase? I cannot help but ponder such questions.

I do not particularly care about the politics involved in the overwhelming process of aircraft acquisition and employment. Instead, I worry about the troops tasked to fly in those aircraft. It is time to take a long, unbiased, nonpartisan look at the MV–22's future in the Corps. If it can be proven that cockpit workload and aircrew skill requirements are reasonable, then let us welcome its capabilities into our arsenal. If the aircraft needs further redesign or modification to make it safer, then we should pursue those changes. If it turns out that there is no rational or cost-effective solution to the current woes, then perhaps we should consider tabling MV–22 acquisitions until such time that it is safe.

We owe this analysis to our Marines. After all, the Edsel may have been unsightly, but it wouldn't kill you.

MEDICARE PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise to speak tonight to discuss a report that was just released yesterday from the National Institute for Health Care Management Foundation, which stated that spending on prescription drugs has increased almost 19 percent in the last year. I am deeply troubled by this report, as it underscores a critical need for this Congress to modernize Medicare to include a prescription drug benefit.

Spending on retail outpatient prescription drugs rose almost 19 percent in 2000, from $111 billion to $131.9 billion. Approximately half of that spending increase can be attributed to just 23 prescription drugs or pharmaceuticals. Among those drugs are the blockbuster ones we hear about, Vioxx, Lipitor, Celebrex and Glucophage, which I am not pronouncing correctly, but the very drugs that seniors rely on every day to treat chronic long-term illnesses such as diabetes, arthritis or high cholesterol. In fact, my mother-in-law, of those four drugs, actually takes three of them every day.

For the seniors that have no prescription drug coverage, they simply have no choice but to pay top dollar for these expensive medications or go without; and that is what they are doing every day, they are going without, because they cannot afford them. Fully one-third of our Medicare beneficiaries, and these are old numbers, because that was before so many of our Medicare HMOs withdrew from the market, at least one-third of them have no prescription drug coverage at all.

I hear from constituents literally every day who have to make these tough choices on whether to pay their electric bill or their prescription drugs. In fact, I have a letter I just received today from a constituent who tells me: ''I am holding off on some of my medications until my Social Security checks are deposited in the bank on the 3rd, and I am out of some of them already.'' Seniors are struggling literally from Social Security check to Social Security check hoping they have enough medication until the end of the month.

Another constituent of mine was hospitalized for a severe infection. When she was dismissed from the hospital she was given three new prescriptions, one which cost more than $700. Imagine an 85-year-old woman being asked to pay $700 for one prescription. The other two cost her an additional $150, bringing her grand total for these new prescriptions, only new ones for this current illness, to $850 on one trip to the pharmacy. Talk about adding insult to injury.

Unfortunately, the high costs of prescription drugs are only getting worse. The recent government study predicts that the mapping of the human genome, the aging of the baby boom generation that I am a part of, and the increase in spending on biomedical research will lead to the introduction of

more and more prescription drugs. This is the good part of it, because we are living longer and healthier, but this is sometimes a mixed blessing from a policy perspective. The influx of these drugs can only mean new treatments and therapies for what are now incurable and serious diseases, but it also means that the demand for these drugs and also the cost of these drugs will rise.

Congress cannot sit idly by while our seniors, our parents and our grandparents, are forced to pay more and more of their hard-earned retirement on prescription drugs, and they cannot afford it. Unfortunately, we have seen little action during this Congress. We have actually had one or two hearings in the Subcommittee on Health of the Committee on Energy and Commerce, but we have not gone any further.

For the past 100 days, all we have heard about is a tax cut. What we need to do is start addressing prescription drugs for senior citizens, those 40 million hard-working Americans who now rely on Medicare.

The $300 billion I understand that may be in the budget that will actually come out of the Medicare reform legislation for prescription drugs is just not adequate. The real problem for our seniors is every time I go to the grocery store at home or a town hall meeting or visit with my seniors, I am approached on what we can do about prescription drugs for seniors. They want to know why in Washington we are not doing something about it, because they see it as an imperative that if it is not a problem today, it has been a problem for over a year and we have not addressed it.

Mr. Speaker, I urge my colleagues on both sides, the majority and the minority, we need to pass a prescription drug benefit that is part of Medicare. Just like a doctor or hospital, our prescription drugs should be paid for for our seniors as part of Medicare. We may not be able to afford the 80 percent that we do now for doctors and hospitals, but we ought to be able to grow into that.

Mr. Speaker, $300 billion is a start, but we have a long way to go. It is a crisis now for our senior citizens. It is a crisis for our parents and our grandparents, and we need to do something about it now.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEGISLATION TO DESIGNATE THE ''M. CALDWELL BUTLER POST OFFICE BUILDING'' IN ROANOKE, VIRGINIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, it is with great pleasure that I introduced legislation today to name the main Roanoke United States Post Office at 419 Rutherford Avenue in Roanoke, Virginia, for my good friend, former Congressman M. Caldwell Butler.

Mr. Butler is a gentleman whom I admire greatly. He served as a United States naval officer during World War II. He received his undergraduate degree from the University of Richmond in 1948 where he was elected to Phi Beta Kappa and Omicron Delta Kappa. In 1950 he received an LL.B. degree from the University of Virginia School of Law where he was elected to the Order of the Coif. In 1978, he received an honorary degree of Doctor of Laws from Washington and Lee University.

Mr. Butler served in the Virginia House of Delegates from 1962 until 1972, where he was minority leader. He practiced law in Roanoke from 1950 until his election to Congress in 1972. He served five full terms in the House of Representatives, representing the sixth district of Virginia. It was my privilege to serve as Congressman Butler's district director from 1977 until 1979.

While in Congress, Mr. Butler was a member of the House Committee on the Judiciary and the Committee on Government Operations. Mr. Butler's start in Congress was memorable. As a member of the House Committee on the Judiciary, he served with distinction as part of the panel that conducted impeachment hearings involving President Richard Nixon.

□ 2000

Mr. Speaker, following his service to our Nation, Mr. Butler returned home to Roanoke to practice law as a partner of the firm of Woods, Rogers & Hazelgrove, which he continued to do until his retirement in 1998. In addition, he contributed his expertise on a national level by serving as a member of the National Bankruptcy Review Commission from 1995 until 1997.

Mr. Butler is a pillar of the civic community as well, serving as a member of the board of directors of the John Marshall Foundation and the board of trustees of the Virginia Historical Society, a fellow of the American Bar Foundation, a fellow of the American College of Bankruptcy, and a fellow of the Virginia Law Foundation.

Mr. Butler has shown great leadership and personal integrity in his service as a member of the Virginia General Assembly and as a United States Congressman.

It is with great pleasure that I honor a true public servant by introducing legislation that will make Roanoke, Virginia home to the M. Caldwell Butler Post Office Building.

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

(Mr. RUSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE ENERGY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, I rise tonight to talk about what is fast becoming one of the largest problems our country faces, and that is the energy crisis. It is not just a California problem. It has spread certainly to the Northwest, where I am from, but also throughout the country, as we see prices for all sorts of energy consumption, from gas at the pump to electricity in the home, go up considerably.

Mr. Speaker, I think it is very good that the President has focused a large number of resources on deciding what to do about this problem. He has put together a task force and the Vice President is taking the leadership role on that. I think this is a problem that we need to focus on.

I am not as excited about the initial reports from the Vice President and the President about the direction they need to go in, but I feel, and so does the new Democratic coalition, which I rise tonight in part to represent, that it is a good first step and we can get there on the policy.

But where should we go? The Vice President's approach and some of his initial remarks were, first of all, that we are going to need to build a power plant a week for the next 20 years, and that conservation, while a personal virtue, is not an energy policy.

The vision that is laid out from those initial statements is that we are going to be building a lot of power plants and power plants that are focused on existing fuel sources, fossil fuel, oil, natural gas, coal, and we are simply going to try to burn and drill our way out of the problem.

Is this a good solution to our energy crisis? I would argue, and my fellow new Democrats also argue, that this is not the best solution. There are a lot of damaging side effects to taking that approach, and what is more, there is a better option, a better approach. Building a power plant every week for the

next 20 years is going to be an incredibly costly endeavor, costly in terms of money and costly in terms of the impact that it has on our environment.

When you are drilling for oil all over the place, you have a tendency to damage the environment and have an impact. When you burn that oil, when you burn those fossil fuels, you have a very damaging impact on the quality of our air and on the overall quality of our environment. This is not the best direction to go in.

One final reason why I do not think it is the best direction to go in, it has been a constant focus on our dependency on foreign sources for our energy. In fact, ironically, that is one of the arguments that the administration gives for drilling in the Alaskan National Wildlife Reserve and the Gulf of Mexico and a variety of different places for oil domestically: to reduce our dependency on foreign oil.

Drilling for more oil is not going to reduce our dependency on foreign energy sources. As long as we have a fossil fuel base system, as long as we are dependent on oil, we are going to be dependent on foreign sources for that oil, because you could drill the entire country and you would not come up with as much oil as they have in the Middle East and Russia and in a variety of other places that we are dependent on.

The only way to reduce our foreign dependency on energy is to come up with new sources of that energy, and that is what we and the new Democrats are talking about doing.

Mr. Speaker, let me be clear; we need more generation. Some of that generation will have to be traditional natural gas, coal-burning, fossil fuel-generating plants. We understand that we cannot simply tomorrow shift to new sources of energy and get off of this, but we would like to be able to do so as soon as possible, for all of the reasons that I stated.

What are the possibilities here? Is it simply a matter of generating a megawatt here, a megawatt there? It is much better than that. The possibilities of what we can accomplish in terms of shifting our focus and energy dependency away from fossil fuels towards greater conservation and new technologies is far greater than I feel most people realize.

Even before we get into the new sources of energy discussion, even focusing on conservation, the thing the Vice President said was a personal virtue but not an energy policy, if we were to improve in homes and businesses the way we consume energy, electricity, natural gas, a variety of different things, improve conservation, we could save an unbelievable amount of energy.

A recent survey on conservation just cited a couple of things that we could do: tuning up residential air-conditioning, tuning up commercial buildings, more efficient air-conditioning systems in those commercial buildings, and more efficient commercial lighting. All of those things combined could save sufficient megawatts to save us well over 100 of those new power plants that the Vice President has proposed that we needed.

If we could then move on to new technologies, solar, wind, fuel cell technology, biomass, a variety of different programs that are out there, we could save even more. By a very conservative estimate, we could cut in half the number of new power plants that we need; maybe more if we went out and spent the money and experimented and found out what we could do.

This is a much better, more balanced approach. It is better for the environment. It is better for domestic security, so that we are not dependent on those foreign sources of energy, and it will build us a long-term sustainable energy policy, instead of thinking that we could simply drill our way out of it by depending on fossil fuels.

We need this balanced approach. What I sincerely hope that the President and the Vice President do is engage Congress to work on this, to balance out this approach and come up with a sustainable long-term policy.

A lot of people will say on a number of these subjects that I talked about, whether it is wind, solar, fuel cell, increased conservation, it is just not cost effective. It does not work. In other words, it is too expensive right now to generate wind power, and you do not really get that much.

Conservation will not really save you that much because you have to spend a lot of money to get there. We do not have the technology to accomplish this.

I would like to draw an analogy to another topic that we have been debating here recently in Congress, and that is the national missile defense system. The President has also recently come out and said we need to build a national missile defense system, basically a system where we could protect at least some portion of the United States, actually, I think it is all of the United States, by being able to shoot down one or two rogue ICBMs if they are fired at the U.S.

We will not find a scientist in this country right now who says that currently that can work at this moment. You will find some who say it will never work. You will find some others who think we can work our way out of it, but the bottom line is the President is saying that whatever you think about this policy, that it is so important to this country that we be able to protect ourselves from a rogue missile or ICBM coming from a rogue nation, that we should spend the money and find out.

Figure it out. He is willing to spend hundreds of billions of dollars to come up with this solution. Like I said, I am not speaking against that policy. He may well be right. That may be such an important policy to do that, but transfer that to energy. Why not spend at least a fraction of that developing some of these new technologies?

If we can figure out in the President's estimation how to hit a bullet with a bullet, with the national missile defense system, by spending enough money, why can we not figure out how to conserve energy better and develop new sources of energy so that we are not relying on the fossil fuel system we have right now?

The answer is that we can. We can develop those technologies, wean our dependence on fossil fuels and better use conservation so we have a cleaner future in addition to ones that generate the energy that we need.

We need to take this balanced approach. It is not enough to simply say, coal, natural gas, oil, that is all we have, that is all that works, let us move on and not change, not look at conservation, not look at alternatives. We need to strike that balanced approach.

I have some colleagues here who are going to participate in the debate as well.

Mr. Speaker, I yield to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, the energy issue is clearly an issue that is on everyone's mind right now. I just this past week invited a number, a cross section of individuals, to attend a meeting where we would discuss what was the appropriate role for the Federal Government with respect to energy policy.

I had people who represented investor-run utilities. I had municipal utilities at the meeting, rural electric cooperative participants. We had large industrial consumers. We had low-income energy advocates. We had people from the State Regulatory Commission in Utah as well.

I can tell my colleagues that if we need any other indication that this is a significant issue, everyone who we invited came to this meeting. It was a fascinating discussion, and what we talked about was the notion of a balanced approach, a balanced approach that incorporates a number of different solutions to what is an energy problem.

Admittedly, this meeting tended to focus more on the electrical side of the equation than on the oil and the gasoline side, so my comments are going to focus more on that as well. But I would suggest that as we look at this energy issue, we really need to sequence time periods in which we are talking about what can we do, what can we do to put ourselves in a better position. In the short term, our options are rather limited.

Clearly we have a supply and demand imbalance, and in the short term, you are not going to be building any new power plants very quickly. In the short term, the best available option we have right now is to increase energy efficiency.

I want to make sure that people understand. As I say, energy efficiency, that is a notion where it is not like you have to give up something; it is not like you have to turn the thermostat

down to 60 degrees and put on five different sweaters. Efficiency means we can have the same comfort level but using less energy to get there.

The technologies are there and, quite frankly, in the short term, which I describe for the next 2 years in the western United States, energy efficiency gains are one of the best tools we have to try to mitigate a very difficult circumstance that we are in in terms of that supply and demand dynamic.

Mr. Speaker, let us talk about the midterm, which is the 2-year time frame to, let us say, the 30-year time frame. Energy efficiency is still going to be part of the equation, but there are more factors that can be added to the equation. This is where we can pursue new sources of supply.

We are going to have to create additional sources of electric supply. We should probably take a balanced approach that incorporates a number of technologies, that is going to be part of the equation.

If we look at the 25–30 years and beyond, that is what I call the real long-term perspective, we need to make a concerted effort, a concerted effort on research and development for technology to provide some solutions; solutions in terms of creating energy more efficiently, solutions in terms of using energy more efficiently and solutions in terms of creating energy from new sources that are not a significant part of our energy supply today.

That is why as a Member of the Committee on Science, I am very concerned about the DOE budget numbers proposed by the administration that show cuts in research and development spending for energy efficiency programs and for energy supply, research and development as well. I am very concerned about that, because I think in the long term, it is good public policy for us to encourage development of good research and technology in this regard.

I mentioned this energy forum and I mentioned all of these people who came and attended this forum. The fact is we talked about a whole bunch of policy areas where the Federal Government should or should not have a role.

I just want to focus on one of those issues that we discussed as a group that I thought was very interesting and something that Members of Congress should keep in mind, and that is the sense that we have gotten into the situation we are in now partly due to the fact that we just had a lack of a predictable public policy.

I used to work in the energy business. I developed cogeneration facilities in the independent power business, and I can tell my colleagues that by the time we got to about 1990, it became very difficult to make rational decisions about investing in new power plants because there was so much uncertainty about what the market was going to be.

Congress was moving towards passage of something called the Energy Policy Act, which deregulated the whole cell side of our electric industry. But they said, you know what, it is up to the States to figure out what to do on the retail side. Right then we had a bit of a dysfunctional market where wholesale prices were deregulated and working in one marketplace and retail were working in a different situation.

This is a complicated issue. Admittedly, it is hard to implement policy quickly, but we had a series of actions over the years since the Energy Policy Act was passed, FERC Order 888, FERC Order 889, FERC Order 2000. We are still trying to resolve what to do with our electric transmission systems in terms of regional transmission organizations.

□ 2015

We need to resolve those issues because decisions about investing in infrastructure, investing in new supply are difficult to make in the face of uncertainty. So I would suggest that, as a rule, we should try to develop unified predictable policies.

The same applies in terms of dealing with regulatory rules for environmental permitting. Everyone in this meeting that I had in Salt Lake City last week indicated that they are concerned about following the rules. They want to follow the rules. No one suggested rolling back environmental regulations. But they all expressed a desire that we know what the rules are and that there is a process to work through an appropriate permitting activity.

We have got to make sure, again, that we create that unified predictable policy environment where people can make rational decisions. I think that is an important goal for us as Members of Congress. I think that is an important part of developing the balanced energy policy that the gentleman from Washington (Mr. SMITH) has been discussing.

Mr. SMITH of Washington. Mr. Speaker, I just want to follow up on a couple of points that the gentleman from Utah (Mr. MATHESON) made.

First of all, in the investments in alternative energy and conservation programs, the cut in the President's proposed budget is 36 percent from what was already a fairly meager amount. It was $373 million last year. It goes down to $237 million in the President's budget. On something that is so important, we can certainly make a better investment and move, hopefully, forward towards finding some of these new technologies and finding that balanced approach.

The second thing is I think it is critical to point out that this is not a one-sided problem, either on the conservation, new technology side. We do have a problem in locating plants. We did a bad job over the course of the last 10 years in preparing for what somebody should have seen coming, which was the offset of supply and demand that we currently are experiencing.

Part of that problem is what the gentleman said, not knowing what the rules are. It is not a matter of we want to be able to build whatever power plant we want wherever, we just want to know what the rules are so that people can make an intelligent investment decision to build the plant where we want them to build it in the manner in which we want them to build it.

There are a variety of different things we can do in that side of the technology, too. I mean, the way we have the system set up now, it costs more money to bring new plants online in terms of the sort of pollution credits that one has to buy, basically buying the right to pollute, but at the same time one is generating energy. That is the way we do it.

But the newer plants are more efficient and more environmentally sensitive. The older plants that are not do not have to buy those credits, or at least they do not have to buy as much and pay as much. So.

There is a whole lot of things we can look at, both on the generation of typical fossil fuels and conservation and new technology. It is a balanced approach that we really need to take to make this work.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE) who is going to give us some further perspective on the issue.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding to me, and I appreciate him pulling together this special order tonight to talk about an issue I think is very important. It is going to have such a significant impact in this country on so many areas of our economy. I do not think we even realize today what a tremendous impact it will have if it continues.

We talk about the problems in California as if they are isolated, and the gentleman touched on them earlier. The issue of providing for encouraging people to save energy is critically important. One of the pieces, as we are seeing tremendous escalation in cost, is we are going to see a tremendous wealth transfer in this country as it relates to those who have very little, who are trying to make it to those who have considerably amount.

I want to talk a little bit for a few minutes about the ever-increasing cost of energy, because certainly we need a long-term policy. Certainly we need to do all those things. But energy is a lot like eating. One can talk about it in the long run, but we eat in the short run. We stay cool. We get in our cars. We need energy in the short term.

As I travel through my district now over the last several months, I continue to hear complaints from constituents there about how energy prices are rising and there is no end in sight. Even when they go up and they come down, they do not come back down anywhere near where the last level was, hoping people are comfortable, knowing they are going up again. As I talk to my distributors and retailers, they say it is not us. So I ask, where is it?

I hear from the farmers in my district. I have heard them talk about the high price of propane and natural gas prices are driving up the cost associated with farming. That is not just true in North Carolina, it is true all over this country.

Many people here may not be aware of how farmers use propane. Certainly in North Carolina, they use it to dry the crops, whether it be peanuts or tobacco or corn or whatever it may be. But it is also used to run irrigation systems. It is used for heating purposes; because in the rural areas, propane is the gas of choice. They do not have pipelines.

The farmers in North Carolina use it to heat their barns in the summer to cure products; and they use it when they have animals, for pigs or chickens or turkeys or whatever they may be. It is a part of their production process as well as running the irrigation system.

They also use it in the homes and they have seen those prices virtually double when they spiked up this winter and they have not come back to the level they were last year.

The natural gas price rise also has an impact on fertilizers that are used in the farming. We will not see that until next year. Mr. Speaker, natural gas is used as a feedstock for ammonia, which is used for anhydrous ammonia that goes on the corn in the Midwest and all the products grown in this country. We are going to see it at the grocery store. And if the prices do not rise for the farmers, they are going broke.

Many of my colleagues may not know that natural gas accounts for about 90 percent of the cost of producing fertilizer. That is a substantial amount of the cost. With the doubling of the price of natural gas from last year, farmers are facing prices of anhydrous ammonia doubling this year. Double.

Now, that is going to have a significant price on the cost of product. They are already having a difficult time making a living; and these additional costs associated with other energy costs for their diesel fuel, for the gasoline and other things they use on the farm, and the low commodity prices are going to drive more farmers out of business.

The increase in energy price is also imposing a real economic hardship on thousands of urban citizens in my State, especially seniors on fixed income. They need that energy in the short run, and this cost is driving it up. Families on limited and fixed income face enough challenges without these unexpected increases that are associated with the necessities that they need.

Let me just share two examples that were in the paper recently. Because of the high cost of natural gas, Gloria Williams, a single mother in southeast Raleigh, who goes to school during the day to improve her lot in life and works at a Target store in the evening to sustain and support her family, did not even turn on the gas last winter in her home. She could not afford it. So she used wood or any other alternative fuel she could get just to keep it warm and get through the winter.

Another person in Garner by the name of Fred Joyner, a retired logger who has a disability payment, he said his bill was usually $75 a month, and it doubled. He said, ''it digs deep that bill, but you gotta stay warm. It's like eating.'' One has got to pay the bill. He said, I do without other things.

No family in America should be required to do this so that just a very few could put more on the bottom line.

Gasoline prices are creeping up, Mr. Speaker, and some are jumping. My district does not enjoy much of the benefits of an extensive and expansive public transportation system. The only public system we have of any extent is the one that transports our children to and from school. One needs to understand that those prices are going up at a rapid rate, and that is going to affect the public till for those who are paying for it.

The State is facing an $850 million shortfall in their budget. My constituents are car people. That is how they get back and forth to work. Heck, the interstate outside Raleigh just got HOV lanes about a year ago. When gas goes up, they feel it in their pocketbooks. Their daily commutes to and from work or trips to the beach or the mountains when they used to make them, they will be cut back. There is no end in sight.

According to a recent report issued by the Department of Energy Information Administration, they have forecast the prices to continue to increase. Last year, natural gas wellhead prices averaged $3.62 per thousand cubic feet. For this year, EIA predicts the average wellhead price will be almost 50 percent above that. There is a reason for that. It is hard to believe that the wellhead prices have escalated at this level.

The price of propane is heavily tied to natural gas, as propane is a natural byproduct of natural gas. When propane prices rise and spike like they did last winter, they do not come back down to their previous level. We have already seen that.

As EIA is predicting natural gas prices, it is also predicting foreseeable higher propane prices extending out for the next 20 months. I would like to know why it is keeping increasing, and we have not heard anyone talk about how we get it down.

Last year, there was a lot of grumbling over gas prices. They were high, but not high enough to dissuade Americans from taking vacations. That may happen this year.

When the Energy Department testified last Wednesday, they said that EIA forecast that the average retail price for gasoline over the summer would range from $1.50 to $1.65 a gallon. That compares with $1.53 last year at the highest level.

Yesterday, I read in The Washington Post that the range had already expanded to a $1.75, and that is 5 percent above last year's record highest prices. I have even heard the prediction for some of the energy analysts that the price in this country might even reach $3. I raise the question, how do you know it is going to be $3?

Folks were quite patient last summer, but I do not know if Americans are willing to put up with the gas pries as they continue to get higher. If gas prices run up to $3, the American people will want to know why it happened. So far, they have not liked the explanations that they have been hearing, that price increases are simply an example of the market at work.

I ask the question: What market? Is the market working when the Federal Trade Commission approves of a merger between two of the largest oil companies as is expected in June between Texaco and Chevron? Will consumers think that removing one more competitor from the field will help lower gas prices? I do not think so.

I have been brought up to believe that competition is good, that it helps keep prices down. I believe more people would agree with me if they think it through. When one cuts the number of companies fighting over customers, how will that price go down. The American people are going to want answers to these questions. But they may not feel we have reached a crisis proportion concerning energy, but it may be coming.

Now I know some people do not want to characterize our energy predicament as a crisis. That word gets people worried. It can upset the stock market, and I understand that. But I do believe the situation is urgent and, as a result, demands an urgent and prompt response from the Bush administration.

I think the American people deserve the same level of urgency, the same sense of urgency from President Bush that Governor Bush demonstrated to oil producers when they were hurting by the drop in oil prices in 1999. I urge the administration to demonstrate its understanding of the urgency of this situation by developing an energy policy that does not tell Americans they have to wait a few years before any relief will be found to higher energy prices.

I thank the gentleman from Washington for this opportunity to participate in this special order this evening because this is an issue that is important, not only to my constituents in North Carolina, but as the gentleman has indicated, to all Americans.

Mr. SMITH of Washington. Mr. Speaker, I yield to the gentleman from Washington (Mr. LARSEN), from my home State. As Washingtonians, we know this is not just a California problem. It is certainly not even just a West Coast problem.

Mr. LARSEN of Washington. Mr. Speaker, I thank the gentleman from Washington (Mr. SMITH) for yielding to me.

Mr. Speaker, I am here today to talk a little bit about the energy crisis in the West, how it is affecting families and businesses in my home district, the second district of Washington State and what I and other new Democrats are doing to try to provide a balanced comprehensive long-term solution.

□ 2030

In many ways we are facing ''The Perfect Storm'' of energy. The energy crisis in Washington State is the result of a number of factors happening, seemingly impossibly, at the same time: a failed deregulation plan in California, an inefficient supply of energy, congested transmission pathways, inaction by the Federal Energy Regulatory Commission to ensure just and reasonable rates in the Pacific Northwest, and, ironically, for the Pacific Northwest, the lack of rain.

Many people refer to this crisis as just a California crisis, but clearly this has not been the case in my district. It is a Washington State energy crisis, an Oregon crisis, Idaho, Montana. Definitely the Northwest and soon to be a national crisis. And the impact of this crisis is being felt all across my district through decreased economic growth, job loss, and unbelievably high energy bills for working families and senior citizens.

Across my district consumers and businesses are currently experiencing utility price increases of 35 percent. And as the summer and fall arrive, we will see those rates jump another 40 to 100 percent. At the State level, increased energy costs threaten over 100,000 jobs statewide and over a quarter million jobs region-wide. Clearly, this crisis is immediate, intense, and far reaching.

High energy costs will decimate industry and working families in my district. In March of this year, Georgia Pacific, a pulp mill that had been employing hundreds of workers in Bellingham, Washington, since 1926, shut its pulp factory for good due to high energy prices, costing 400 working-wage families in Bellingham, Washington, their jobs.

Not only has the city lost revenue and workers lost jobs, but local restaurants have lost business. The port has lost shipping revenue, and the suppliers who supplied materials to GP for years have now lost their top customer, costing thousands of dollars in lost revenues. The plant closure alone will cost the city of Bellingham $235,000 a month in tax revenues and cost the economy in Whatcom County at least $100 million a year.

Recently, Intalco, an aluminum company, announced if its energy costs are not reasonable by October, they too will have to close their plant, and that is another 930 jobs threatened in my district.

I have with me just a box of about a thousand letters I have received from employees, family members, relatives, and friends of those employees at Intalco. Clearly this energy crisis is having a huge impact. One constituent wrote, ''I'm an employee at Alcoa/Intalco Works in Ferndale and as it looks like right now, my job will vaporize due to the forces beyond my or my company's control; namely, the exorbitant price of power our plant must have to survive. It is a situation that may require me and my family moving from Washington permanently. We don't want to do this, but we have to make a living too. Please come to our aid.''

Another woman from Ferndale wrote, ''My husband has worked at Intalco/Alcoa in Ferndale, Washington, for 22 years. We have three daughters. One will be in college for 2 years, the two others to follow. Don't let one year of drought destroy the aluminum industry. Give them time to come up with solutions.''

Another woman in Bellingham pleaded, ''I would like to know what I can tell my 10-year-old when she asks me what we're going to do when Intalco shuts down. I have worked there for 5 years now, and it has been a good job for my family. But, with the shutdown of this plant, I'll be out of work. And with GP also shut down, there are two less places that will pay a wage you can raise a family on.''

In Sedro Woolley one person wrote, ''My husband Brent works for Intalco. He is scared he will lose his job due to the energy crisis. We are having to give our power, as well as conserve, just to lose our jobs and turn our community into a ghost town. The situation is real, as you well know, and our children see the concern we have for our community and the people around us. Time is running out.''

Small businesses are suffering as well. One business owner wrote, ''I have lived in Whatcom County all of my life. I have owned a home and business for over 20 years, and about one-third of all my customers are in the aluminum or steel industries. Losing any or all of them will have a dramatic impact on my business. Ravaging a prosperous and important community like ours is a terrible and destructive solution for the short-term goal of meeting energy demand.''

Our Nation is badly in need of a national energy policy that is balanced, that is comprehensive, that is visionary, that answers the call that we are hearing from people in my district and people all over this country. The crisis I have commented on tonight in the West threatens to spread throughout this country, and this summer will bring higher utility bills and gasoline prices for far too many Americans.

Much of what has been offered so far by the administration is, unfortunately, short on vision and offers no truly long-term solutions to the energy problem. The Vice President recently noted that conservation is simply a virtue and the only real solution is to continue with fossil fuels and consuming them at an unprecedented pace. In fact, he continued to argue, in order to keep up with the demand, we need to build a power plant a week for the next 20 years.

I would say only an approach that includes both short- and long-term solutions will truly ensure the energy independence our Nation is calling for and must have. Many of my Democratic colleagues and I believe we do not have to choose between growing our economy and protecting our environment. We can do both. In fact, a growing economy is dependent upon a cleaner, reliable energy source for generations to come.

The gentleman from Washington (Mr. SMITH) and others have been talking about a new Democrat approach to our national energy policy; and our approach will expand and diversify our energy supply, providing a balanced vision that does more than simply find and consume fossil fuels. I recognize a comprehensive energy policy requires a combination of traditional fossil fuels and natural gas, but it also requires expanding wind and solar power viability that will not only make for a cleaner energy supply but will also stabilize prices and ensure reliability.

In the short-term we can harness the power of technology and modernize our regulations to make existing fossil fuel sources of power cleaner and more efficient. I feel this requires an important incentive for the installation of cogeneration and other technologies and a drive to ensure we continue to utilize these new technologies in years to come.

As we seek to expand and diversify our energy supply, we must upgrade our transmission system to ensure that the creation of new forms of energy can be transferred efficiently. We must encourage private and public efforts to greatly increase the investment in building and improving existing transmission lines and pipelines, while ensuring an expansion of infrastructure is both safe and efficient.

Conservation and efficiency programs will ensure that our limited supply of fossil fuels last longer. It makes little sense to embrace an energy plan based almost exclusively on a finite resource without also aggressively encouraging the conservation of those resources. And I believe conservation should not just be a personal virtue, it must be our national priority. Empowering consumers to make energy-wise decisions has to be a key component to a fully-functioning energy market.

As we seek to develop new forms of environmentally responsible forms of new generation, again we must improve the efficiency of these new forms of generation. I believe this includes public-private sector partnerships to improve extraction methods and encourage cleaner, more efficient generation. This approach must also include an aggressive focus to increase the supply of renewable energy as a component of our national energy portfolio.

We must have a substantial increase in funding for research and development into these programs which will encourage energy efficiency and renewable energy sources such as wind, solar, biomass, incremental hydropower, and geothermal. We must also work to provide realistic market incentives to develop and use renewable energy at the residential, commercial, and at the national level.

We must push for high-efficiency standards, whether it is for vehicles, buildings, homes, or appliances. Improving efficiency will require mechanisms to encourage Federal, State, and local governments to use and purchase alternative fuel vehicles and make all government buildings energy efficient. We must also provide market incentives, low-interest loans and grants to make capital improvements to increase energy efficiency and encourage the manufacture and purchase of fuel efficient vehicles.

And to be specific on one point, we must reauthorize and strengthen the Renewable Energy Production Incentive program as soon as possible, which will help bring an incentive to renewable energy in this country.

Finally, we must ensure that no group is left behind by the current crisis, including seniors and low income. I commend the administration for their budget increases in LIHEAP and State weatherization funding, which are key components for empowering local efforts to deal with the effects of this crisis adequately. However, programs within other Federal agencies, like the public housing operating fund with Housing and Urban Development, must be increased to help our local housing authorities to keep rents down for low-income families.

In closing, I believe very simply that new Democrats understand that a comprehensive energy plan for the future is critical to our Nation's long-term prosperity. The livelihood of families in my district, in Washington State, and across the country depend upon it. And I want to thank the gentleman from Washington (Mr. SMITH) for the opportunity to speak on this tonight, and I yield back to him.

Mr. SMITH of Washington. I thank the gentleman very much.

We also have, for a Midwest perspective, the gentleman from Wisconsin (Mr. KIND). As has been mentioned frequently, but I do not think can be mentioned often enough, this is a national problem that we need to step up to. It will have a profound effect on our economy if we do not figure out some way to provide affordable energy sources to our Nation for a long time to come, which will be a big challenge.

I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from Washington State for yielding to me and also for organizing this Special Order tonight. I want to commend the gentleman and also our colleague, the gentleman from Washington (Mr. LARSEN), for the initiative and the leadership you have taken within the new Democratic coalition forming a comprehensive long-term energy task force, which is a work in progress but nevertheless long overdue as far as this institution is concerned and, obviously, the American people.

But in a lot of ways this is not really a new conversation that is being started amongst many of us, but rather a continuation of a conversation we have been having for quite some time but, quite frankly, have not received any attention or any work on because of the plentiful cheap energy sources that the country has been enjoying for many, many years. In fact, I think, in a lot of ways, former President Jimmy Carter was before his time. He was criticized and even laughed at at times when he was walking around the White House with a sweater on preaching the values of energy conservation. Of course, that happened during the OPEC crisis. But as soon as the crisis abated and oil became cheap again and OPEC start opening up their supply lines, any talk about conservation or energy efficiency went out the window, and we have not had much progress administration after administration.

I think the previous administration, the Clinton administration, deserves much more credit than they have received in regard to the energy budgets they submitted time and time again on Capitol Hill. But again it was received with laughter, saying that it was too green, unnecessary and drastic proposals, when actually what they were asking to do was trying to fund and create some incentives to explore alternative and renewable energy sources in the country, realizing that that has got to be a part of any long-term energy policy.

But I think we all realized that nothing significant was going to be accomplished on this front until ultimately the American people felt the pain, and we have seen that now in the recent year. We have the crisis on the West Coast, whether it is California and the rolling blackouts, but even the Pacific Northwest, where you two gentlemen are confronting with the low water and the reduced hydroelectric supply that the Northwest relies upon for their energy needs. But this is true from State to State. And if truth be known, even a State like Wisconsin, which is the State I represent, is on the margin as far as delivering the energy capacity and the need that the people back home require. We could be a whisker away from having our own energy crisis because of transmission problems and some of tin fracture problems that have developed in the State of Wisconsin.

I am glad the gentleman from Washington (Mr. LARSEN) brought a few of the letters from constituents and how they are feeling the pain, because I think all of us right now in our respective offices are getting a lot of phone calls and a lot of letters. Back home I can point to many family farmers that are on the margin already because of low commodity and milk prices that are getting pinched and many forced out of the business because of the spike in energy costs right now.

But this is true for small business owners; we are seeing the impact on school budgets and the energy needs our schools have. It is true for families on fixed incomes, large and small businesses alike. This has a universal effect throughout the country. It is not just a regional problem, but one that will require a national solution. It is going to require bipartisan cooperation and some creative thinking in this body and throughout the country to come up with a long-term sustainable comprehensive energy policy.

All of us are anxious to see where the Bush and Cheney administration goes with their report. I think some of the preliminary indications are a little disheartening, the fact that they are concentrating so much and focused so much on the exploration and production of more fossil fuels. I do not think having greater dependence and reliance on fossil fuels is a sustainable or a sensible long-term energy policy: A, fossil fuels are in finite supply to begin with; but, B, there is a plethora of scientific evidence and the scientific community has rallied around the evidence that exists pointing to global warming and the greenhouse effect, which has been spurred by the increase in consumption and the burning of fossil fuels. So naturally, you would not think that any long-term energy policy would require an increased reliance on fossil fuel consumption.

□ 2045

I hope that is not the report that they produce next week, but I was also disheartened by Vice President CHENEY'S discussion about the role of conservation in this country. He does not think it should be part of the long-term solution. That was surprising given the fact that corporate America has been investing hundreds of millions of dollars to upgrade their machines and tools that they are using, trying to invest in the latest technology, whether it is heat exchanges or cooling equipment, things which are reducing energy costs and increasing worker productivity.

I think the Vice President should talk with corporate America about the role of conservation, because they see the need and they are taking affirmative action.

The work product that we have been involved with so far is long-sighted, and it is reasonable. I am talking about the benefits of increased energy efficiency, a new generation of energy resources that will look at the possibility and the potential of renewable and alternative energy sources.

I am also talking about the need to upgrade our energy infrastructure in this country so it is efficient and cleaner and it is safer in whatever region that we are talking about.

The role of conservation I think many people just intuitively understand and get; otherwise why do we have so many Americans participating in recycling programs, for instance? But also the greater need for industry cooperation and collaboration. These answers are not going to be just found in the public sector by elected representatives, but it requires an integral public and private partnership to pull this off.

The United States of America has 4 percent of the world's population, but we are consuming over 25 percent of the fossil fuels produced in the world. We are increasing our energy consumption 20 percent every 5 years in this country. If we do not have a long-term solution with multiple pieces to find the right answers, that obviously is not going to be a sustainable energy policy.

I am ranking member on the Subcommittee on Energy and Mineral Resources on the Committee on Resources. We have been holding hearings in regards to energy policy and fossil fuels and the role of fossil fuels. Last week we had a very good hearing on the potential of geothermal power in this country; a tremendous potential, especially on the West Coast in Nevada and California. California already is consuming roughly 10 percent of their energy from geothermal power.

Other countries are taking a lot of action, a lot of proactive steps. Even a country as small as Kenya is making a major infrastructure investment in geothermal power for their long-term energy needs. It is projected right now in Kenya, over 25 percent of their energy will come from geothermal sources within the next 15 years. This is true whether you talk about South America, some of the countries in Asia, except for the United States.

I submit that one of the reasons for that is because we have become complacent and take for granted the cheap energy sources, mainly fossil fuels, which have perpetuated the industry without enough investment and forward-thinking with alternatives and renewables.

Wind power, to give you another example, it was a short period ago where it was costing anywhere from 20 to 30 cents per kilowatt hour with wind that is being generated. Today that is down to about 2 to 3 cents, a tremendous increase in efficiency in bringing it into market competition.

The same is true for solar and biomass opportunities. The research and development on fuel cells is tremendously exciting. We are starting to see prototype automobiles being developed by these companies at the forefront of fuel cell development. It is already powering our space shuttle on the missions up there. There is no reason why we cannot implement this at home, in our appliances and our machines that we are using to produce goods.

All of this needs to be a part of the equation. I do not think anyone standing alone is going to be the answer. Needless to say, we have our work cut out for us in this body, the current administration, the private sector, and the American people. By working together, I think we do have the ingenuity to come up with something that is going to be sustainable for future generations.

I look forward to working with the gentleman from Washington (Mr. SMITH) and the gentleman from Washington (Mr. LARSEN) as we move forward in the new Democratic Coalition trying to put together this comprehensive piece, something that makes sense from region to region and is national in scope. Certainly there is enough interest being generated by our folks back home. They are looking for some long-term answers to this energy crisis that they see.

Hopefully by working together, and again in a bipartisan fashion, we will be able to come up with a plan that is needed in the future, given our current consumption levels, but also given the incredible potential that exists with technological breakthroughs and the research and development that is already ongoing. I thank the gentleman from Washington for organizing this special order tonight. I am sure that this will not be the last of our conversations on this topic.

Mr. SMITH of Washington. Mr. Speaker, I want to thank my colleagues for doing an excellent job of talking about the problem and where we need to go in terms of finding solutions. This is a great opportunity for this Congress and this President to work together in a bipartisan way. The President has talked a great deal about wanting to change the tone in Washington and work in a different way. There is some frustration, particularly amongst moderate Democrats like myself, that that has been more rhetorical at this point than actual, but there is still plenty of time. We are a little over 100 days into this, and there are some very important policies that are yet to be fleshed out.

The President, by taking a focus on energy, could make a huge difference by bringing people in. I think if there is any issue out there that should be bipartisan, it is certainly energy. It is critical to everything that we do, as was outlined by my colleagues quite well.

But I think the critical element in all of this is understanding both the cost of taking the approach that says fossil fuels are the only way to get us out of this, and also the rich field of opportunities to go a different route. Just think about it.

Building a power plant a week for the next 20 years to burn more fossil fuels, the impact of that cannot be underestimated; the sheer cost of doing it, the damage to the environment of both building the plants and also of the consumption of those fossil fuels. That is not to say, as all of my colleagues have done a great job of saying, that this should not be a critical part of it. We are going to have to use fossil fuels and build power plants; but we should look at the cost and difficulties in doing that and understand that an alternative is preferable, and then look at the alternatives and say, you know, it is not an impossible dream.

There are alternative technologies out there right now that are working. There are ways to conserve energy in a way that will save us dramatically, and that is with what has been a relatively meager investment in those technologies and conservation techniques. Think of what we could do if we actually committed ourselves to solving that problem.

Mr. Speaker, I think it is worth the investment and worth the time and energy on our part to do that and come up with the alternatives and build a brighter future that is not as dependent on the constant fossil fuel cycle that we are going through and make us so dependent on foreign nations for the future of our country.

I thank the new Democrat Coalition in putting this special order together, and I look forward to working with them as well as everyone else in the Congress and the administration and throughout this country to come up with an energy policy which will sustain us for the future.

ENVIRONMENTALIST ORGANIZATIONS EXPOSED

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Utah (Mr. HANSEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. HANSEN. Mr. Speaker, many years ago when I was a student at the University of Utah, I recall working at different jobs after class at night and weekends in order to make ends meet and pay my tuition. Money was tight. I was newly married. I had a wife and child to support, but I still remember sending $25 to the Sierra Club in response to their advertisements because I felt strongly about protecting our air and water and preserving our forests. But I was moved to donate to that particular organization by what they had to say, and during the 1960s and 1970s, I believed that our Nation urgently needed a wake-up call to action to stop the dumping of raw sewage and industrial waste into the Nation's waterways, and to find ways to try to save endangered species like the bald eagle and the grizzly bear.

I saw some of those problems firsthand, and I felt strongly about that, and contrary to what groups are saying, I still do. I believe some advocacy groups like the Sierra Club played a constructive and valuable part in helping to focus public attention on these problems.

In those days I recall the Sierra Club actually funding some restoration projects which were laudable. They were doing more than just sounding

the alarm. They were out on the ground, physically doing something constructive by themselves, cleaning up a lake or making a trail, for example, in partnership with local or State organizations.

I felt good about supporting that because I had always been taught that it was not sufficient to just point out faults or problems of others; what we need to do is put our money where our mouth is and pitch in and do something ourselves. It is ironic, given what some vocal environmentalist groups today have to say about me, that as a member of the Utah legislature and Speaker of the Utah House that I was labeled by some of my colleagues as being too green because I often sponsored or supported environmental legislation.

What is more ironic is that my personal philosophy for protecting the environment has not changed one iota. I still believe in the principles of conservation and environmental protection, like Teddy Roosevelt, our first conservation President. I believe man has been given the responsibility to be wise stewards of our natural resources, that we can find environmentally responsible ways to obtain the energy and raw materials that we need as a Nation and as families and as individuals to sustain life; and that as human beings we need to not apologize for having been born, and that we are part of the Earth's ecosystem.

Unfortunately, it has been the environmental movement which has changed. As too often the case, what begins as a good idea and needed catalyst has in many respects been corrupted by money and by power.

I have witnessed over the years how environmental groups have changed from actually doing constructive work into self-interest business organizations whose main goals seems to be marketing, self-perpetuating power and growth, and to achieve those ends by any means. They become masters at slashing and burning the character and reputation of those elected officials or reporters who dare to challenge them or who dare to take different points of view on specific environmental issues.

Mr. Speaker, I have witnessed over the years how increasingly strident and nasty many of them become in our civil discourse, and how increasingly radical many of their proposals have become.

Finally, what I have noticed as well is that these groups by and large are now all about big business, and that is their bottom line. When looking at the Sierra Club, the Southern Utah Wilderness Alliance, the Natural Resources Defense Council, the League of Conservation Voters, or several other environmental groups, what begins as a small, bare-bones organization with issues motivating people, soon blossoms into larger and larger organizations which must rent offices, hire workers and meet their payroll.

These are not grassroot organizations operating out of some guy's basement we are talking about. They are slick, well-organized companies, employing rafts of accountants, marketers, and attorneys. There is none better. In order to feed that beast or make the payroll, they have to raise money. How do they do this? They do it very well. They are masters at it. If they were public corporations listed with the stock exchange, they would be listed by analysts in the ''buy'' category. They pour massive amounts of tax-exempt and tax-deductible contributions into emotion-based media and marketing. They are spending millions on direct marketing campaigns in order to generate more and more contributors and donor lists. They hire impressionable young college students, normally at a minimum wage, to go door to door to sign up new members, and hire still others to attend public hearings to applaud or to boo as directed, in a cynical, purchased attempt to influence public opinion.

What is truly shocking is the amount of money these groups are raising and spending, and they are beginning to hit the big-time contributions, millions of dollars at a time, disappointingly, from such previously venerable entities as the Pew Charitable Trust. This is how they can pay for millions of dollars in slick brochures, calendars, videos, radio and television advertisements, all designed to shock and stimulate individuals to reach into their pocketbooks.

Like any other pitchmen hawking their wares, they use sensational pictures and distortion of facts in order to grab attention, as some unscrupulous marketers are prone to do. They take advantage of many hard-working Americans who are too busy earning a living and paying taxes and raising their families, who do not have the time to investigate the claims themselves. These groups take advantage of people's natural goodwill and desire to protect green spaces and clean water by asserting that their tax-deductible $10, $20, $50, or $100 donated to them, for example, will keep those blankety-blank, nasty Republicans or other Congresspersons from raping and pillaging the environment.

□ 2100

As it was for me as a young college student to be influenced by their solicitation, so it remains today with many of us. Only there is so much more media influence by those groups than in the 1960s. They have a very loud and a very strident voice.

When I hear the completely overblown rhetoric they put out about many of my colleagues who are working hard, honestly motivated by wanting to do the right thing by the environment and by finding a balanced approach, it can be very disheartening. Some days it is tempting to ask why do we keep trying?

Despite years of trying to reach out to these groups, to enter into a constructive dialogue to come up with legislative solutions to vexing environmental problems, all I have received is the hammer to the head. At least to this point they have not shown an interest in doing what Isaiah counseled in the Old Testament, ''Come now, let us reason together.'' I am still waiting for the phrase to be uttered, ''Mr. Chairman, we would like to work with you on that proposal.'' I have been here 21 years and still have not heard it. Indeed, all we get is the fire hose approach of heated and hostile rhetoric.

I still believe that a majority of Americans when presented with all the facts will support the right environmental policies. They will recognize the need to achieve balance between obtaining resources and preservation. The key becomes getting all the facts out on the table. At the present time those of us who are often cast by these groups as being on the wrong side of their issues are outgunned in terms of money and media access. With their vast sums of tax-exempt money pouring in, they buy huge media influence, which they do not call lobbying, but rather public education. This is an abuse of our tax laws and lobbying disclosure statutes.

These groups have also shown a propensity to try to intimidate Members of Congress mainly from urban, eastern districts into supporting radical proposals affecting many large western States like Utah, Idaho and Colorado. These groups advocate locking up huge areas into formal wilderness designations even though most people do not understand what those designations mean, or draining Lake Powell. After all, most of the Members from eastern States have not even been to those areas in the West that the legislation would affect, so maybe it is just a throwaway vote for them. However, if they do not sign as a cosponsor to their radical legislation such as H.R. 1613, locking up nearly 10 million acres of Utah lands, these groups will openly attack them in their States and districts by vocally and visibly labeling them an enemy to the environment. Nothing could be further from the truth.

In my opinion, it is shameful that tactics such as these are sometimes employed by these organizations. Those tactics ought not to be rewarded by Members, and I urge Members who feel they are threatened politically to show these men and women to the door.

Raising all this money would be okay if the money was being used mostly to go toward preservation and conservation projects. I would applaud it. However, what we are seeing is the abuse of the IRS guidelines by many of these groups who disguise their extensive lobbying activity and very often very partisan lobbying activities under the guise of public education. If the true costs of lobbying were to be ascertained, I believe that some of these groups would be in jeopardy of

losing their 501(c)3 tax-exempt charitable status, as well they should if they are violating the law.

That is something, Mr. Speaker, that Congress ought not to be shy about looking into. While some on the Hill and elsewhere seem fixated on campaign finance reform aimed at cleaning up perceived corruption of the American political process by money, I wonder who is actually watching these self-appointed and self-ordained watchdogs and special interest groups who are shoveling in money by the truckload. Where is their accountability? Where are the news cameras following them as they drive to the bank to make these big deposits? While liberals and extreme environmentalists lambast their contrived bogeyman big oil and those nasty extractive industries, I can tell you that big oil such as it exists cannot hold a candlestick to the money and influence these environmental groups assert these days in this city of Washington, DC.

How long will they get away with these distortions and character assassinations unchallenged and unchecked? Is their abuse of our Nation's tax laws and lobbying disclosure requirements not worthy of examination?

This abuse is the untold story that too many people are afraid to explore, and it is something that Congress ought to look into. This is the purpose for me and my colleagues coming to the floor tonight to raise awareness of how many of these groups are exploiting the public for their own selfish reasons.

I have often wondered where the national press has been on looking critically upon these groups. Are they too cowered by political correctness or afraid of offending their liberal constituencies, or are they card-carrying members of these groups themselves? How long will the press releases and bald-faced assertions issued hourly by these groups remain unchallenged by the media?

While Members of Congress are scrutinized up one side and down the other for every word we utter and every vote we take, these groups are somehow coated with Teflon. It must always be accepted by the media as unrebuttable truth. Must they always be given the last word?

At least one reporter has recently had the nerve and the courage and professionalism to explore and investigate these groups, their fund-raising and their tactics. I commend the members to a five-part series of articles which appeared recently in the Sacramento Bee newspaper by Mr. Tom Knudson, and all these are posted on the Committee on Resources Web site. Mr. Knudson has come under fire in the last few days by the very groups he scrutinized by having published his series, which unfortunately is to be expected these days.

I am afraid that the truth must hit a little close to home. Therefore, the natural self-preservation response has been to simply attack the reporter personally and professionally. Having been a chairman for a long time of a subcommittee and chairman of another committee, I am always amazed how when you cannot beat them with issues and fact, you always go to personal assassination. I found Mr. Knudsen's series to be balanced and confirms many of the concerns that I have had myself for some time. I wish that more reporters would follow his lead and look to what he has uncovered.

Now, I would like to point out on this chart that I have here, executive salaries. According to the information compiled by Mr. Knudson, a good share of the money raised by these groups goes to pay salaries for their top officials. They are easily within the top 1 percent of all wage earners in the country. For example, this chart shows that the executive directors of the Nation's top environmental organizations are paid very well.

The salary of the National Wildlife Federation top executive, Mr. Mark Van Putten, was nearly a quarter of a million dollars last year. This represents a 17 percent raise over his salary the year before. Think about that the next time you contemplate your 3 percent cost of living adjustment.

If you were among those who sent in a $25 contribution to this group, do you realize it took over 10,000 of you contributing in order just to pay his salary?

The salary of the World Wildlife Fund president, Kathryn Fuller, was $241,000. The salary of the National Audubon Society president, John Flicker, was $240,000. The salary of the Natural Resources Defense Council director, John Adams, was $239,000. The salary of the Wilderness Society president was $204,000. The salary of the Defenders of Wildlife president and CEO was $201,000. Earth Justice Legal Defense Fund president, Buck Parker, was $157,000. And the Sierra Club's Carl Pope's salary was $138,000 in 1998 and listed as $199,577 in 1999, nearly a 50 percent raise. The list goes on.

Now, folks, think about it. How many of those $25 contributions does it take you as you did like I did as a young college student, send a few bucks there because you believe in what they are doing just to pay these salaries? Where are these missionary zealots who had a great idea back in the 1960s and thought we were going too far? Where are these people that were in there doing the thing because it had the burning in their heart to do it, not because it was a big business? Unfortunately, you can see new environmentalism has grown into a big growth industry.

Mr. Speaker, I yield to the gentleman from Idaho.

Mr. SIMPSON. I thank the chairman of the committee for yielding the time and for setting aside this hour to talk a little bit about what is happening in the environmental community. As the gentleman from Utah has suggested, I think all of us are environmentalists. In fact as he once said that in college he gave his money and dues to the Sierra Club, I believe it was, I gave money to the Idaho Conservation League because I believed in what they were doing and in fact in many things that they are still doing, I think they are doing a good job but like most environmental groups or groups that call themselves environmental groups, they have stepped over the edge. They have gone beyond simple environmental issues and trying to save our environment.

Before I get into that for just a minute, I want to talk for a second about another environmental issue that was just talked about previously by the minority party here in their hour that they reserved and that was the energy policy which deals with the environment as much as these issues that we will be talking about here today. I was glad to hear that the Members suggested that we need a bipartisan effort in energy, a solution to the energy problem that we have in this country.

They were, it seemed, very critical of the Bush administration and some of the stances that he takes, but I will tell you that when the report comes out and in our conversations with Vice President CHENEY, conservation will be a part of the report, renewable, sun and wind power will be a part of the report, new sources of energy, discovering new sources of oil and coal and natural gas will be a part of the report, nuclear energy will be a part of the report. New technologies such as fuel cells will be a part of the report. They suggested geothermal power. Geothermal is a power that is used in some areas.

But if we look at some of the things that the Democratic Party has done just recently on TV, I saw the chairman of the Democratic National Committee on TV slamming Bush for his energy policy and holding up a picture of Yellowstone National Park with an oil well over it and said, this is Bush's policy. Then next was one of the Grand Canyon with an oil derrick over the top of it saying this is what Bush wanted, drilling in our national parks. Nobody has suggested drilling in Yellowstone. Nobody has suggested drilling in any of our national parks. They have said that we ought to look in our national monuments which we do drilling in now and look at the reserves we have there such as the ANWR and other places. And then the DNC put on a commercial which suggested a young lady holding up a glass of water and saying, ''Mommy, could I have more arsenic in my water?'' And then there was a child with a hamburger saying, ''Could I have more salmonella in my hamburger?'' It seems to me that the DNC has taken on the same characteristic that the extreme environmental movement has taken on where raising money has become more important than the truth. They will say anything to try to discredit this President and the policies that he sets forward.

That is exactly what the extreme environmental movement has done. They have stolen the true grass-roots environmental movement. This series of articles that was written in the Sacramento Bee newspaper, and I would commend them to anyone who wants to look at how these groups are funded and some of the things that they are doing, I would like to go through some of the provisions of these articles and some of the things that they are doing because I think it is important for the American people to know where that $15 that they are contributing or that $25 or $100 or $10,000 that they are contributing to some of these groups is going and what they are going for. One of the concerns is that, as I said earlier, the extreme environmental movement has taken over the grass-roots environmental movement. It is no longer about saving the environment; it is about raising money. They spend an awful lot of their funds raising money.

One of the letters written by the Defenders of Wildlife says:

''Dear Friend, I need your help to stop an impending slaughter. Otherwise, Yellowstone National Park, an American wildlife treasure, could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups.''

So begins a fund-raising letter from one of America's fastest-growing wildlife groups, Defenders of Wildlife.

Using the popular North American gray wolf as the hub of an ambitious campaign, Defenders has assembled a financial track record that would impress Wall Street.

In 1999, donations jumped 28 percent to a record $17.5 million. The group's net assets, a measure of financial stability, grew to $14.5 million, another record. And according to its 1999 annual report, Defenders spent donors' money wisely, keeping fund-raising and management costs to a lean 19 percent of expenses.

But there is another side to Defenders' dramatic growth.

Pick up copies of its Federal tax returns and you will find that its five highest paid business partners are not firms that specialize in wildlife conservation. They are national direct mail and telemarketing companies.

You will also find that in calculating its fund-raising expenses, Defenders borrows a trick from the business world. It dances with digits, finds opportunity in obfuscation. Using an accounting loophole, it classifies millions of dollars spent on direct mail and telemarketing not as fund-raising but as public education and environmental activism.

Take away that loophole and Defenders' 19 percent fund-raising and management tab leaps above 50 percent, meaning more than half of every dollar donated to save wolf pups helped nourish the organization instead.

□ 2115

That was high enough to earn Defenders a D rating from the American Institute of Philanthropy, an independent, nonprofit watchdog that scrutinizes nearly 400 charitable groups.

It is interesting when one looks down the list of some of the groups, some of the environmental groups did very well. The Nature Conservancy was an A minus; Environmental Defense was a B; Greenpeace was a D; Defenders of Wildlife was a D. That is based on the amount of money they actually give to the cause for which they are raising the funds; how much of it goes into their organization to support fund-raising.

So many of the dollars that people are giving, because they read these articles in the newspaper that support protecting wolves and other types of things, people send in their $15 or so. Much of that money, over half of it in many cases, does not go to saving wolves; it goes to raising more money or to the organization or, as the chairman suggested, to the salaries of some of these individuals in these organizations.

One of the other things that sort of concerns me, well it concerns me a lot, is the massive waste in this fund-raising. The Wilderness Society mailed 6.2 million membership solicitations; an average of 16,986 pieces of mail a day. This is mail fatigue.

The letters that come with the mailers are seldom dull. They are steeped in outrage. They tell of a planet in perpetual environmental shock, a world victimized by profit-hungry corporations, and they do so not with precise scientific prose but with boastful and often inaccurate sentences that scream and shout. Some of the examples were given in the Sacramento Bee. From the New York-based Rain Forest Alliance, ''By this time tomorrow, nearly 100 species of wildlife will tumble into extinction.''

The fact is, no one knows how rapidly species are going extinct. The Alliance figures an extreme estimate that counts tropical beetles and other insects, including ones not yet known to science, in its definition of wildlife.

Another example from the Wilderness Society: We will fight to stop reckless clear-cutting on national forests in California and the Pacific Northwest that threatens to destroy the last of America's unprotected ancient forests in as little as 20 years.

Fact: The national forest logging has dropped dramatically in recent years. In California, clear-cutting on national forests dipped to 1,395 acres in 1998, down 89 percent from 1990.

From the Defenders of Wildlife again, ''Will you not please adopt a furry little pup like Hope?'' Hope is a cuddly brown wolf. Hope was triumphantly born in Yellowstone.

Fact: There never was a pup named Hope. Says John Valerie, Chief of Research at Yellowstone National Park, ''We do not name wolves. We number them.''

Since wolves were reintroduced into Yellowstone in 1995, their numbers have increased from 14 to about 160. The program has been so successful that Yellowstone officials now favor removing animals from the Federal endangered species list.

One of my favorites that I want to talk for just a minute about again comes from the Defenders of Wildlife, and I wish I had some blow-ups of it, but it is a poison alert. ''Wolves in Danger,'' one of the sections that runs in the newspaper or letter that goes out to individuals, a fund-raising letter. Another one that says, ''a special gift when you join our pack,'' and it has pictures of these cuddly wolves.

More than 160 million environmental fund-raising pitches swirled through the U.S. mail last year. Some used the power of cute animals to attract donors. The problem is that in many cases those campaigns were less than honest. And this was the pitch, and this is the one that caught my attention, in Salmon, Idaho, which is in my district. In Salmon, Idaho, antiwolf extremists committed a horrible crime; they killed two Yellowstone wolves with lethal poison, compound 1080. ''Please do not allow antiwolf extremists to kill our wild wolves. These wolf families do not deserve to die. Please, we need your help now.'' And then, of course, they solicit a contribution.

The fact is, the two wolves were not Yellowstone wolves but wolves reintroduced by the U.S. Fish and Wildlife Service into central Idaho, against the objections of the State of Idaho to reintroduction of those wolves.

Some wolves were killed illegally, but the population of wolves continues to increase at a pace faster than Federal wolf recovery officials had anticipated. The government expects to remove wolves from the Federal endangered species list in 3 to 4 years. In fact, in Idaho we have already met our commitment of 10 mating pairs. The problem is that they take Montana and Wyoming together and say we have to have 30 breeding pairs within the entire region.

Wolves are overpopulating Idaho better than anyone had anticipated, and they are using these instances, this group, Defenders of Wildlife, to raise money to try to save wolves. Unfortunately, much of the pleading that they do with the American public at best can be called dishonest.

I, like the chairman, want to save the environment. We want to make sure that what we do is compatible with the species and protecting species. But we also think that human beings play a role in this environment and in our world, and that human beings ought to be considered in this whole equation.

Look at what the gentleman from Oregon (Mr. WALDEN) is going through right now, where they have taken 170,000 acres of 200,000 acres of irrigated land that will not have water this year because a judge has ruled that the sucker fish that they are trying to protect is more important than those people.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman from Idaho (Mr. SIMPSON) for his very interesting comments.

Mr. Speaker, let me point out, we both got into the idea of how much money these folks bring in. I have a chart here that points out some of the money that is brought in. Look at the amount of money that came in in one year to these organizations. And then the question comes up, well, what do they spend it for?

When we first got into this thing, we were arguing the idea, are these the people that have the fire in their bosom to go out and take care of the public land? Well, no, as we both discussed in the last while, it is not that. It is more of an idea of raising more money and more money and more money. And where is it spent?

I would like to give a little example, if I could, about an environmental group in the State of Utah, and I would hasten to say that if that is what the public wants, fine. If the public wants this money to just go into paying lawyers, paying marketers, paying advertising, K Street-type of thing, Madison Avenue, fine. But I thought that most of us who got involved in this thing did not want that. I thought we wanted to restore the forests and the clean water and the wildlife, and do it in a way that is environmentally sound and at the same time to take good care of the energy.

Let me just refer to this one group. They are called the Southern Utah Wilderness Society. Nice people are there, and some of them, I think, are a little misled, but they probably think the same thing about me. This group raises more than $2 million each year in donations from hard-working people who care about protecting our environment. The money is raised under the idea of protecting Utah wilderness lands. Send this group some money and you will help wilderness in the Colorado plateau, you are told.

So they send out these beautiful calendars saying, this is what you will protect. However, some of it is in national parks. Only one was in that area, but it was a pretty calendar anyway.

However, when you look at their tax reports, you find that not one dime of this money is actually spent on the environment. Not a penny goes to plant a tree, restore a streambed, or protect an acre of ground in Utah or anywhere else; not a dollar to create a habitat to take care of an animal.

What this group does is, they lobby for the passage of a wilderness legislation. In fact, they lobby to pass virtually the same old, tired, worn-out legislation every year, but they keep raising the ante.

I find it interesting that that group went with me and we have said, now, look, no one from Utah really wants this. They said, oh, go back to the time that Congressman OWENS was here; he wanted it and he introduced it.

In those days, what they do not realize is Congressman OWENS was then a member of the majority party, which was then the Democratic Party. The President was a Democrat. The House and the Senate were Democrat, and I was the ranking member of the committee and they never, ever asked for a hearing. So I wonder how serious they were about it in those days.

As a recent Associated Press story noted, the only impact this bill has in the last decade are the trees that were killed to provide for the paper on which the bill is printed year after year. They are fierce lobbyists. They have a staff of 20 attorneys, lobbyists, and strategists who operate offices in four cities, including Washington, D.C.

They spent only $11,000 in 1999 in grassroot efforts to reach out to the public, though they claim their primary reason for existence is to educate the public about the environment; but they spent nearly $1 million in the last 4 years to lobby to get their wilderness legislation passed.

I privately believe that the last thing in the world this group wants is to pass that bill. That is why they keep moving the goal posts. That is why the numbers keep going up. Above all, this organization is a self-perpetuating consumer of resource and energy. They deal in volumes of paper and plastic. They issue their own credit cards, the Affinity credit card. That is what our environment needs, more credit cards.

They do a rich business in the sale of videos, T-shirts, hats, books, posters. Most of these products are made from nondegradable materials like plastic, or require the cutting down of trees and the use of paper. They send out more than 100,000 newsletters, fliers and bulletins each year. That is a lot of trees, and that does not even include their reports, press releases, and lawsuits. They are aggressive users of electricity. Four offices. All these things they talk about.

Now I would like to just say something about the lawsuits. If I could move this one chart here, look at the number of lawsuits that the environmental community has done between 1992 and 2000; 435 environmental lawsuits. Now I thought we were out here taking care of the environment. I did not know we were just in this thing of litigating. It is the most litigious society we have ever had, but let us litigate again.

This is how much they have made, $36.1 million in legal fees paid by the U.S. Government, whether they won or lost. That is your taxpayer money, $31 million right there. If they win or lose, they get that money. One case netted $3.5 million for the Sierra Club, and it was questionable whether it was even endangered.

The average award is in excess of $70,000 and they risk nothing. So why go out and get you to give them money to plant a tree, to pick up the garbage, to be aware of these things, to take good care of the environment, when you can get in court and make that kind of money?

Let us be smart about this thing. This thing is not in there to protect the environment.

That reminds me of when I was back here as a freshman in 1981. The Secretary of Interior was Jim Watt. He was supposed to come in and see me with Senator Garn over in Indian School. That morning I received in the mail something from a group who was going to save the Chesapeake Bay that was all ruined. It said, ''Mr. Hansen, if you will send us $10, $20, $30, $40, $50, we will do our best to meet with the Interior Committee and Secretary Watt who is ruining the Chesapeake Bay.''

So that afternoon, the Secretary walked in. I said, ''Jim, I want to show you this.'' He laughed, and he said, ''What do you mean? I put $285 million into protecting the Chesapeake Bay.'' And he said, ''That is just poppycock.''

So I sent them $10 because I was curious what was going to happen. Six months later, I got a letter back. It said, ''Mr. Hansen, due to your generous contribution, we have met with the Interior Committee of the House,'' which I sit on or was sitting on in those days also, and they never walked in. ''And we have influenced the Interior Department to do their very best to take care of this terrible problem, and we have that. And if you will send us some more money, another generous contribution, we will be there to help do these other things.'' And I thought, what poppycock. It is just like these people who prey upon the elderly regarding Social Security when half of those allegations are not true.

□ 2130

Well, I can just tell you, you just rest assured. Members here on the Committee on Resources, we are not going to drill in parks as the gentleman from Idaho was mentioning some people say. That is not going to happen. We are not going to hurt or rape or pillage the ground. If anything, in a moderate and reasonable way, we are standing ready to take care of the ground.

So I guess we can ask ourselves the question, do you want to pay attorneys? Do we not do enough with the attorneys retirement bills around here anyway? I do not know why we have to make it easy for other people to do that. Those folks seem to do pretty well. American trial attorneys do extremely well. I do not think we want to do that.

I think your money should go to take care of the public grounds of America and take good care of it. I would hope that every American is a good conservationist and a good environmentalist in the true sense of the word, and that is what I am hoping would happen.

So if you want to spend your money, put it somewhere where it does some good. Put it somewhere where we can have access to the public ground, and while we have access to the public

ground, let us each one of us take good care of it.

I took my children, we went to the very top of the Uenda mountains, King's Peak, highest peak in the Uendas. I have taught my children when we go in an area, and we find all kinds of things, we found 5 beer cans right on the top of this beautiful pristine area. Of course, we crushed them and took them out. Our theory is, is clean up ours and somebody else's, and take it out when we are backpacking. I wish we would all do that.

I am happy to yield to the gentleman from California (Mr. RADANOVICH) the chairman of the Western Caucus and an extremely important member of the Committee on Resources.

Mr. RADANOVICH. I want to thank the gentleman for putting together this special order regarding this topic, which I think is very important to the American people. As we are speaking here with an audience of probably over 1 million people tonight, I really want to kind of pose a question to the American people.

We were dealing with an issue that is important to you and important to me with regard to local influence over Federal Government lands and the management plans of our National Forests and our Federal lands, and it was said by some critic about local influences that those people that are closest to the resources really do not speak in the interests of the American people on public lands, which are lands for the American people, and that somehow the national organizations that send out contribution forms like which the gentleman just mentioned are somehow speaking for them.

In some ways I wanted to agree that the local perspective on some of these resources, and keep in mind the Quincy Library Group, which is a group in California of local people that work together with Federal forest lands to develop forest policies that are not only good for the forests, but also good for the local communities, and it was a better plan than by far any Washington bureaucrat could put together.

My concern was that while people might understand that a local person's influence may not represent the best interests in the American public for public lands, there is another side to that too, and that is when you have extreme sellouts like the list that you just mentioned of people that solicit, for any reason or another, money to keep their influence, it does not necessarily mean that those groups have the environment as the best interest in their minds and in their hearts, and that they pursue public policy that is good for the American people and good for America's public lands and environment, because it is not.

What it really boils down to is power and influence and keeping that. I think you have done that in an excellent way in demonstrating tonight it is not necessarily about good environmental policy for Federal lands; it is about power, keeping power, keeping power and influence. I think that the Federal policies become secondary to that.

It is proven by some of the foolish notions that have come up in these last years, like roads moratoriums and the Sierra Nevada framework, a nightmare for the people in our Sierra Forest in California, and some issues where people with good intentions and maybe fears that on the Earth we are becoming too populated and that we have to reserve and guard these public lands at all costs, but are basically operating out of fear and not good common sense when it comes to management of public lands.

So I just am grateful that the gentleman has pinpointed even the Sacramento Bee in California did a series of articles on the environmental community and how they are such a money-raising operation, whose sole interest I think these days has become to remain an influence, and secondarily was the environmental policy that they promoted, that it has really has become out of control.

I think the American public needs to take a second guess, because groups like the Sierra Club and NRDC do not corner the market on good environmental policy in this country. I think the American people need to realize that. It needs to be balanced by somebody who is there.

It is like an on-site landlord, rather than somebody who is never on-site on a piece of rental property. The one who is on site knows what is going on, knows the detail, knows the property better than anybody else. It is no different in our Federal lands with the Sierra Club and the NRDC and groups like that depend on people that are miles and miles away and never see the resource. So how do they know one way or the other if they are being improperly influenced by these groups or not?

They do not know. They tend to react on the pictures of Bambi on the TV or mailers that they get, and they give money. But these people need to know those groups are not necessarily promoting the best environmental policy for public lands. That is why I wanted to come down and kind of reinforce it as to what you were saying, is that people need to really be aware of these groups, and they need to learn to second guess them and do not take for granted that what they are doing is good environmental policy.

I thank the gentleman for holding this special order in order to bring up points like that, as well as many of the other points that you brought up.

Mr. HANSEN. I thank the gentleman from California.

I yield to the gentleman from Idaho.

Mr. SIMPSON. I thank the chairman, and I thank the gentleman from California for his comments. I agree with him fully.

The chairman made a good point that, unfortunately, this money that is spent on litigation is money that could go, it is taxpayers' money to start with, and could go to protecting the environment. When I met with Chief Dombeck a couple of years ago and talked with him about some of the problems we were having in Idaho in our natural forest, he said to me one of the problems they have in the Forest Service is making a decision, because they know that no matter what decision they make, they are going to be sued.

Last year in this article from the Sacramento Bee, during the 1990's, the government paid out $31.6 million in attorney's fees for 434 environmental cases brought against Federal agencies. The average award per case was more than $70,000. One long-running lawsuit in Texas that involved an endangered salamander netted lawyers for the Sierra Club and other plaintiffs more than $3.5 in taxpayers' funds, as the chairman has already pointed out.

That is money that could be used for other environmental purposes and actually cleaning up the environment and taking care of the backlog in maintenance we have in our National Forests and in our National Parks.

Again, it is taxpayer money. One of the main arguments for the roadless issue was that the Forest Service did not have the money to maintain the roads that they currently had, and so if they couldn't maintain those, how could they justify building more roads, so we might as well make them roadless. If we are spending all that money on lawsuits, then certainly we do not have the money to take care of the roads.

One of the things that was interesting in this series of articles is that the effect of these things are actually damaging to the environment oftentimes. Let me read a portion of these articles.

Wildfire today is inflicting nightmarish wounds, injuries made worse by a failure to heed scientific warnings. For example, and there are three of them here that they list. In 1994, Wallace Covington, a Professor of Forest Ecology at Northern Arizona University and a nationally recognized fire scientist and a colleague warned that the Kendrick Mountain wilderness area in northern Arizona was so crowded with vegetation that it was ready to explode. ''Delay will only perpetuate fuel build-up and increase the potential for uncontrolled and destructive wildfires,'' they wrote in a scientific analysis for the Kaibab National Forest. Some thinning was done, but not enough. Last year, a large fire swept through the region carving an apocalyptic trail of destruction.

What happened is much worse ecologically than a clear cut, much worse, Covington said, and that fire is in the future. It is happening again and again. We are going to have skeletal landscapes.

The other example, listening to fire and forest scientists, Martha Ketelle pleaded in 1996 for permission to log and thin an incendiary mass of storm-

killed timber in California's Trinity Alps. ''This is a true emergency of vast magnitude,'' Ketelle, then supervisor of the Six Rivers National Forest, wrote to her boss in San Francisco. ''It is not a matter of if a fire will occur, but how extensive the damage will be when the fire does occur.''

Because of an environmental appeal, the project bogged down. Then, in 1999, a fire found its way into the area. It spewed smoke for hundreds of miles, incinerated Spotted Owl habitat and triggered soil erosion and key damage in a key salmon spawning watershed.

These stories are something I hear about daily as I go back to Idaho from my resource advisory group and my ag advisory groups and I talk to them. We did more damage last year in Idaho with the Nation's largest wildfires. We did more damage to the environment, to salmon habitat, to spawning habitat, than was done by any logging practices that ever have been done. And today as the snow melts and the rains come, hopefully the rains come, that erosion is going to filter down into those streams and it is going to cover the beds, and consequently you are going to have a difficult time with managing salmon habitat.

So, oftentimes these efforts to address these environmental concerns, the potential for catastrophic wildfire, today the Forest Service says something like 35 million acres of our National Forests are at risk of catastrophic wildfires. These are not just fires, but these are cataclysmic fires that burn everything, they burn so hot. They burn the micro-organisms, they sterilize the soil down to as much as 18 inches, and for years and years those forests never recover, if they ever do recover.

We still have spots in Idaho from the 1910 fire that nothing will grow on. We do more damage to the environment by not proactively managing it. Of course, every time you try to do that, there is an environmental lawsuit from someone.

Now, they say, well, maybe we can do thinning if it is not for commercial purposes, as if commercial or business or profit adds some damage to the environment that thinning just to thin does not do. Of course, there are the Sierra Club groups that want no cut.

The fact is we have to proactively manage these forces, and we can do that. It was managed by fire before. Now we have to get in and do some management so that we do not have these catastrophic fires. Unfortunately, at every step of the way, we are fought by groups who think that man should not touch the forest, that they should be left as natural as they ever were before we came.

Mr. HANSEN. I thank the gentleman.

Mr. Speaker, let me just say a word about what the gentleman from Idaho just talked about. We were having a hearing not too long ago and, lo and behold, one of the big clubs was there, and I asked this vice president the question, why is it that you resist managing the public ground? Why is it that you resist the idea that we can go in and do some cleaning, thinning, prescribe fires and take care of it and keep a wholesome forest, like many of the private organizations have?

We now have, as the gentleman from Idaho said, fuel load. What is that? It is dead trees, it is dead fall, it is brush. So now you have the potential of this summer, as last summer, is a careless smoker, a fire caused by a campfire that is left unattended, or a lightning strike, which is one of the bigger ones, and here we go again, we are going to burn the forest.

This person from this organization answered me and said, because it is not nature's way. Nature's way is just let it do its thing.

I do not know if I bought into that. You get down to the idea of 1905 we started the Forest Service, and if you read the charter of the Forest Service, it is to maintain and take care of the forests of America. And that means cleaning it, thinning it, fighting fires, instead of getting ourselves in what we had in the year 2000, the heaviest fire year in record. And I dare say, and I am no prophet, but I think the fuel load is still there after these 8 years of mismanagement we have had, and we now have 2001 waiting for another one, because talk to your local forester and the people, Mr. Speaker, those who are watching this should talk to their district rangers, talk to them and ask the question have we still got that fuel load? The answer is a resounding yes.

Here we go again. We are going to spend taxpayers' money all over the place, because we have not done what they said in 1905 we should have done, and that is manage the forest.

This new administration luckily has a man of the stature of Dale Bosworth, now the chief; and I am sure we will see some management.

I have to ask the question. Does it mean to be a good environmentalist if we let the forest burn to the ground? Does that mean being a good environmentalist? If that is so, I hope there are not too many of them out there. Does it mean the idea that we drain some of our water resources, like Lake Powell that services the whole southwest part of America, and that is the way we live because we have got water, does that mean being a good one? Yet one of the biggest organizations around in their book, the Sierra Club, had a whole four or five pages on let a river run through it and drain Lake Powell.

Does the gentleman want to comment on that?

□ 2145

Mr. RADANOVICH. Mr. Speaker, I do, and I want to comment on one specific thing, because I think I have an unusual perspective on being from California, I say to the gentleman, and that is because we are going through the California energy crisis.

Mr. HANSEN. Mr. Speaker, I have to be careful there to the gentleman.

Mr. RADANOVICH. I know, and I love my State and it is the best State in the world, and do not mess with California.

But what I am saying is that we have really seen the overinfluence of environmental zealotism in California and we are viewing that in our energy policy. We have had the worst problem with the nimby attitude on the development of energy generation resources in California, but it has all been backed by our top environmental groups who have really wanted not the population of California to grow, so they basically forced officials to stick their heads in the sand and pretend it was not happening until we have an energy crisis like now and an upcoming water shortage.

Unfortunately, California is going to get to the point where they turn the faucet, they get no water; they flip the switch, they get no electricity because of the environmental influence on public policy in the State of California, and it is not just in California, it is happening all over the world.

This summer, we are going to have to face the fact of we either force a temporary relaxation of air quality standards or we are going to have rolling blackouts and people are going to be dead, and those are the choices that we are facing in California. People are going to face that choice all over the country because of the undue influence of the environmental community in this country right now.

Mr. HANSEN. Mr. Speaker, we are going to see it this summer, if I may say to the gentleman from California. This summer is going to be the biggest wakeup call that America has had for a long time. We have had 8 years of neglect on these things which is now going to catch up with us.

We are asking, what does it mean to be a good environmentalist? Does it mean to deny access to the public grounds of America for Americans? I think not. Does it mean that we protect the Housefly over children? I do not think so. In southern Utah we have a desert tortoise and we have spent $33,000 per turtle and we cannot really say that it is endangered. Do you want to know what our per pupil unit is to pay for our kids every year down there? Mr. Speaker, $3,600. So I guess the turtle is more important in some people's mind.

So it comes down to this: can Americans, who are great and wonderful and good-thinking people, can we come to some common sense on this, or have we become way too extreme in this issue? I think tonight we have tried to make that case that we feel we have.

I yield the gentleman from Idaho.

Mr. SIMPSON. Mr. Speaker, I think the point has been made that unfortunately, the environmental movement has become far too extreme. That does not mean that there are not good environmentalists out there. There are many housewives and husbands across the Nation that want to take care of

our land and our country, I being one of those, and I am sure the gentleman from Utah and the gentleman from California also. But as I was saying earlier, many of these things do not really address the environment, they hurt it more than they address it. They are trying to use environmental issues for other means, and I will tell my colleagues an example in Idaho.

We have a sage grouse problem, declining sage grouse populations, and we are trying to find out why and what we can do to control it. The Fish and Wildlife Service and the Idaho Fish and Game have been studying this for 20 years, and they decided that predators are a main problem with sage grouse populations. They eat the young chicks. So they proposed a study to take 2 areas, one where they do some predator control this year and the other one where they did not do any predator control and examined the 2 of them and watch the sage grouse populations. But 2 environmental groups have sued them to stop the study because they want to protect the sage grouse, they say, but their real goal is, their argument is to get cattle off of this land. And if it is shown that sage grouse can be protected by removing some of the predators, the argument for removing cattle goes away. So they do not want this study done.

So is it truly their aim to try to save the sage grouse, or is it their true aim to try to get cattle off of public land, regardless of what cattle does to the sage grouse?

When I want to look at a true conservationist, an original conservationist, I look at the farmers and ranchers of this country, because it is the land that produces the crop that produces the grass that the cows eat, that is what they do for living and they take care of it; overwhelming majorities of them take care of it. So when I want some true conservation issues, I generally talk to my farmers and ranchers.

I yield back to the gentleman.

Mr. HANSEN. Mr. Speaker, I thank my colleagues for joining me this evening.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. CON. RES 83, CONCURRENT RESOLUTION ON BUDGET FOR FISCAL YEAR 2002

Mr. GOSS, from the Committee on Rules (during special order of the gentleman from Utah (Mr. HANSEN), submitted a privileged report (Rept. No. 107–61) on the resolution (H. Res. 136) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. STUMP (at the request of Mr. ARMEY) for today and May 9 and 10 on account of being honored on the 50th anniversary of his graduation from Arizona State University.

Mr. TAYLOR of North Carolina (at the request of Mr. ARMEY) for today on account of flight delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MATHESON) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GOODLATTE) to revise and extend their remarks and include extraneous material:)

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and May 9 and 10.

Mr. ROHRABACHER, for 5 minutes, today.

Mrs. EMERSON, for 5 minutes, May 9.

Mr. HUNTER, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, May 10.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GREEN of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. SIMPSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, May 9, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1756. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Opting Out of Segregation (RIN: 3038–AB67) received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1757. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Privacy of Consumer Financial Information (RIN: 3038–AB68) received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1758. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Additional Safeguards for Children in Clinical Investigations of FDA-Regulated Products [Docket No. 00N–0074] (RIN: 0910–AC07) received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1759. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [FRL–6968–6] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1760. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Oxygenated Gasoline Program [DC049–2026a; FRL–6973–7] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1761. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Reasonably Available Control Technology Requirements for Volatile Organic Compounds and Nitrogen Oxides [PA143–4115a; FRL–6973–4] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1762. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina [SC–038–200102(a); FRL–6973–9] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1763. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Control of Gasoline Volatility [TX–114–2–7494; FRL–6969–4] received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1764. A letter from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Memorandum Opinion and Order addressing pending petitions for reconsideration of the Report and Order [WT Docket No. 98–143] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1765. A letter from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Communications Assistance for Law Enforcement Act [CC Docket No. 97–213] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1766. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 039–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1767. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Spain [Transmittal No. DTC 012–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1768. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, Department of Defense, transmitting the Department's final rule—Federal Acquisition Regulation; Contractor Responsibility, Labor Relations Costs, and Costs Relating to Legal and Other Proceedings (RIN: 9000–AI40) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1769. A letter from the Assistant Secretary for Budget and Programs, Department of Transportation, transmitting copies of the inventories of commercial positions in the Department of Transportation; to the Committee on Government Reform.

1770. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Participants' Choices of Investment Funds—received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1771. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Employee Elections to Contribute to the Thrift Savings Plan—received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1772. A letter from the Chief, Division of Scientific Authority, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Changes in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (RIN: 1018–AH63) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1773. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Bay Checkerspot Butterfly (RIN: 1018–AH61) received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1774. A letter from the Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule —Use and Distribution of the San Carlos Apache Tribe Development Trust Fund and San Carlos Apache Tribe Lease Fund (RIN: 1076–AE10) received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1775. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2000–2001 Catch Specifications for Gulf Group King Mackerel [Docket No. 001005281–0369–02; I.D. 082900C] (RIN: 0648–AN85) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1776. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Immigrants and Nonimmigrants—Visa Classification Symbols—received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1777. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification; Antitrust Improvements Act Notification and Report Form—received April 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1778. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by General Electric Engines [Docket No. 99–NM–127–AD; Amendment 39–12159; AD 2001–06–12] (RIN: 2120–AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1779. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30242; Amdt. No. 428] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1780. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, –700C, and –800 Series Airplanes [Docket No. 99–NM–312–AD; Amendment 39–12162; AD 2001–06–15] (RIN: 2120–AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30241; Amdt. No. 2045] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30240; Amdt. No. 2044] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–31, PA–31–300, PA–31–325, PA–31–350, PA–31P, PA–31T, PA–31T1, PA–31T2, PA–31T3, and PA–31P–350 Airplanes [Docket No. 99–CE–29–AD; Amendment 39–12148; AD 2001–06–01] (RIN: 2120–AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB–120 Series Airplanes [Docket No. 2001–NM–36–AD; Amendment 39–12165; AD 2001–06–18] (RIN: 2120–AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dowty Aerospace Propellers Model R381/6–123–F/5 Propellers, Correction [Docket No. 99–NE–43–AD; Amendment 39–12143; AD 99–18–18 R1] (RIN: 2120–AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2000–CE–70–AD; Amendment 39–12152; AD 200106–05] (RIN: 2120–AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2000–CE–70–AD; Amendment 39–12152; AD 200106–05] (RIN: 2120–AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1788. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Red Mountain Viticultural Area (99R–367P) [T.D. ATF–448; Re: Notice No. 897] (RIN: 1512–AA07) received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1789. A letter from the Administrator, Office of Workforce Development, Department of Labor, transmitting the Department's final rule—Treatment of Indian Tribes under Federal Unemployment Compensation Law—Amendments made by the Consolidated Appropriations Act, 2001—received April 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1790. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2001–27] received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1791. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Coordinated Issue Settlement Guideline Excise Tax Specialty Area; Excise Tax On Virtual Private Networks—received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1792. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, Miscellaneous [Rev. Proc. 2001–30] received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1793. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a report on the proposed fiscal year 2002 budget; jointly to the Committees on Agriculture and Government Reform.

1794. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report to Congress on activities of the Department of Energy in response to recommendations and other interactions with the Defense Nuclear Facilities Safety Board, pursuant to 42 U.S.C. 2286e(b); jointly to the Committees on Energy and Commerce and Armed Services.

1795. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget justification for the Office of Inspector General for fiscal year 2002; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 134. Resolution providing for recommittal of the conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011. (Rept. 107–58). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 135. Resolution providing for consideration of the bill (H.R. 581) to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management (Rept. 107–59). Referred to the House Calendar.

Mr. NUSSLE: Committee of Conference. Conference report on House Concurrent Resolution 83. Resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 (Rept. 107–60) Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 136. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 (Rept. 107–61). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN:

H.R. 1745. A bill to provide that all American citizens living abroad shall (for purposes of the apportionment of Representatives in Congress among the several States and for other purposes) be included in future decennial censuses of population, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. SIMMONS, and Mr. SMITH of New Jersey):

H.R. 1746. A bill to amend title 38, United States Code, to require that the Secretary of Veterans Affairs establish a single ''1–800'' telephone number for access by the public to veterans benefits counselors of the Department of Veterans Affairs and to ensure that such counselors have available to them information about veterans benefits provided by all Federal departments and agencies and by State governments; to the Committee on Veterans' Affairs.

By Mrs. KELLY:

H.R. 1747. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

By Mr. CANTOR (for himself, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. GOODE, Mr. MORAN of Virginia, Mr. SCHROCK, Mr. BOUCHER, Mr. SCOTT, and Mr. GOODLATTE):

H.R. 1748. A bill to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the ''Tom Bliley Post Office Building''; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SCHROCK, Mr. SCOTT, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H.R. 1749. A bill to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the ''Herbert H. Bateman Post Office Building''; to the Committee on Government Reform.

By Mr. DINGELL (for himself, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. BONIOR, Mr. FRANK, Mr. COYNE, Mr. ENGEL, Mr. KUCINICH, Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Ms. KILPATRICK, Mr. BROWN of Ohio, Ms. DELAURO, Mrs. MINK of Hawaii, Mr. CLEMENT, Mr. JOHN, Ms. RIVERS, Mr. ALLEN, Mr. LEVIN, Mr. GORDON, Mr. BALDACCI, Mr. ACEVEDO-VILA, Mr. LEWIS of Georgia, Mr. HOLDEN, Mr. MATSUI, Mr. HINOJOSA, Mr. JEFFERSON, Ms. SOLIS, and Mr. KILDEE):

H.R. 1750. A bill to amend the Federal Water Pollution Control Act to authorize funding for the State water pollution control revolving fund program for fiscal year 2002 through 2006; to the Committee on Transportation and Infrastructure.

By Mr. DINGELL (for himself, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. BONIOR, Mr. FRANK, Mr. COYNE, Mr. ENGEL, Mr. KUCINICH, Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Ms. KILPATRICK, Mr. BROWN of Ohio, Ms. DELAURO, Mrs. MINK of Hawaii, Mr. CLEMENT, Mr. JOHN, Ms. RIVERS, Mr. ALLEN, Mr. LEVIN, Mr. GORDON, Mr. BALDACCI, Mr. ACEVEDO-VILA, Mr. LEWIS of Georgia, Mr. HOLDEN, Mr. MATSUI, Mr. HINOJOSA, Mr. JEFFERSON, Ms. SOLIS, and Mr. KILDEE):

H.R. 1751. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for fiscal years 2002 through 2006 for the municipal construction grant program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FOLEY:

H.R. 1752. A bill to amend the Internal Revenue Code of 1986 to modify the at-risk rules for publicly traded nonrecourse debt; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. SCOTT, Mr. GOODE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H.R. 1753. A bill to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building''; to the Committee on Government Reform.

By Mr. HOUGHTON (for himself, Mr. RANGEL, Mr. SWEENEY, Mr. EHRLICH, Mr. SAM JOHNSON of Texas, Mr. OXLEY, and Mr. MCHUGH):

H.R. 1754. A bill to amend the Internal Revenue Code of 1986 to provide that ancestors and lineal descendants of past or present members of the Armed Forces shall be taken into account in determining whether a veterans' organization is exempt from tax; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mr. NEAL of Massachusetts):

H.R. 1755. A bill to amend the Internal Revenue Code of 1986 to prevent the use of reinsurance with foreign persons to enable domestic nonlife insurance companies to evade United States income taxation; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 1756. A bill to amend section 313 of the Tariff Act of 1930 to make certain products eligible for drawback and to simplify and clarify certain drawback provisions; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 1757. A bill to amend section 313 of the Tariff Act of 1930 to make certain products eligible for drawback; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 1758. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of certain beta interferons and other biologicals and drugs approved by the Food and Drug Administration for treatment of mulitple sclerosis; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself and Ms. DUNN):

H.R. 1759. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for more frequent hemodialysis treatments; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. TOM DAVIS of Virginia, Mr. LANTOS, Mr. MCDERMOTT, Mr. PAYNE, Mr. MORAN of Virginia, Mr. WEXLER, Ms. SOLIS, Mr. ACKERMAN, Mr. FOLEY, Mr. SHAW, Mr. HONDA, Mr. GUTIERREZ, Mr. ORTIZ, Mr. BECERRA, Mr. PASTOR, Mr. SERRANO, Ms. VELAZQUEZ, Mr. RODRIGUEZ, Mr. REYES, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. UNDERWOOD, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. DELAHUNT, Mr. FILNER, Mr. BERMAN, Mr. CROWLEY, Mr. CAPUANO, Mrs. MORELLA, Mr. KUCINICH, and Ms. PELOSI):

H.R. 1760. A bill to authorize emergency disaster assistance for recovery from the earthquakes of January and February 2001 in the Republic of India and the Republic of El Salvador, and for other purposes; to the Committee on International Relations.

By Mr. MORAN of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. SCOTT, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. BOUCHER, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H.R. 1761. A bill to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the ''Herb E. Harris Post Office

Building''; to the Committee on Government Reform.

By Mr. PAUL:

H.R. 1762. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY:

H.R. 1763. A bill to amend title XIX of the Social Security Act to increase the personal needs allowance applied to institutionalized individuals under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. STRICKLAND (for himself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CAPUANO, Mr. CONDIT, Mr. DELAHUNT, Mr. FRANK, Mr. GILMAN, Mr. HOEFFEL, Mr. HOLDEN, Mr. HORN, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. LAFALCE, Mr. LANTOS, Mr. MCNULTY, Mr. MCGOVERN, Mrs. MINK of Hawaii, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Ms. PELOSI, Mr. RUSH, Mr. STUPAK, Mr. SWEENEY, Mr. TIERNEY, Mr. EVANS, Mr. UDALL of New Mexico, and Mr. BROWN of Ohio):

H.R. 1764. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mr. UPTON (for himself, Mr. STEARNS, Mr. FOSSELLA, Mr. TERRY, Mr. SHIMKUS, Mr. GREEN of Texas, Mr. SAWYER, Mr. GORDON, Mr. RUSH, Mr. BOUCHER, Mr. EHRLICH, Mr. TOWNS, Mr. GILLMOR, and Mr. BILIRAKIS):

H.R. 1765. A bill to increase penalties for common carrier violations of the Communications Act of 1934, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. SCOTT, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. TOM DAVIS of Virginia):

H.R. 1766. A bill to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the ''Stan Parris Post Office Building''; to the Committee on Government Reform.

By Mr. WOLF (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. SCOTT, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. TOM DAVIS of Virginia):

H.R. 1767. A bill to designate the facility of the United States Postal Service located at 205 South Main Street in Culpepper, Virginia, as the ''D. French Slaughter Post Office Building''; to the Committee on Government Reform.

By Mr. LANTOS (for himself and Mr. SMITH of New Jersey):

H. Con. Res. 128. Concurrent resolution expressing the sense of the Congress that the continued participation of the Russian Federation in the Group of Eight must be conditioned on the Russian Federation's voluntary acceptance of and adherence to the norms and standards of democracy; to the Committee on International Relations.

By Mrs. MCCARTHY of New York (for herself and Ms. NORTON):

H. Con. Res. 129. Concurrent resolution expressing the sense of Congress regarding the establishment of Million Mom March Day; to the Committee on Government Reform.

By Mr. UNDERWOOD (for himself, Mr. WU, Mr. HONDA, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. MATSUI, Mrs. MINK of Hawaii, Ms. PELOSI, Mr. BECERRA, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Mr. FILNER, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mrs. MORELLA, Mr. STARK, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 130. Concurrent resolution authorizing printing of the book entitled ''Asian and Pacific Islander Americans in Congress''; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. PITTS, Mr. CARDIN, Mr. WAMP, and Mr. HASTINGS of Florida):

H. Res. 137. A resolution congratulating the Kalmyk community of the United States on the 50th anniversary of their emigration to the United States from displaced persons camps in Germany after World War II; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BONIOR introduced A bill (H.R. 1768) for the relief of Thomas Patrick McEvoy; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Ms. CARSON of Indiana.

H.R. 25: Mr. SHAYS, Mr. BLUMENAUER, and Mr. PASCRELL.

H.R. 41: Mr. WOLF, Mr. ISSA, Ms. ESHOO, Mr. HEFLEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 51: Mr. HEFLEY.

H.R. 61: Mr. MCINTYRE.

H.R. 68: Mr. LEWIS of Kentucky, Mr. JOHNSON of Illinois, Mr. LAMPSON, Mr. DINGELL, and Mr. OTTER.

H.R. 80: Mr. GOODE.

H.R. 133: Mr. OWENS.

H.R. 148: Mr. MALONEY of Connecticut.

H.R. 168: Mr. BAKER.

H.R. 183: Ms. BERKLEY.

H.R. 218: Mr. LARSEN of Washington.

H.R. 280: Mr. PETERSON of Pennsylvania and Mr. DOOLITTLE.

H.R. 281: Mr. BORSKI.

H.R. 286: Ms. NORTON.

H.R. 287: Mr. LANGEVIN.

H.R. 294: Mr. WAMP.

H.R. 303: Mr. OTTER and Mr. SESSIONS.

H.R. 321: Mr. FILNER, Mr. EVANS, Mr. MCGOVERN, Mr. CONYERS, Ms. WATERS, Mr. BLAGOJEVICH, Ms. LEE, Mr. CUMMINGS, Mr. HOEFFEL, and Ms. SCHAKOWSKY.

H.R. 326: Mr. SCHIFF and Mr. YOUNG of Alaska.

H.R. 331: Mr. MCCRERY, Mr. OTTER, and Mr. WATKINS.

340: Mr. MCNULTY.

348: Mr. DOOLEY of California and Mr. DIAZ-BALART.

H.R. 394: Mr. GILCHREST, Mr. JONES of North Carolina, Mr. BARTON of Texas, Mr. WICKER, Mr. KILDEE, Mr. SMITH of Washington, Mr. HOEFFEL, Mr. OBERSTAR, Mr. FALEOMAVAEGA, Mr. HEFLEY, Mr. SKELTON, Ms. HOOLEY of Oregon, and Mr. TIAHRT.

H.R. 400: Mr. HOSTETTLER, Mr. TIAHRT, and Mr. PICKERING.

H.R. 432: Ms. KILPATRICK.

H.R. 433: Ms. KILPATRICK.

H.R. 439: Mr. HEFLEY.

H.R. 442: Mr. HEFLEY, Mrs. DAVIS of California, Mr. FROST, Mr. BACA, Mrs. JONES of Ohio, Ms. BROWN of Florida, and Mr. FALEOMAVAEGA.

H.R. 448: Mr. PAUL, and Mr. HOLT.

H.R. 458: Mrs. BIGGERT.

H.R. 510: Mr. DEFAZIO and Mr. MCINTYRE.

H.R. 511: Mr. RODRIGUEZ.

H.R. 536: Ms. MILLENDER-MCDONALD, Mr. LATOURETTE, and Mr. LUTHER.

H.R. 537: Ms. MILLENDER-MCDONALD and Mr. RUSH.

H.R. 547: Ms. DELAURO.

H.R. 570: Mr. PASTOR, Mr. SCHIFF, Mr. FILNER, and Mr. CAPUANO.

H.R. 572: Mr. CALVERT, Mr. WATTS of Oklahoma, Mr. DEUTSCH, and Mr. LANGEVIN.

H.R. 580: Mr. MCGOVERN, Mr. RUSH, Ms. MILLENDER-MCDONALD, Mr. KILDEE, and Mr. BENTSEN.

H.R. 582: Mr. WAMP.

H.R. 586: Mr. BEREUTER, Mr. MANZULLO, Mr. FOLEY, Mr. WALDEN of Oregon, and Mr. RYAN of Wisconsin.

H.R. 590: Ms. RIVERS and Mr. ABERCROMBIE.

H.R. 602: Mr. BECERRA and Mr. QUINN.

H.R. 606: Mr. CONDIT and Mr. MATSUI.

H.R. 609: Mr. RODRIGUEZ.

H.R. 611: Mr. POMEROY, Ms. BERKLEY, Mr. FARR of California, Mr. BLUMENAUER, Mr. LARSEN of Washington, and Mr. BEREUTER.

H.R. 612: Mr. ISRAEL and Mr. WEXLER.

H.R. 622: Ms. MILLENDER-MCDONALD, Mr. LAFALCE, Mr. POMEROY, Mr. PHELPS, and Mr. RAMSTAD.

H.R. 633: Mr. BONIOR and Ms. HOOLEY of Oregon.

H.R. 635: Mr. MASCARA, Mr. HOEFFEL, Mr. GEKAS, Mr. PLATTS, Mr. WELDON of Pennsylvania, and Mr. GREENWOOD.

H.R. 638: Mr. WATT of North Carolina.

H.R. 654: Mr. OWENS.

H.R. 663: Mr. PRICE of North Carolina.

H.R. 664: Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. HASTINGS of Florida, Ms. LEE, Mr. PLATTS, Mr. ORTIZ, and Mr. BRADY of Pennsylvania.

H.R. 668: Mr. GUTKNECHT, Mr. EHLERS, Mr. CROWLEY, Mr. WHITFIELD, Mr. JEFFERSON, Ms. MCKINNEY, Mr. BASS, Mr. GREENWOOD, and Mr. JOHNSON of Illinois.

H.R. 678: Mr. BONIOR and Mr. SMITH of Washington.

H.R. 686: Mr. PALLONE and Mr. MEEKS of New York.

H.R. 701: Mr. HOLT, Mrs. THURMAN, Mr. FOLEY, Ms. DEGETTE, Mr. EVANS, Mr. MCINTYRE, Mr. ENGEL, Mr. ROEMER, Mr. BLAGOJEVICH, Mr. SHERMAN, Mr. TOM DAVIS of Virginia, Mr. GUTIERREZ, Mr. CLEMENT, Mr. LIPINSKI, Mr. DEUTSCH, Mr. ORTIZ, Mr. CLYBURN, Mr. ENGLISH, Mr. INSLEE, and Ms. HART.

H.R. 708: Ms. SLAUGHTER.

H.R. 710: Mr. DOYLE and Mr. HOBSON.

H.R. 716: Ms. BROWN of Florida and Mrs. MALONEY of New York.

H.R. 730: Mr. KILDEE.

H.R. 737: Mr. MASCARA and Mr. KIRK.

H.R. 742: Mr. RAHALL, Mr. BARRETT, and Mr. BLUMENAUER.

H.R. 755: Mr. EVANS, Ms. HOOLEY of Oregon, Mr. SHERMAN, Ms. SCHAKOWSKY, and Mr. DAVIS of Illinois.

H.R. 758: Mr. SANDLIN.

H.R. 778: Mrs. THURMAN and Mr. HOLT.

H.R. 786: Mr. RANGEL and Mrs. JONES of Ohio.

H.R. 814: Mr. OWENS.

H.R. 823: Mr. OWENS.

H.R. 875: Mr. OWENS.

H.R. 876: Mr. BOSWELL, Mr. DIAZ-BALART, Mr. EVANS, Ms. MCKINNEY, Mr. POMEROY, Mr. HINCHEY, Mr. MCNULTY, Mr. BERMAN, Mr. GANSKE, Ms. DELAURO, Ms. DEGETTE, Mr. CAPUANO, Ms. PELOSI, Mr. PALLONE, Mr. FRANK, Mr. SAXTON, Mr. WU, Mr. SNYDER, and Mr. WALSH.

H.R. 879: Mr. STRICKLAND, Mr. FARR of California, and Mr. GORDON.

H.R. 917: Mrs. CLAYTON.
H.R. 921: Ms. MILLENDER-MCDONALD, Mr. BARCIA, Mr. SCHAFFER, Mr. MCINNIS, and Mr. JEFFERSON.
H.R. 936: Mr. FOLEY, Mr. WYNN, Mr. THOMPSON of Mississippi, and Ms. SOLIS.
H.R. 945: Mr. OWENS.
H.R. 948: Mr. PETERSON of Minnesota, Mr. KLECZKA, Mr. DELAHUNT, Ms. MCKINNEY, Ms. MCCOLLUM, Mr. HOLT, Mr. FARR of California, and Mr. BROWN of Ohio.
H.R. 950: Mr. ADERHOLT and Mr. DOOLITTLE.
H.R. 953: Mr. BROWN of Ohio and Mr. BILIRAKIS.
H.R. 954: Ms. SOLIS.
H.R. 972: Ms. MILLENDER-MCDONALD and Mr. ANDREWS. 071
H.R. 981: Mr. GILLMOR and Mr. HEFLEY.
H.R. 1004: Mr. JEFFERSON and Mr. FRANK.
H.R. 1013: Mr. WHITFIELD and Mr. BOSWELL.
H.R. 1020: Mr. LATOURETTE, Mr. DEMINT, Mr. DINGELL, Mr. MCNULTY, Ms. MCKINNEY, Mr. KIRK, Mr. COBLE, Mr. REHBERG, and Mr. BROWN of South Carolina.
H.R. 1048: Mr. FILNER, Mr. EVANS, Mr. MCGOVERN, Mr. CONYERS, Ms. WATERS, Mr. BLAGOJEVICH, Ms. LEE, Mr. CUMMINGS, Mr. HOEFFEL, and Ms. SCHAKOWSKY.
H.R. 1072: Mr. DEAL of Georgia and Mr. TIERNEY.
H.R. 1073: Mr. CONDIT, Mr. WU, Mr. PASCRELL, Mr. REYES, Ms. LOFGREN, Mr. HOEFFEL, Mr. LOBIONDO, and Mr. PLATTS.
H.R. 1076: Mr. LAFALCE, Mr. ROSS, Mr. PALLONE, Mr. MATHESON, and Mr. HOLT.
H.R. 1090: Mr. CUNNINGHAM, Mr. HUTCHINSON, Mr. REYES and Mr. PICKERING.
H.R. 1108: Mr. FILNER and Mr. PASCRELL.
H.R. 1109: Mr. GARY G. MILLER of California, Mr. LINDER, Mrs. CUBIN, Mr. BURR of North Carolina, Mr. PUTNAM, and Mr. GANSKE.
H.R. 1110: Mr. HEFLEY.
H.R. 1143: Ms. SANCHEZ, Mrs. MALONEY of New York, and Mr. SANDLIN.
H.R. 1146: Mr. DUNCAN.
H.R. 1155: Mr. TOM DAVIS of Virginia, Ms. LEE, Mr. ABERCROMBIE, and Mr. COYNE.
H.R. 1170: Mrs. LOWEY and Mr. ACKERMAN.
H.R. 1192: Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Mr. WHITFIELD, Mr. LEACH, and Mr. THOMPSON of California.
H.R. 1199: Mr. GUTKNECHT.
H.R. 1210: Mr. KIND.
H.R. 1232: Ms. MCCOLLUM and Mr. FALEOMAVAEGA.
H.R. 1242: Mr. FRANK.
H.R. 1252: Mr. RANGEL and Mrs. LOWEY.
H.R. 1254: Ms. KAPTUR, Mr. WALSH, and Mr. KILDEE.
H.R. 1266: Mr. HYDE, Mr. LEVIN, Mr. MCGOVERN, and Mr. SMITH of Washington.
H.R. 1271: Mr. ROTHMAN and Mr. BARR of Georgia.
H.R. 1280: Mr. GORDON.
H.R. 1290: Mr. FALEOMAVAEGA.
H.R. 1293: Mr. ROYCE and Mr. STENHOLM.
H.R. 1306: Ms. JACKSON-LEE of Texas.
H.R. 1310: Mr. TIBERI and Mrs. NAPOLITANO.
H.R. 1330: Mr. CONDIT.
H.R. 1340: Mr. KILDEE.
H.R. 1345: Mr. OWENS.
H.R. 1351: Ms. JACKSON-LEE of Texas, Mr. WOLF, Mr. GREEN of Wisconsin, Ms. HART, Ms. BROWN of Florida and Mr. GORDON.
H.R. 1354: Mr. KILDEE, Mr. SMITH of New Jersey, Mr. HORN, and Mr. CROWLEY.
H.R. 1358: Mr. BAIRD.
H.R. 1367: Mr. HOLT, Mr. ABERCROMBIE, and Mr. GREENWOOD.
H.R. 1401: Mr. MCHUGH, Mr. PAUL, Ms. DEGETTE, and Mr. CAPUANO.
H.R. 1406: Mr. MEEKS of New York, Mr. RODRIGUEZ, Mrs. LEE, and Mr. FILNER.
H.R. 1407: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1408: Mr. GILLMOR, Mr. NEY, and Mrs. ROUKEMA.
H.R. 1413: Mr. SAXTON, Mr. CUMMINGS, and Mr. COYNE.
H.R. 1433: Mr. SCHIFF, Ms. SOLIS, and Mr. PASCRELL.
H.R. 1449: Mr. OWENS.
H.R. 1451: Mr. GANSKE.
H.R. 1490: Mr. BOEHLERT, Mr. COLLINS, and Mr. LANGEVIN.
H.R. 1501: Mrs. BIGGERT, Mr. SIMMONS, and Mr. GREEN of Wisconsin.
H.R. 1510: Mr. SOUDER.
H.R. 1520: Mr. SHOWS.
H.R. 1522: Mr. KILDEE.
H.R. 1535: Ms. CARSON of Indiana, Mr. RANGEL, and Ms. MILLENDER-MCDONALD.
H.R. 1536: Mr. FROST, Ms. MILLENDER-MCDONALD, Ms. LOFGREN, Ms. LEE, and Ms. MCKINNEY.
H.R. 1542: Mr. HILLEARY, Mr. BONILLA, Mr. FLETCHER, and Mr. BENTSEN.
H.R. 1556: Mr. MCHUGH, Mr. RAHALL, Mr. BISHOP, and Mr. WALSH.
H.R. 1568: Mr. MCNULTY.
H.R. 1581: Mr. RILEY.
H.R. 1582: Mr. OWENS.
H.R. 1585: Mr. FILNER, Ms. LEE, Mr. BISHOP, and Mr. HILLIARD.
H.R. 1589: Mr. BURR of North Carolina.
H.R. 1594: Ms. SLAUGHTER, Mr. GEORGE MILLER of California, Mr. EVANS, Mr. KUCINICH, Mr. SERRANO, Mr. WAXMAN, and Mr. BONIOR.
H.R. 1597: Mrs. MINK of Hawaii.
H.R. 1599: Mr. OTTER.
H.R. 1601: Mr. SCHAFFER, Mr. SKELTON, and Mr. HILLEARY.
H.R. 1620: Mr. WAXMAN.
H.R. 1622: Mr. KUCINICH and Ms. MCCOLLUM.
H.R. 1624: Mr. PETERSON of Minnesota, Mr. BERRY, Mr. TOWNS, Mr. JEFFERSON, Mr. BISHOP, Mr. LANTOS, Mr. ANDREWS, Mr. KILDEE, Mrs. MORELLA, Mr. SMITH of New Jersey, and Mr. NEY.
H.R. 1630: Mr. TOOMEY.
H.R. 1642: Mr. MCGOVERN, Mr. DOOLEY of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, and Mr. FRANK.
H.R. 1644: Mrs. MYRICK, Mr. TANCREDO, Mr. SHADEGG, Mr. LARGENT, Mr. SOUDER, Mr. PICKERING, Mrs. JO ANN DAVIS of Virginia, Mr. KING, Mr. SHOWS, Mr. KILDEE, and Mr. MCINTYRE.
H.R. 1650: Mr. STARK.
H.R. 1651: Mr. PASCRELL, Mr. MCGOVERN, and Mr. FILNER.
H.R. 1674: Mr. EVANS, Mr. KENNEDY of Rhode Island, Mr. SHADEGG, Ms. DEGETTE, Mr. KILDEE, Mr. GONZALEZ, and Mr. COOKSEY.
H.R. 1688: Mr. GILLMOR, Mr. SOUDER, and Mr. NEY.
H.R. 1690: Mrs. CLAYTON, Ms. MCKINNEY, Mr. THOMPSON of Mississippi, Ms. CARSON of Indiana, and Mr. KILDEE.
H.R. 1711: Mr. MCINNIS.
H.R. 1713: Mr. ACKERMAN, Mr. BLAGOJEVICH, Mr. BECERRA, of Mr. FRANK.
H.R. 1727: Mr. WELLER, Mr. NEAL of Massachusetts, Mr. FOLEY, Mr. MCINNIS, Mr. WATKINS, Mr. LEWIS of Kentucky, Mr. HAYWORTH, Mr. CUNNINGHAM, Mr. STUPAK, Mr. RYAN of Wisconsin, and Mr. SUNUNU.
H.R. 1733: Ms. LEE, Ms. MILLENDER-MCDONALD, and Mr. KILDEE.
H.J. Res. 13: Ms. LEE, Ms. MILLENDER-MCDONALD, and Mr. SMITH of New Jersey.
H.J. Res. 38: Mr. BARR of Georgia.
H.J. Res. 42: Mr. LOBIONDO, Mr. MILLER of Florida, Mr. FILNER, Ms. DELAURO, Mrs. EMERSON, Mr. FOSSELLA, Mrs. THURMAN, and Mr. LANGEVIN.
H. Con. Res. 25: Mr. CRANE, Mr. COX, Ms. SANCHEZ, Mr. ROYCE, and Mr. WEXLER.
H. Con. Res. 56: Mrs. MYRICK and Mr. CANTOR.
H. Con. Res. 60: Ms. LEE, Mr. SANDERS, and Mr. DEFAZIO.
H. Con. Res. 68: Mr. NEY and Mr. AKIN.
H. Con. Res. 89: Mr. WU.
H. Con. Res. 97: Mr. ROYCE.
H. Con. Res. 102: Mr. MORAN of Virginia, Mrs. MORELLA, Mr. PETRI, Mr. PRICE of North Carolina, Mr. BEREUTER, Mr. COSTELLO, Mr. HALL of Ohio, Mr. PETERSON of Minnesota, Mrs. CLAYTON, Mr. FILNER, Mr. ABERCROMBIE, Mr. LANTOS, Mr. MCGOVERN, and Ms. RIVERS.
H. Con. Res. 104: Mr. BAKER, Mr. PASCRELL, and Mr. THOMPSON of Mississippi.
H. Con. Res. 108: Mr. BOEHLERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, Mr. MATHESON, Mr. ETHERIDGE, Mr. GUTKNECHT, Mr. JOHNSON of Illinois, Mr. EHLERS, Mr. SMITH of Texas, Mrs. MORELLA, Mr. ROHRABACHER, Ms. JACKSON-LEE of Texas, Mr. HOLT, Ms. RIVERS, Mr. HONDA, Ms. HART, Mr. BACA, Mrs. BIGGERT, Mr. SHAYS, Mr. BARTLETT of Maryland, and Mr. GRUCCI.
H. Con. Res. 115: Mr. SMITH of New Jersey, Mr. BROWN of Ohio, Ms. MCKINNEY, and Mr. BONIOR.
H. Res. 73: Mr. SHERMAN.
H. Res. 97: Mr. KILDEE.
H. Res. 108: Ms. BALDWIN, Ms. HART, Mr. LEVIN, Mrs. NORTHUP, Mr. WELDON of Florida, Mr. BILIRAKIS, and Mr. SCHAFFER.
H. Res. 117: Ms. SANCHEZ, Mr. CROWLEY, and Ms. WATERS.
H. Res. 120: Mr. PASCRELL and Ms. MCKINNEY.
H. Res. 123: Mr. ISTOOK and Mr. KELLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1613: Mr. PASCRELL.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1646

OFFERED BY: MR. TERRY

AMENDMENT NO. 1. Page 124, after line 12, add the following:

SEC. 747. SENSE OF CONGRESS RELATING TO THE REMOVAL OF THE UNITED STATES FROM THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS.

(a) FINDINGS.—Congress finds the following:

(1) The United Nations Commission on Human Rights, located in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improving human rights performance.

(2) The United States is a founding member of the United Nations and a permanent member of the Security Council of the United Nations.

(3) The United States has been a member of the United Nations Commission on Human Rights since it was established in 1947 and has used membership on the Commission to internationally condemn countless acts of inhumanity and human rights violations.

(4) The United States vigorously opposes human rights violations, such as those perpetrated by the People's Republic of China, Cuba, and Sudan, which have violently repressed religious, spiritual, cultural, and political movements and continue to ban, criminalize, and harass groups they label as cults or heretical organizations and detain, incarcerate, and generally violate the human rights of individuals they accuse of being participants in those organizations.

(5) Nations on the United Nations Commission on Human Rights that violate the

human rights of their own citizens are in a position to remove from the Commission nations that are vigilant for violations of human rights and vocal in their opposition to such violations.

(6) The United States has an essential voice in the global community on issues pertaining to the protection of individual freedoms and human rights, and the United Nations Commission on Human Rights provides a platform from which the United States may advance these issues in the international community.

(7) The other members of the United Nations Commission on Human Rights voted on May 3, 2001, to not re-elect the United States to the Commission.

(b) SENSE OF CONGRESS.—Congress—

(1) protests the removal of the United States from the United Nations Commission on Human Rights, on which the United States has an international obligation to participate;

(2) urges the United Nations to redesign the format of the United Nations Commission on Human Rights to include each of the 5 permanent members of the Security Council of the United Nations;

(3) denounces human rights violations perpetrated by other current members of the United Nations Commission on Human Rights, including the People's Republic of China, Cuba, and Sudan; and

(4) strongly supports any efforts by the United States Government to rejoin the United Nations Commission on Human Rights and to continue to decry and work to end human rights violations in nations around the world.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, MAY 8, 2001 No. 62

Senate

The Senate met at 9:30 a.m. in executive session 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:

Almighty God, thank You for the exciting expectation that surges within us when we realize that You want to bless us with Your love, strength, and wisdom. It is Your way always to go beyond what You have done before. You do not measure Your generosity by our goodness or the eloquence of our prayers, but You give more grace as the challenges grow greater. All You require is that we desire a relationship with You, the Giver, as much as we desire the blessings You give. You guide the humble and teach them the way to go, how to decide on issues, and how to speak truth with love.

Lord, bless the Senators with Your maximizing power for the challenges, decisions, and responsibilities of this day. We join them in praying with the psalmist, ''God be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on earth.''—Psalm 67:1–2. May Your shining face be reflected in our faces, radiant with joy and confidence for the demands of today. You are 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 senior assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 8, 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 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.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

RESERVATION OF LEADER TIME

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

NOMINATION OF JOHN ROBERT BOLTON OF MARYLAND TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of John Robert Bolton of Maryland to be Under Secretary of State for Arms Control and International Security.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the time until 10:15 is reserved for proponents and opponents of this nomination; is that true?

The ACTING PRESIDENT pro tempore. Under the previous order three Senators each control 15 minutes.

Mr. REID. Senators DORGAN, BIDEN, and HELMS, is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. REID. I ask unanimous consent the time on the quorum call I will suggest be divided equally among the three Senators.

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

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

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

Mr. DORGAN. Mr. President, how much time am I allowed?

The ACTING PRESIDENT pro tempore. Twelve minutes.

Mr. DORGAN. Mr. President, the Senate will vote this morning on the nomination by President Bush of Mr. John Bolton to be Under Secretary of State for Arms Control.

This is a terrible nomination. I indicated yesterday that I don't know Mr. John Bolton. I have not met him. But I have read a great deal about what he said about a number of issues. To nominate Mr. John Bolton to be Under Secretary of State for Arms Control defies logic.

Arms control is a very important subject. The question of whether this country is going to assume the responsibility to lead internationally in stopping the spread of nuclear weapons is a very important question.

Are we going to be a world leader in stopping the spread of nuclear weapons or not? Are we going to be a leader in trying to make this a safer world? Are we going to be a leader in trying to reduce the number of nuclear weapons that exist in this world?

The answer from the President, it seems to me, in sending this nomination to the Senate is no; we don't intend to lead on anything. We intend to do our own thing notwithstanding what

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

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anybody else thinks about it, and notwithstanding the consequences with respect to the reduction of additional nuclear weapons and delivery systems.

Mr. Bolton has virtually no experience in the field of arms control. He has never served in an arms control position in any form. He is qualified perhaps for the dismantling of the systems of arms control as we know it. But he is not the person we would want consulting on arms control with our allies, and he is not the person we want negotiating treaties.

Mr. Bolton has expressed disdain for arms control and those who promote it. Let me give you some examples.

We had a debate on the floor of the Senate a year and a half ago on the subject of a comprehensive nuclear test-ban treaty. Our country has already decided to stop testing nuclear weapons. We decided that in the early 1990s. So the question wasn't for us. We had already decided to stop testing nuclear weapons. The question was whether we would join in a treaty with many other countries around the world—a treaty that has something like 150 different signatories. Would we join in that treaty to try to stop others from testing nuclear weapons? Regrettably, the answer by this Senate was no; we don't want to do that.

I think it was a terrible mistake. What an awful day for the Senate to say no. We stopped nuclear testing, but we don't want to join in a treaty to try to promote others to stop nuclear testing. What an awful thing for the Senate to do. The Senate has a right to do that. Of course, I think it was an awful mistake.

What happened when we turned down the Comprehensive Nuclear Test-Ban Treaty? Mr. John Bolton says the supporters of the Comprehensive Nuclear Test-Ban Treaty are timid and neopacifists. That is the way he described those who support efforts to have an international treaty to stop nuclear testing.

Then he states on the issue of treaties and arms control and so on that international law is not really law at all.

Quoting him, ''While treaties may be politically or even morally binding, they are not legally obligatory. They are just not law as we apprehend the term.''

That is a statement by Mr. Bolton.

He says with respect to our allies who try to put pressure on us to pass the Comprehensive Nuclear Test-Ban Treaty, that the Canadian Premier is ''moral posturing.'' The Sun calls Mr. Bolton one of ''Tony Blair's strongest critics.'' He says, ''The Europeans can be sure that America's days as a well-bred doormat for EU political and military protections are coming to an end.''

Then he gloated at the end of the Comprehensive Nuclear Test-Ban Treaty and its defeat, and said the Comprehensive Nuclear Test-Ban Treaty is dead.

He has been highly critical of the agreed-upon framework under which North Korea pledged to free its nuclear weapons program, and he says the United States suffers no downside if we never normalize relations with North Korea. Certainly South Korea and Japan, our friends, don't agree with him.

He thinks the United States should not give Taiwan diplomatic recognition as an independent country, in contradiction of several decades of official American policy. He says we have no vital interest in Kosovo or the rest of the Balkans. Tell that to the Europeans and the U.S. troops whose presence there stopped the genocide and stopped the killing of thousands or perhaps tens of thousands of people.

I think the world is going to see, if the Senate confirms this nomination, that Mr. Bolton's appointment is another sign of the President's hard line on these issues, as a unilateral policy to abandon ABM, or to get rid of the ABM Treaty, or ignore it, build a destabilizing national missile defense system, ignore the Kyoto treaty, abandon talks with North Korea, and oppose the international criminal court and the international landmine convention.

I think the signal is going to be quite clear if this Senate agrees with this President and puts John Bolton in as Under Secretary for Arms Control.

He comes to this position with very little experience, and with an attitude about these issues that is antithetical to the progress that we are making in these areas.

I mentioned that we have tens of thousands of nuclear weapons in this world. Russia has somewhere perhaps between 20,000 and 30,000 strategic and theater nuclear weapons. We have tens of thousand of nuclear weapons. There are a handful of other countries that have joined the nuclear club and have access to nuclear weapons. Many other countries want to possess nuclear weapons and are achieving and aspiring to try to get nuclear weapons. Some terrorists want nuclear weapons.

The question is, Will our country for our security and the security of the world provide a leadership role in trying to stop the spread of nuclear weapons? Will we be aggressive and vigilant? Will we be world leaders on this issue? Not if we decide to confirm the nomination of John Bolton. He is not someone who believes in arms control. He is not someone who believes in arms reduction.

The fact is, we have reduced the number of nuclear weapons not nearly far enough, but we have reduced the number of nuclear weapons in this world through the arms control agreements we have had with the old Soviet Union and now Russia.

The fact is, we have sawed the wings off Soviet bombers and long-range bombers. We have dismantled them. We have dismantled their submarines. We have dismantled their nuclear warheads? Why? Because we and the Russians have agreed upon a regimen of reducing nuclear weapons. Are we going to stop all of that? Are we going to make more and more determined efforts to continue it and do even more?

In my judgment, we should continue this approach. In my judgment, this leads to a safer world.

But we have now this nomination that comes to us today that is very distressful—having an administration put someone in a position whose job it is to deal with the issue of arms control who doesn't believe in arms control, who doesn't believe in treaties, who doesn't believe in a regimen of trying to stop nuclear testing, and believes that treaties and agreements have no legal impact at all and no effect.

He believes that we should just go it alone, apparently, notwithstanding what others want or say.

We are going to move into a very delicate and very difficult circumstance very soon. In addition to their being tens of thousands of nuclear weapons that now exist in this world and precious little effort to try to reduce them, and turning away from basic arms control agreements, including the ABM Treaty which has been the centerfold in attempts that have resulted in arms reduction—in addition to all of that—apparently we are deciding to build a national missile defense system to protect against a less likely threat: a rogue nation or a terrorist acquiring an ICBM, loading it with a nuclear tip and sending it to this country.

They are much more likely to load a pick-up truck with a nuclear bomb and threaten this country.

If we build a national missile defense and say it doesn't matter what others do, ignore nuclear arms treaties resulting in larger buildups and more weapons and delivery vehicles by the Russians, the Chinese and others, will we be safer, and will the world be safer with a national missile defense system to protect us against a Russian threat, or against a Chinese threat? The answer is clearly no.

My feeling is that we are at a moment in time in this country that is very important. We have reached the moment in this world that is very important. We have seen an explosion of nuclear weapons by Pakistan and India—two countries that don't like each other. They are building nuclear weapons.

We have seen circumstances with the Chinese and the Russians and the Europeans, and the others, who are concerned about us going it alone. As a columnist for the Washington Post said: Built to suit our interests and damn the other interests. It doesn't matter what the others think.

That, in my judgment, is very troubling, to try to find a way to have world leadership to stop the spread of nuclear weapons and to provide world leadership to reduce the number of nuclear weapons.

Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota has 1 minute 45 seconds.

Mr. DORGAN. Mr. President, I know others wish to speak today, and I spoke at some length yesterday about this issue. But I want to end by saying the following: All I know about this nominee is what he has said, what he has established as a public record. It is, in my judgment, antithetical to what we ought to aspire to be and what we ought to aspire to see from someone in the position we expect to provide leadership on arms control.

He, in fact, in my judgment, will not and cannot because he does not believe in arms control. He does not believe in doing this on the basis of reaching out with others to try to reduce the number of nuclear weapons with treaties and arms control agreements. He does not believe in trying to stop the testing through treaties of nuclear weapons, the Comprehensive Nuclear Test-Ban Treaty.

In my judgment, if this Senate sees fit today to vote positively on this nomination, we will have taken a significant step backwards. We will have impeded the efforts of this country to be a world leader in areas that really matter.

I hope the Senate will think long and hard about this and decide to tell the President this nomination is not appropriate for the position of Under Secretary of State for Arms Control.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, in a few moments, the Senate will vote on the President's nomination of John Bolton for Undersecretary of State for Arms Control and International Security. I am under no illusions about the fact that Mr. Bolton will be confirmed for this position. But I will vote against him, because I believe his views on the issues for which he will have responsibility are inconsistent with the best interests of the United States.

President Bush has promised to work with our friends and allies to build a new framework for U.S. policies on arms control and international security. But his nomination of John Bolton to be the principal advisor to the Secretary of State on these issues is just one of many steps that have sent a decidedly mixed message about his commitment to pursuing a thoughtful, cooperative approach.

In the last several weeks, President Bush has withdrawn the United States from the Kyoto Protocol, sent the South Korean President home with no commitment that we will continue to work on reducing the dangers from North Korea's ballistic missile program, reversed a more than 20-year-old United States policy that has kept the peace in the Taiwan Strait, and announced that the United States will no longer concern itself with negotiations to control and reduce the strategic nuclear arsenal of the former Soviet Union. Last week, in what will assuredly not be the last evidence of growing concern and impatience with U.S. unilateralism, we were voted off the U.N. Human Rights Commission, to the delight of human rights abusers everywhere. This growing unilateralism is very troubling to those of us who understand that the interests of the American people are best protected when we work in concert with others on common interests and problems.

Senate confirmation of John Bolton to be Undersecretary of State for Arms Control and International Security will be another serious blow to U.S. leadership on these important issues. Over the last 8 years, John Bolton has expressed extreme views on a wide range of U.S. foreign policy issues. He has belittled the United Nations, referred to supporters of the Comprehensive Test Ban Treaty as neo-pacifists, labeled our closest allies ''appeasers'' for opposing sanctions policy also opposed by Vice President CHENEY, and questioned whether the United States is ever legally bound by its treaty obligations.

I find John Bolton's views most troubling on the arms control issues over which he will exercise a great deal of influence in this position. He is a staunch opponent of important treaties—including the Comprehensive Test Ban Treaty, the ABM Treaty, and the Ottawa Convention banning anti-personnel land mines which he has criticized as unenforceable, while at the same time opposing the development of international enforcement mechanisms. His antagonism to arms control threatens the Nuclear Non-proliferation Treaty (NPT), a cooperative, verifiable agreement that has effectively kept the nuclear weapons club to very low numbers for more than three decades span. But future international participation in the NPT is inextricably tied to the stability of treaties that Mr. Bolton has condemned. So too is the success of our cooperative nuclear threat-reduction measures with Russia.

Mr. Bolton has also consistently advocated that the United States give diplomatic recognition to Taiwan, a position at odds with decades of U.S. policy and with President Bush's declared One China stance. From 1994–1996, the Taiwanese government paid $30,000 to Mr. Bolton for several papers on Taiwan and the U.N. It is troubling that during this time Mr. Bolton testified about this same issue before two House subcommittees. Should he be confirmed, Mr. Bolton will play a major role in overseeing United States arms sales to Taiwan, one of the most important—and most potentially volatile—issues in United States policy toward Asia. While the State Department has signed off on ethical questions surrounding this possible conflict of interest, I believe United States arms sales policy toward Taiwan can not help but be affected—least in perception, if not in fact—by Mr. Bolton's past relationship with the Government of Taiwan.

On another issue of great importance to stability in Asia, Mr. Bolton has criticized the Clinton administration's efforts to freeze North Korea's nuclear and ballistic missile programs as ''egregiously wrong.'' This despite the undisputed facts that the 1994 Agreed Framework has successfully stopped Pyongyang's nuclear program and more recent talks have convined North Korea to unilaterally suspend its missile tests until 2003.

President Bush is now reviewing United States policy toward North Korea, which I hope will conclude with a decision to continue talks with Pyongyang about the future of its missile program. While I am sympathetic to the President's desire to review past policy, I believe it would be mistake to walk away from a dialogue that holds out the possibility of a verifiable agreement to freeze North Korea's missile program and halt their missile sales. John Bolton has taken a dismissive view of the value of dialogue with Pyongyang, and I am deeply concerned that adding his voice to the administration's debate on this issue will further undermine the United States interest in advancing peace and stability on the Korean Peninsula.

Finally, while Mr. Bolton's testimony before the Foreign Relations Committee seemed to suggest that his current views are more moderate than his writings indicate, I remain perplexed by the question of what views he will take with him into this administration. This is not an academic or inappropriate issue to raise. While, ultimately, Mr. Bolton's personal opinions will be subsumed by the decisions of the Secretary of State and the President, he will have an enormous amount of influence in the policy debates that shape those decisions. I find it difficult to imagine that a man who has dedicated his life to public service on behalf of a set of values that he has taken the time to articulate in public writings will suddenly cease to advocate on behalf of those values at exactly the moment when his ability to influence public debate is at its zenith.

Mr. President, the United States has a strong interest in maintaining and advancing transparent, verifiable arms control regimes and stopping the proliferation of weapons of mass destruction. These issues are far too important to be left in the hands of a man who has denied their very legitimacy. I urge my colleagues to vote against this nominee.

Mr. LEAHY. Mr. President, the Constitution gives the Senate the power to advise and consent on the President's nominations. This is a responsibility that I take very seriously. While I believe the President is entitled to the benefit of the doubt when selecting the senior members of his team, the Senate is not a rubber stamp, and there are times where a careful review leads one to the conclusion that a nomination must be opposed.

President Bush has made some excellent choices for several of the top foreign policy positions in his administration—from Colin Powell for Secretary

of State to Howard Baker for Ambassador to Japan. But the nomination of Mr. Bolton is not one of those choices. I will oppose the nomination of John Bolton for the position of Under Secretary of State for Arms Control and International Security, because I have serious concerns about Mr. Bolton's experience, his diplomatic temperament, and his record.

Before proceeding further, it should be stated that it is becoming increasingly clear that there is a double standard in the Senate's treatment of President Bush's nominees and those of President Clinton. During the Clinton administration, nominations often languished for months—and in some cases years—before the Senate, without ever coming to the floor for a vote. However, when Democrats object to a Bush administration nomination, Republicans cry foul and accuse Democrats of not playing by the rules.

This double standard is evident with this nomination. President Clinton's choice for Under Secretary for Arms Control and International Security was John Holum. After being confirmed by the Senate by voice vote, Mr. Holum served as Director for the Arms Control and Disarmament Agency, ACDA, for 6 years. When ACDA was going to be folded into the State Department, President Clinton made a sound decision to nominate Mr. Holum to be the Under Secretary of State for Arms Control and International Security. Despite his qualifications, a few Republicans blocked John Holum's nomination for nearly 2 years, successfully preventing a vote. This stands in stark contrast to President Bush's selection for the very same position. The nomination of Mr. Bolton—who unlike Mr. Holum is not well qualified for this position—is being voted on by the full Senate after just 2 months.

The first reason that I oppose this nomination is because Mr. Bolton does not have the requisite experience for the job. I am aware that he has some solid foreign policy credentials, previously serving on the Commission on International Religious Freedom, as Assistant Secretary of State for International Organization Affairs, and as Assistant Administrator of USAID for Program and Policy Coordination. But John Bolton has been nominated for the senior position at the State Department responsible for supervising and managing complicated negotiations for arms control and nonproliferation issues. In these areas, his experience is seriously deficient.

This is no time to learn on the job. We are confronted by a complex and rapidly changing security environment, which will require sensitive diplomatic negotiations and consultations on a wide range of international security matters with our friends, allies, and adversaries. We need someone in this position with long experience and a proven track record on these issues—which Mr. Bolton does not have.

Second, as Senator BIDEN appropriately pointed out at Mr. Bolton's confirmation hearing, Mr. Bolton lacks the diplomatic temperament for this job.

He is prone to making confusing statements and using inflammatory rhetoric against those with whom he does not agree. He once stated that ''Republicans are adults on foreign policy questions, and we define what we're willing to do militarily and politically by what is in the best interests of the United States.'' What does this mean? Do Democrats not act in the best interests of the United States? Are Democrats like Lee Hamilton, Sam Nunn, and James Sasser not adults on foreign policy? It is a ludicrous and offensive statement.

On another occasion, Mr. Bolton attacked those who were concerned about the defeat of the Comprehensive Nuclear Test Ban Treaty, CTBT. Some were worried that the Senate's decision to vote down a major international security pact for the first time since the Treaty of Versailles could signal a turn toward isolationism. Mr. Bolton's response was that these reactions were ''indications of a profoundly misguided and potentially dangerous philosophy in American foreign policy'' and that people who held this view were ''timid and neo-pacifist.'' Again, is being vigilant about the possibility of American isolationism, something that contributed to the Second World War, timid or neo-pacifist? What is a neo-pacifist, anyway?

And with respect to the International Criminal Court, ICC, Mr. Bolton said that ''[s]upport for the International Criminal Court concept is based largely on emotional appeals to an abstract ideal of an international judicial system unsupported by any meaningful evidence and running contrary to sound principles of international crisis resolution.'' Why was the decision to sign the Treaty, and join 139 other nations including 17 of our NATO allies, emotional? Is it not rational to conclude that signing the Treaty enables us to maintain the maximum influence over the ongoing negotiations and obtain additional concessions in the process?

These are representative of statements from Mr. Bolton that are confusing, inaccurate and inflammatory. While those of us in politics are used to this sort of thing, effective international diplomacy is not conducted in this manner. It is not the kind of temperament that we need from our most senior arms control official at the State Department.

I am also deeply concerned about Mr. Bolton's record on arms control and nonproliferation agreements and his views on international law. Although he has supported some security treaties in the past, he is philosophically opposed to most of the treaties that comprise the foundation of the international nonproliferation regime. He once said that the CTBT and other treaties are ''unenforceable'' and provide ''illusionary protections.'' Moreover, he argued that ''[w]hile treaties may well be politically or even morally binding, they are not legally obligatory. They are just not 'law' as we apprehend them.'' In fact, the principle that treaties and other forms of international law are binding is widely accepted. Whether trading with other nations or insisting on the right to traverse international water or airspace, we rely on treaties and international agreements to protect our interests.

It is true that treaties and other agreements are just one part of international security. Nevertheless, they are an extremely important part. Mr. Bolton's statements make me seriously question his commitment to this aspect of our security, and I do not want to confirm an individual with this record to a position that is responsible, in part, for advancing U.S. interests by upholding and promoting international nonproliferation agreements.

Finally, I would note that the timing of the vote on Mr. Bolton's nomination could not be worse. From Kyoto to missile defense, the Bush administration has made a number of unilateral decisions that have caused great concern among our allies in Europe and Asia. And, there are reports that more could be on the way—such as ''unsigning'' the ICC Treaty. I firmly believe that confirming someone to this important position who has limited experience on these issues, lacks the diplomatic temperament for the job, and has, at best, a mixed record of supporting international arms control agreements, sends yet another negative signal to our friends and allies.

We need a person in this important position who will help craft a bipartisan foreign policy and work with our friends and allies to make America more secure. Mr. Bolton is not that person, and I will vote ''no'' on his nomination.

Mr. President, I recognize that Mr. Bolton will receive sufficient votes to become our next Under Secretary of State for Arms Control and International Security. I hope that the fact that he was only reported out of the Foreign Relations Committee by a margin of one vote, and that several senior Senators with expertise and many years of experience in arms control opposed his nomination, will cause him to reflect on the way he has approached these issues in the past. This is a position of great responsibility. He should use it to demonstrate that he can work constructively and respectfully with people, whether they agree or disagree with him, to help advance the interests of this nation.

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the nomination of John R. Bolton as Under Secretary of State for Arms Control and International Security. In many ways, Mr. Bolton's record, writing, and views lead me to believe that he is the wrong man at the wrong time for this position.

In considering this nomination I am most troubled by the fact that Mr.

Bolton's views appear to be antithetical to both arms control and international law.

Although he has supported some security treaties, on the whole he has been highly critical of most of the treaties that comprise the foundations for nuclear arms control and nonproliferation.

When the Senate voted down the Comprehensive Test Ban Treaty, CTBT, for example, it is my understanding that Mr. Bolton applauded the defeat of ''the illusionary protection of unenforceable treaties''.

Arms control treaties and international efforts to control the spread of weapons of mass destruction are not the only way to address these threats, the United States must have other means and capabilities as well, but they have a place in U.S. foreign policy, and can play a useful role in safeguarding American interests.

The CTBT, START, the Anti-Ballistic Missile treaty, the Non-Proliferation Treaty, the Chemical Weapons Convention, the Missile Technology Control Regime, alongside many other treaties negotiated by Presidents of both parties, can and do play an important role in reducing the risk to the United States posed by the proliferation of Weapons of Mass Destruction.

Likewise, Mr. Bolton has made comments that suggest that international treaties do not have the force of law, and raising questions about the commitment that states should have to their treaty obligations.

He has written that ''while treaties may well be politically or even morally binding, they are not legally obligatory. They are just not 'law' as we apprehend the term.''

In arguing that the U.S. has no obligation to pay our share of the United Nations dues Mr. Bolton argued that ''Treaties are 'law' only for U.S. domestic purposes. In their international operation, treaties are simply 'political' obligations.''

This approach suggests that international treaties are unenforceable; that signatories may pick and choose the sections they will adhere to; and that the United States, by virtue of our superpower status, may insist on other countries fulfilling their treaty obligations while reserving the right to ignore our own.

But how can the United States hope to compel other countries, especially states like Iraq, Iran, and North Korea to respect international law and norms on non-proliferation if the top State Department official for arms control does not?

Mr. Bolton has also suggested that ''There is no such thing as the United Nations . . .''.

How effective can United States leadership be in the international community if these views guide U.S. policy? In some ways, Mr. President, I think the recent loss of the U.S. seat on the Human Rights Commission provides us an early indication of what answer we can expect from the rest of the international community to that question.

There are also questions about Mr. Bolton's approach to a range of other issues on the international agenda which, as Under Secretary and a senior member of the State Department decision-making apparatus, he will play a role.

Mr. Bolton's views on Taiwan appear to be out of step with thirty years of bipartisan U.S. policy as well as the views of the Bush Administration.

He has stated that he believes Taiwan to be a state, and argued for full diplomatic recognition of Taiwan and an end to the ''One China'' policy.

Over the past thirty years the Taiwan Relations Act, the ''One China'' policy, the three Joint Communiques, and a policy of purposeful ambiguity with regards to U.S. defense commitments to Taiwan have served U.S. interests, and those of Taiwan, extremely well. It is an approach that has provided the United States with both leverage and maneuvering room in our relations with both China and Taiwan, and has had the support of six Presidents from both parties as well as broad bipartisan backing in Congress.

These are but a few examples of the sort of worrisome issues which lead me to believe that Mr. Bolton is not the right person to serve as Under Secretary.

The questions that have been raised about Mr. Bolton's views on a range of arms control, international law, and other national security issues strongly suggests that Mr. Bolton does not meet the necessary threshold for confirmation by the Senate as Under Secretary of State. I do not make this statement lightly, but I do so with the recognition that the Senate has the right, the obligation, to provide advice and consent to the President's appointments.

I urge my colleagues to join me in opposing the confirmation of Mr. Bolton.

Mr. BINGAMAN. Mr. President, I rise to urge my colleagues to oppose the nomination of Mr. John Bolton to become the Under Secretary of State for Arms Control and International Security. Many in the Senate disagree with the substantive views of Mr. Bolton on particular policy issues and will oppose his nomination on the basis of those disagreements. I too disagree with Mr. Bolton on a range of important foreign policy issues, but my opposition to his nomination comes from broader and deeper concerns. First among them, I believe that whoever serves in this position should be experienced, knowledgeable, and philosophically compatible with the use of arms control as a legitimate tool of the national security objectives of the United States. Arms control treaties have served our national security interests well during past decades, including important major treaties signed and ratified by Republican administrations. Notable among the many important and effective arms control contributions by Republican administrations are the Non-Proliferation Treaty, the ABM Treaty and Protocol, the Threshold Test Ban Treaty, and the Intermediate Nuclear Forces Treaty. I would hope that Mr. Bolton would uphold this tradition within his party, but I am skeptical that will be the case. If so, our nation stands to become more insecure rather than less in the volatile world of today's international system.

Recent testimony by Mr. Bolton suggests that he may not be as knowledgeable about the significant contributions of prior arms control treaties as he should be, and, more importantly, may not be inclined to support arms control as a useful mechanism to achieving national security goals. In his confirmation hearing before the Senate Foreign Relations Committee, for example, when asked about his views regarding whether the ABM Treaty is in force, he withheld his own views on this very important matter which now lies at the center of the most significant national security debate in our country as well as within the international community. It seems to me that if the Senate is to confirm a nominee for this important position as Under Secretary of State for Arms Control, it would not be unreasonable to expect that nominee, even if we are in disagreement, to have a well-developed, articulate view of this critical question. I believe that the Senate and the American people have a right to expect that someone who would assume this key advisory position would be able to answer that question in an informed, straightforward way. I'm concerned that we still don't know if Mr. Bolton is well-educated on the validity and utility of the ABM Treaty. I for one am reticent to hand over the keys to a car when I don't know where the driver is going to take me. The ABM Treaty is so vitally important, I believe the American people have a right to know where Mr. Bolton wants to go.

In his writings and testimony, Mr. Bolton referred generically to treaties that are unenforceable and that provide only illusory protections. He would include the Comprehensive Test Ban Treaty in that category, a belief that suggests to me a lack of understanding about our verification capabilities with respect to countries which might seek to initiate a nuclear weapons program as well as nuclear weapons states which might seek to advance their own capabilities in any militarily significant way. Though the Senate has not thoroughly debated this question, the experts I have spoken with assure me that the CTBT is verifiable consistent with our highest priority nonproliferation national security concerns. Before voting to confirm Mr. Bolton, the Senate should know more about the specifics of his views on this and similar matters in order to determine whether his views are well-grounded or simply an expression of a visceral distrust of arms control as a national security tool.

I am equally concerned that his views rejecting the binding nature of international treaties is incompatible with the internationally accepted position on this fundamental legal question. In his writings, Mr. Bolton has indicated that although treaties may be politically or morally binding, they are not legally binding. I suspect that while he would demand compliance of other nations to an international treaty as a matter of law, he would defend instances of U.S. non-compliance as our legal right. At a time when the President of the United States has spoken repeatedly of the need for our nation to approach other countries with humility, Mr. Bolton's view on this matter strikes me as completely unacceptable.

Perhaps, it comes down to this. Every time the Senate debates an arms control agreement the question is asked, ''Will our nation be more secure with or without this Treaty?'' For those who answer ''without'', they conclude that the nation is more secure without making international commitments. Their crystal ball suggests that without international agreements, national self interest will be sufficient to ensure national security. Given Mr. Bolton's position in opposition to key arms control agreements of our time, I'm very concerned that he believes that U.S. unilateralism is the only reliable means to assure our national security. I strongly reject that view. Unilateralism is reversible and unpredictable, and in my view, portends greater instability among nations. Before I'd vote to confirm Mr. Bolton, Mr. President, I'd like very much to know what Mr. Bolton's view of what a unilateralist world looks like to him without the ABM Treaty, the CTBT Treaty, or any other arms control treaty to which he is opposed. Until he can convince me that it would be a safer world, I'll withhold my vote. I urge my colleagues of the Senate to do the same.

Mr. DODD. Mr. President, as you know, I generally believe that any President, Democratic or Republican, has the right to appoint the members of his administration. That is why, over the years, I have generally voted in support of the vast majority of presidential nominees that have come before the Senate. However, I am also mindful of the fact that the Founding Fathers gave the U.S. Senate a role in the nomination process, namely that of advice and consent. This responsibility was given to the Senate in order to ensure that the President did not misuse his authority in selecting individuals to serve in positions of public trust or ones with significant implications for the national security of this country. I have always ought to balance these two principles, that the President has been elected by the American people to do a job and he should be able to decide how best to do it, and that the Constitution of the United States charges the United States Senate with reviewing the Presidential appointments to ensure that our national interests are being served. And, in juggling these two sometimes conflicting concepts, I have generally given the benefit of the doubt to the individual selected by the President.

Very rarely over the years have I voted against nominees. On those occasions in which I have chosen to do so, it has been because I have had serious doubts about the ability of the individual to carry out the responsibilities of the office to which he or she has been nominated. Regrettably, I hold such doubts about the nomination before us today—John Bolton to the position of Under Secretary of State for Arms Control. Based upon Mr. Bolton's own statements and writings over the years, as well as his testimony during his confirmation hearing, I have serious reservations about his ability to discharge his duties in the area of arms control. My reservations are of such a magnitude that they rise to a level so as to outweigh my general practice of deferring to the President on nominations.

There is no question that Mr. Bolton is an individual of integrity and intelligence. He has demonstrated those qualities throughout his career—most recently at the American Enterprise Institute, and the Commission on International Religious Freedom. However, there is glaringly absent from his otherwise distinguished record, any substantial background in the area of arms control—the principle area of responsibility for the position to which he has been nominated. It is not only that Mr. Bolton has limited experience in the arms control arena, but also that in his few dealings with this subject matter he has expressed doubts as to the relevancy of arms control itself. I find it troubling that the individual that the President and the Secretary of State will look to in the areas of nonproliferation, arms control and security assistance holds that view. Arms control issues loom large on the President's agenda as he demonstrated last week when he spoke at the National Defense University on the topic of National Missile Defense, NMD —an extremely controversial subject with huge implications for United States arms control policy. NMD, The Comprehensive Test Ban Treaty, CTBT, and the future of the 1972 ABM treaty are all subjects in which the President and the Congress will have to come to some meeting of the minds on during the coming months. The Under Secretary of State for Arms Control will have to play a pivotal role in facilitating that process. Mr. Bolton's having a dismissive attitude toward arms reduction and arms control right from the start gives him very little credibility with those of us who care deeply about arms controls issues and are concerned about the direction the Administration appears to be heading in this area.

With respect to CTBT and other international treaties, Mr. Bolton has stated that he does not believe that these agreements are legally binding on the United States, but rather are ''political obligations.'' This stance is contrary to United States interests of promoting respect for international law and upholding the good faith agreements entered into among our allies to honor these treaties. In addition, such statements in the area of arms control, by the person who will occupy the very post charged with upholding our treaty obligations, not only diminishes our credibility in the eyes of our allies, but also compromises the best interests of our national security. Arms control is a global issue, not an American one, and while we must forge policies consistent with America's interests, we cannot create policy in a vacuum, and to act unilaterally on an issue of such import would be foolish.

In terms of the ABM treaty, I believe that President Bush is correct when he says that the world is quite different today than it was in 1972 when the treaty was first entered into with the then Soviet Union. Clearly every word of that treaty should not be cast in stone. There may be changes to the treaty that would benefit United States interests without undermining the principle purpose of the treaty—to prevent a costly and dangerous international arms race. It is certainly appropriate that the President undertake a review of this treaty. But this can be accomplished while still honoring our current treaty obligations and without a rush to judgement. The ABM treaty may need updating, but unilaterally abrogating this treaty or any other treaty that the United States has entered into is a major step not to be taken lightly or without consultations. While Mr. Bolton has stopped short of calling for the unilateral abrogation of the treaty, his cavalier attitude toward our participation in the ABM treaty and to the responsibilities that we bind ourselves to when we enter into these international agreements is disturbing.

I am further troubled by Mr. Bolton's views on such sensitive foreign policy issues as the so called ''One China Policy,'' and on the nature and extent of U.S. arms sales to Taiwan. I am particularly concerned at a time when Chinese-American relations have taken a turn toward the adversarial. When the characterization of the U.S.-China relationship as ''strategic competition'' provokes indignation in Beijing, one can only imagine the ramifications of Mr. Bolton's public support for the official recognition of Taiwan as an independent state, a position which contradicts over three decades of U.S. diplomacy that has successfully balanced our interests in Asia. Although Mr. Bolton has stressed that the Undersecretary of State for Arms Control does not have responsibility for directly shaping diplomatic relations between the U.S. and China, separating arms control issues from U.S./China policy is neither feasible nor advisable at a time when China sees itself, rightly or wrongly, as a target of the Bush

administration's decisions to move forward with National Missile Defense and to sell arms to Taiwan.

Mr. Bolton has also expressed worrisome views on U.S. involvement in the Balkan wars, stating that he saw '' no tangible national interest'' in those conflicts. And while it is true that American territory or interests were not directly threatened by the bloodshed in the Balkans, certainly instability in Europe must always be a matter of concern to the United States as should human rights abuses that rise to the level of near genocide. I am concerned at Mr. Bolton's seemingly insular view of American interests and responsibilities.

Finally, Mr. Bolton has at times been outspoken and provocative in his public remarks about international affairs. He has been known to stray from a simple statement of opinion to more controversial pronouncements about subjects which are approached with tremendous sensitivity by most foreign policy experts. As Undersecretary of State for Arms Control Mr. Bolton will be responsible for high level negotiations with allies and other governments concerning the gravest matters of national and international security. Regrettably, I am uncomfortable with the idea of Mr. Bolton in such delicate situations.

The world we live in today is dangerous. For better or worse, the United States must play a major role in ensuring that there are safeguards to protect our national security and foreign policy interests. Without doubt these dangers include the possibility of the proliferation of weapons of mass destruction. It may be true that no longer is our main concern a purposeful attack by another superpower, but rather the accidental or capricious bombing by a rogue nation. It may also be true, as Mr. Bolton asserts, that it is time to re-examine our international arms framework, but it is not a time for isolation or bravado. Given the the critical negotiations and challenges that await the new administration, there is no room for inexperience. We need a skilled and steady hand shaping a disarmament policy that is right for the 21st Century. In my view Mr. Bolton does not possess such qualities, and that is why I have reluctantly decided to vote against his nomination for this critical position.

Mr. LIEBERMAN. Mr. President, I am voting in favor of John Bolton for the position of Undersecretary of State for Arms Control and International Security Affairs. Mr. Bolton is the President's choice, and I have generally supported the tradition of respect by the Senate for confirming the President's nominees except in rare instances. I disagree with some of the positions Mr. Bolton holds, particularly his opposition to some of the arms control treaties that were negotiated over many years by his predecessors at the Arms Control and Disarmament Agency. But I also agree with other positions Mr. Bolton has taken regarding America's foreign policy. He explained his positions during his confirmation hearing and gave assurances that he accepts and will respect America's obligations under international law. He is especially intent on working to control the spread of weapons of mass destruction to rogue states. I therefore conclude that Mr. Bolton falls within the criteria of acceptability for confirmation to the job for which he has been nominated by the President.

Mr. KOHL. Mr. President, I have serious concerns about confirming John Bolton to be the next Under Secretary of State for Arms Control. The person who serves in this position is expected to supervise and manage international arms control negotiations and non-proliferation agreements and to uphold key arms control treaty obligations. Yet, John Bolton has said he believes that the very agreements he would be required to uphold and negotiate are not even legally binding.

International arms control agreements are the linchpin of our national security. They have played a vital role in keeping the peace, increasing our security and halting the spread of weapons of mass destruction and the missiles that deliver them. They made a significant contribution towards reducing nuclear threats during the Cold War, they helped us reduce the presence of conventional forces in Europe in the post-Cold War era, and they have been an important tool in the response to the growing non-proliferation threat.

Not only does John Bolton have limited experience in the arms control arena, but he has dismissed the Comprehensive Test Ban Treaty and some other treaties as ''illusionary protections.'' He has been disdainful of supporters of the CTBT and, he has been intentionally evasive about his views on the ABM Treaty. I question whether Mr. Bolton could serve effectively in this position given his views and the inflammatory manner in which he has communicated these views in his years out of public service.

I am not questioning the integrity of this nominee or his fitness for government service in general. I also believe we must be careful not to reject nominees just because we object to their views. However, when a person like John Bolton is put forward, a person whose views seem to undermine the very purpose for which he is being nominated, I believe we have a responsibility to speak out. John Bolton is not an appropriate choice for Under Secretary of State for Arms Control and I will be voting against this nomination.

Mr. KENNEDY. Mr. President, I oppose the nomination of John Bolton to be Under Secretary of State for Arms Control, Nonproliferation and International Security.

The Under Secretary must be able to develop and shape arms control and disarmament policies in a way that helps the Nation to achieve these all-important goals for our country and our planet. It is this special responsibility of the Under Secretary to protect the United States by working to control the proliferation of weapons of mass destruction.

As Senior Adviser to the President, the Under Secretary works with the Secretary of State and members of the National Security Council, leads the interagency policy process on non-proliferation, and manages global U.S. security policy. He is involved in defense cooperation, arms transfers and security assistance to our allies. He provides policy direction for the non-proliferation of nuclear missiles and fissile material. He has a primary role in the negotiation, ratification, verification, compliance, and implementation of agreements on strategic, non-conventional and conventional forces, regional security and military cooperation.

His role is also to oversee implementation of the Foreign Assistance Act, the Arms Export Control Act, and related legislation. The Bureaus of Arms Control, Nonproliferation, and Political-Military Affairs and Verification and Compliance are under the policy oversight of the Under Secretary.

The position carries enormous responsibilities, and I am not persuaded that Mr. Bolton has the vision and commitment to advance America's best interests, especially in arms control.

Mr. Bolton has said that ''international treaties are 'laws' purely for domestic purposes'' and in their ''international operation, they are simply political obligations.'' He has described treaties as useless, because they don't stop rogue states from doing what they seek and only restrain the U.S. from pursuing its own defense initiatives.

Mr. Bolton has also been an outspoken critic of the Anti-Ballistic Missile Treaty and the Comprehensive Test Ban Treaty, referring to the latter as an ''unenforceable treaty with illusory protections.''

Mr. Bolton praised the defeat of the Comprehensive Test Ban Treaty in the Senate. He called Americans who worried that nuclear proliferation would threaten international peace and security ''hysterical.'' He described the philosophy behind supporting a treaty that bans dangerous nuclear testing as ''profoundly misguided and potentially dangerous.''

The CTBT is an important part of our global non-proliferation efforts, and it has been endorsed by General John Shalikashvili. Earlier this year, General Shalikashvili, Special Advisor to the President on this treaty, stated in a letter to the President that ''there is no good reason to delay ratification of the CTBT'' and that '' the longer the U.S. delays, the more likely it is that other countries will move irrevocably to acquire nuclear weapons or significantly improve their current nuclear arsenal and the less likely it is that we

could mobilize a strong international coalition against such activities.''

Yet Mr. Bolton has criticized the treaty for not providing ''adequate protections'' and ''hobbling the United States' ability to maintain the most important international guarantee of peace''—which is, in Mr. Bolton's view, ''a credible U.S. nuclear capability.''

I also have serious reservations about Mr. Bolton's views on the Anti-Ballistic Missile Treaty. In the years since the United States and the Soviet Union signed the ABM Treaty in 1972, it has been a major part of U.S. nuclear arms control policy. By ensuring that our nuclear arsenal remains an effective deterrent, the ABM Treaty prevented an escalating arms race with the Soviet Union and more recently with Russia. The treaty continues to bring significant stability to the U.S.-Russia nuclear partnership in the post-Cold War world.

Mr. Bolton has contended that National Missile Defense should be one of the our primary considerations in dealing with proliferation and international security. But this view is in conflict with the Under Secretary's responsibility to protect our Nation against threats in a way that is consistent with our treaty obligations. Mr. Bolton's view that Russia will take advantage of any U.S. vulnerability could hinder essential and continued cooperation with that nation.

I am concerned as well by Mr. Bolton's views on our relations with North Korea and China. Since 1996, the United States has embarked on a delicate negotiation with North Korea. The agreed framework has achieved renewed dialogue between North and South Korea, and could be the beginning of a serious effort to achieving an arms control agreement with North Korea. It has created an unprecedented opportunity for the U.S. and North Korea to work together. But Mr. Bolton has been outspoken in his opposition to the agreement, calling it an ''egregious mistake.''

Mr. Bolton has stated that normalizing relations with North Korea and the goals it would achieve are ''entirely in North Korea's interests, not ours.'' Clearly, efforts to stop the development of nuclear weapons in the Korean Peninsula are in the United States' interest. Yet Mr. Bolton has also called the agreed framework an ''unjustifiable propping up of the North Korean regime.''

I am concerned that Mr. Bolton presents himself as a nominee who will fundamentally change the objectives of his office from promoting treaties and arms control to urging a national agenda on missile defense. The policies he promotes could unnecessarily alienate our allies and undermine arms control and nonproliferation.

Mr. Bolton has stated that ''the most important international guarantee of peace is a credible U.S. nuclear capability.'' It would be a mistake to entrust the responsibility of achieving more effective arms control, non-proliferation and disarmament policies to someone who believes that international security is best maintained by continuing the nuclear arms race.

I am also deeply concerned about Mr. Bolton's views on the United Nations. As Under Secretary, he would advise the President and the Secretary of State on policy decisions on U.S. security commitments worldwide and on arms transfers and security assistance policy and programs. He would need to work with the international community and the United Nations to meet these goals. Yet, in 1994, Mr. Bolton wrote starkly that ''there is no such thing as the United Nations.'' He has said that the majority of Congress and most Americans do not care about losing the U.S. vote in the General Assembly. Virtually every other nation in the world supports the United Nations and the United States should be dedicated to strengthening, not weakening, it.

The Under Secretary of State for Arms Control, Nonproliferation and International Security should work to strengthen our international treaties and our relations with other countries, not dismantle or destroy them. I am not convinced that Mr. Bolton is committed to these critical goals.

His views do not represent a positive approach to key arms control issues, and I urge the Senate to oppose his nomination.

Mr. REED. Mr. President, I rise to state my opposition to the nomination of John Bolton to be Undersecretary of State for Arms Control and International Security. I want to clarify that I respect the right of the President to choose those who will serve him in his Administration. I also recognize that many of the appointees in this Administration will have views which differ from my own—and those differences are not reason enough to vote against a nomination. However, in this case, I believe there is ample evidence that Mr. Bolton has deeply held views which run so contrary to stated U.S. policy that he will not be able to effectively perform his duties.

If confirmed, statute dictates that John Bolton would be the senior assistant to the Secretary of State in matters ''related to international security policy, arms control and non-proliferation.'' He would oversee a number of issues including the fate of the ABM Treaty, negotiation with North Korea on the Agreed Framework and aid to dismantle Russian nuclear stockpiles. At a time when the danger from nuclear weapons is at least as great as during the Cold War, it is essential that this Undersecretary be committed to using every possible diplomatic option for reducing the weapons stockpile and diffusing tensions. Unfortunately, because of his previous statements, I cannot be confident of Mr. Bolton's commitment to this goal. As Joseph Cirincione, the director of the Carnegie Non Proliferation Project, stated: ''John Bolton is philosophically opposed to most of the international treaties that comprise the nonproliferation regime.''

Mr. Bolton was a vocal opponent of the Comprehensive Test Ban Treaty. He said that supporters of the CTBT were ''misguided individuals following a timed and neo-pacifist line of thought.'' He also stated that ''Mere promises by adversaries and rogue regimes, unverifiable in critical respects, simply do not provide adequate protections and may actually hobble our ability to maintain the most important international guarantee of peace—a credible U.S. nuclear capability.'' I would like to note that history would indicate Mr. Bolton is incorrect, since the United States has been able to maintain an awesome nuclear stockpile while complying with arms control treaties that have been the cornerstone of the prevention of nuclear war for the past fifty years. Furthermore, while Mr. Bolton is certainly entitled to his opinions on arms control treaties, his opinions indicate that he may not be best suited for a position which requires upholding and negotiating treaties on a daily basis.

Mr. Bolton also does not seem to have a very high opinion of the United Nations, the organization with which he would have to work closely in developing and maintaining U.S. international security policy. At different points in the past few years, Mr. Bolton has stated that ''If the UN secretary building in NY lost 10 stories, it wouldn't make a bit of difference.'' He also stated that the U.S. has no obligation to pay its UN dues because ''The UN Charter is fundamentally a political, not a legal document. On finances it amounts to little more than an 'agreement to agree.'" Despite the fact that the UN may seem bureaucratic and slow to act at times, it is the primary instrument for international cooperation, and I believe U.S. participation is vital to ensure U.S. national security.

In addition, Mr. Bolton does not appear to believe that the tenets of international law are binding. In 1999, Mr. Bolton asserted that, ''In reality, international law, especially customary international law, meets none of the tests we normally impose on 'law', while treaties may be politically or even morally binding, they are not legally obligatory. They are just not 'law' as we apprehend the term.'' Since the founding of this nation, Administrations have put faith in international law and treaties created under international law and entered into by the United States have been regarded, as the Constitution dictates, ''as the supreme law of the land.''

Mr. Bolton is clearly an intelligent and capable individual. However, his publicly stated views and past actions indicate that he believes that it is in the best interests of United States security to act unilaterally, with little regard for the views and agreements of the international community. We live

in an increasingly interdependent world. Today, it is more important than ever before to use such tools as the United Nations, international law and treaties to promote and ensure international security and arms control. I believe the Undersecretary of State for International and Arms Control should be willing to pursue these avenues, and I think the evidence indicates that Mr. Bolton would not be the best person for this job. Therefore, I will oppose his nomination.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, has there been time allotted for me to speak on this nomination?

The ACTING PRESIDENT pro tempore. The Senator has 12 minutes.

Mr. BIDEN. Mr. President, I rise to oppose the nomination of John Bolton to be Under Secretary of State for Arms Control and International Security. I do so for several reasons. I say at the outset—and I have said to my friend and colleague, Senator HELMS, the chairman of the committee—that my opposition to John Bolton is not based on a personal concern about John Bolton's overall qualifications. He is an intelligent, bright, decent, and honest man. Notwithstanding an editorial in one of the major newspapers in this country, there is nothing inconsistent about that in my opposing the nomination of him relating to this specific position.

I want my colleague from North Carolina to know that my opposition is based—and which he will soon hear, and he knows because we have talked about it—on Mr. Bolton's views on arms control primarily. This is a decent and an honorable man, but I think he is the wrong man for this job.

I add at the outset, I think his views on some of the major issues in the area of foreign policy are at odds with the stated views of the Secretary of State, although I am certain the Secretary of State supports Mr. Bolton. I am not implying that there is opposition within the State Department to Mr. Bolton.

Let me give you the reasons, as briefly as I can, that I am concerned about Mr. Bolton's views on arms control.

He comes to the Senate with an extensive record of Government service but a very limited record in arms control and nonproliferation matters, which, as the Presiding Officer knows, is an extremely complicated area—extremely complicated area.

What we do know about Mr. Bolton's views on arms control and nonproliferation matters suggests an individual who questions the relevance of arms control agreements.

My friend from North Carolina, the chairman of the committee, questions the relevance of the arms control agreements, and I find him to be an extremely qualified Senator. We just disagree on the issue. I would vote for him for just about anything. I would probably vote for him even for this position, but maybe I would not. This is the one position I could consider I would not want him to have in the administration.

In praising the defeat of the Comprehensive Nuclear Test-Ban Treaty, Mr. Bolton referred to the CTBT, and other unnamed treaties, as ''unenforceable treaties'' which provide ''illusionary protections.'' I realize some hold that view. They are not, however, people I think should be in charge of promoting arms control, disarmament, and nonproliferation matters.

The death of the CTBT, he wrote, is a ''useful opportunity to re-examine in a hard-headed and realistic way how international peace and security are really guaranteed.''

Treaties are not the only means of ensuring arms control reductions, but in the last 50 years treaties and agreements have provided the foundation for advancing U.S. arms control and nonproliferation objectives. From the Nuclear Non-Proliferation Treaty to the START treaties, from the Chemical Weapons Convention to the Biological Weapons Convention, such agreements have been essential in containing the threat of dangerous weapons.

Mr. Bolton has supported some arms control treaties, I might add, including the Chemical Weapons Convention, where he and I were on one side, and the chairman was on the other side. But his sweeping statements deriding the importance of arms control leave me uneasy about his commitment to the task.

My discomfort level is increased by Mr. Bolton's questioning of whether treaties are even binding. He wrote:

> [W]hile treaties may well be politically or even morally binding, they are not legally obligatory. They are just not ''law'' as we apprehend the term.

Similarly, Mr. Bolton once testified to Congress—recently; as a matter of fact, in the last several years—that treaties are ''political'' and ''not legally binding, to the extent that they purport to affect relations among national governments.''

In response to a written question, he stated the matter a bit differently, saying, ''I believe that treaties bind the United States,'' which I have difficulty, quite frankly, squaring with his previous writings.

If confirmed, Mr. Bolton would supervise some of the most important treaty obligations. I find Mr. Bolton's views on those issues relating to treaty obligations very troubling—very troubling.

I am also concerned about Mr. Bolton's limited experience in arms control. By law, the Under Secretary is the senior assistant to the Secretary of State in matters ''related to international security policy, arms control, and non-proliferation.''

As a matter of fact, in the reorganization effort spurred and led by my friend from North Carolina, the chairman of the committee, we moved this position into the State Department. It used to sit outside the State Department. This was supposed to be—and is supposed to be—the primary person promoting arms control.

I note, parenthetically, I have always had difficulty voting for nominees who hold views that are antithetical to or at odds with the responsibilities they have. I voted against, for example, fine men who were nominated to be Secretary of the Interior during the Reagan administration when they were insufficiently committed to the environment. So I didn't want to be a party to putting someone in a position whose avowed purpose was the President's, which was antithetical to the purpose of the organization.

I am also concerned about his limited experience, as I said. Mr. Bolton does have foreign policy experience, though—I do not think we should underestimate that—at the Agency for International Development and as Assistant Secretary of State for International Organizations. He has held those posts.

In the State Department, he did gain some experience in arms control, working on issues related to the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons, but these activities were hardly a major part of his duties.

In the last 8 years, Mr. Bolton has written extensively on foreign policy, but he wrote very little about arms control. That is not a bad thing, but it still leaves us with a person with little experience in the arms control field, to which many of our senior people devote their entire careers.

Chairman HELMS has cited a letter from former Directors of the Arms Control and Disarmament Agency in support of Mr. Bolton. The signatory of that letter most recently in the arms control job is a man named Ron Lehman. I wish we had someone of Mr. Lehman's experience before us.

I might add, Mr. Bolton is just as bright. This is a fellow who is a Yale undergraduate, went to Yale Law School, and is an extremely bright fellow. But he does not have Mr. Lehman's experience.

When Mr. Lehman was nominated in 1989, he had already held three jobs with firsthand arms control experience before he was nominated. He was Assistant Secretary of Defense for International Security Policy, where he dealt with U.S. nuclear policy, arms control, space policy, and technology transfer controls. He was the chief U.S. negotiator on strategic nuclear arms; that is, the START talks. And he was the Senior Director at the National Security Council for Defense Programs and Arms Control. This man came with an incredible amount of experience. In short, Mr. Lehman was literally steeped in arms control.

On other foreign policy issues, Mr. Bolton has been outside the mainstream. He has called for diplomatic recognition of Taiwan, a position at odds with three decades of American diplomacy—and contrary to the position of this administration.

Mr. Bolton once wrote that the wars in Kosovo and Chechnya involved ''no tangible national interest.'' In the committee hearing, he changed his tune a bit, saying that there was no vital national interest in the Balkans.

Nonetheless, I am concerned that Mr. Bolton's consistent criticism of the NATO action in Kosovo indicates a lack of commitment to the stability of Southeastern Europe—a position I find unacceptable for the person who would supervise security assistance programs to the region.

I am concerned, finally, about Mr. Bolton's diplomatic temperament for this position, which involves the management of complex negotiations in a wide range of arms control and nonproliferation issues. Stated another way: It takes the patience of Job. I am not sure how good I would be in the position. These are sensitive and difficult negotiations. Mr. Bolton's penchant for inflammatory rhetoric gives me pause about his ability to handle this task.

Following defeat of the Comprehensive Test Ban Treaty, Mr. Bolton heaped scorn on proponents of the Treaty—I don't take that personally—who expressed concerns that its defeat marked an isolationist turn for the United States and might lead to accelerated nuclear proliferation.

He wrote that such fears are ''indications of a profoundly misguided and potentially dangerous philosophy in American foreign policy,'' and said that such analysis is ''timid and neopacifist.'' He has a right to say that, but it is not the language of or temperament of people who have been in that position. Well, this senator expressed those fears, as did some of my colleagues.

Mr. Bolton once said that ''Republicans are adults on foreign policy questions, and we define what we're willing to do militarily and politically by what is in the best interests of the United States.'' Is he seriously implying that Democrats are not adults on foreign policy questions and do not worry about the best interests of the United States?

What does that suggest about his ability to work with Democratic Senators?

This kind of inflamed rhetoric is what we might expect on talk radio, but we do not expect to hear it in diplomatic rooms of the Department of State.

I believe Mr. Bolton is a capable person. I respect his intellect and his willingness to serve. But I think he is the wrong person for this job.

The job of Under Secretary for Arms Control and International Security is a critical one—its incumbent has the lead responsibility in the State Department on arms control and non-proliferation. I do not believe Mr. Bolton has the vision or the experience necessary for this position.

One final thing that concerns me about Mr. Bolton is his lack of enthusiasm for the proposal put forward by former Senator Baker, the majority leader, Mr. Cutler, a top lawyer in Democratic administrations, a bipartisan group, saying the most dangerous threat we face is loose nukes in the Soviet Union. They predicted that there is an incredibly greater likelihood there would be a nuclear, chemical, or biological weapon used in the United States as a consequence of the inadequacy of the Russian system protecting those systems than there was from anything else that could happen and suggested a robust investment in our policy to deal with nonproliferation issues, particularly as they stem from the disorganization combined with the incredible array of weaponry lying around Russia.

In the questioning, particularly by our colleague from Florida, it became pretty clear that Mr. Bolton does not share that sense of urgency at all. He is in charge of the nonproliferation side, the man who will be advising the Secretary of State.

For all those reasons, I reluctantly cast my vote against Mr. Bolton. As I said, we have been on opposite sides of issues, he and I, for a long time. When I was chairman of the Judiciary Committee, he was the main man pushing nominations for the Administration. We were butting heads all the time. I learned to respect his intelligence, I learned to respect his drive, and I learned to respect how tough he was. It is not that I don't know Mr. Bolton. I know him in that capacity. This is a different capacity. It requires a different temperament and a different attitude in order to promote what I believe to be the single most important job for someone carrying this portfolio within the State Department.

I urge my colleagues to vote no, although I must tell the Senate, I have done no whipping. I have not checked in terms of who is where on any of these votes. I want to make it clear why I am voting no on this nomination.

I thank the Chair. I see my friend and chairman is prepared to speak. I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from North Carolina.

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

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

Mr. HELMS. I thank my distinguished friend, JOE BIDEN, for the depth of his explanation.

Mr. President, I feel obliged to say at the outset that of all the talented and well-qualified nominees whom President Bush has selected for senior foreign policy positions in his administration, John Bolton, in my judgment, emerges as one of the best and the wisest. He is a patriot, a brilliant thinker, and a talented writer. But most important, John Bolton has the courage of his convictions. He says what he means he means what he says, and he says it well, which is precisely what is needed at the State Department.

Mr. Bolton comes to this position at a crucial time because he will confront many security issues, not the least of which is President Bush's pledge to build and deploy a missile defense system. Proceeding with that plan will require close consultation with our allies and much hand holding with Russia. John Bolton's extensive experience in building international support for U.S. positions—remember his service as Assistant Secretary of State for International Organizations—will serve him and the country well.

John Bolton comes with high recommendations and endorsements of some of the Nation's most distinguished foreign policy experts. Four former Directors of the Arms Control and Disarmament Agency have written to endorse John Bolton. I ask unanimous consent that these letters be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. HELMS. I also have at hand a letter written and signed by former Secretaries of State Henry Kissinger, Jim Baker, and Larry Eagleburger, among others, urging John Bolton's confirmation by the Senate. I ask unanimous consent that the letter be printed in the RECORD.

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

APRIL 24, 2001.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: We support the nomination of John Bolton to serve as Under Secretary of State for Arms Control and International Security, and hope that the Senate will move rapidly to confirm him for that position. John is knowledgeable, intelligent, experienced, and is clearly well qualified. In prior government positions as Assistant Secretary of State and Assistant Attorney General, he has acquitted himself well and served our country admirably. He will do no less as Under Secretary for Arms Control.

We are strong supporters of the proposition that a President should have the right to choose his senior advisors and is entitled to surround himself with those who share his beliefs. We well understand that some may not agree with the President's position on various matters or with certain views that John has expressed over the years. But we must observe that all Administration appointees are expected to advocate the policies of the President, regardless of their own personal views.

John has been a thoughtful scholar and also a prolific writer, and contributed significantly to our national-security policy debate. We, ourselves, are periodic contributors to newspapers and journals. Such writing affords authors a precious opportunity to take strong positions on issues, and to promote an open and free discussion with other scholars and practitioners. If anything we need more such debate, and more original analysts in government, not fewer. Neither this President nor future Presidents should be deprived of the services of men and

women of conviction, who are prepared to test their views in the marketplace of ideas.

We believe it essential for the Senate to conform rapidly the President's national security team. There is much important work to be done, and we believe that the nation is best served by an Administration that is fully staffed as soon as possible.

Sincerely,

David Abshire, James A. Baker III, Richard Allen, Frank Carlucci, Lawrence Eagleburger, Henry A. Kissinger, Caspar Weinberger, Max M. Kampelman, Helmut Sonnenfeldt, James Woolsey.

Mr. HELMS. Mr. President, isn't it significant that so many of our Nation's leading and senior foreign policy experts declare in writing and otherwise that John Bolton is eminently qualified for the responsibilities for which the President has nominated him? Of course, the issue is not Mr. Bolton's arms control expertise. The issue here is that some Senators oppose President Bush's policy on various matters and particularly the one involving missile defense. I also suspect that there are some Senators who just don't like the fact that the administration has put forward the nomination of a fine American who will very capably implement President George Bush's policy.

The distinguished ranking Democrat on the Foreign Relations Committee, Senator BIDEN, who is my friend and with whom I work closely and pleasantly, put it honestly and forthrightly when he said to John Bolton during John's nomination hearing:

This is not about your competence. My problem with you over the years has been that you are too competent. I would rather that you be stupid and not very effective.

Neither of which, I say to my distinguished colleague, John Bolton will ever, ever be.

I respectfully suggest that Senators should not be in the business of rejecting nominees because they are too competent for the job, but I commend Senator BIDEN for his clarity and honesty, as always.

I understand the opposition of some Senators to various administration policies, but I do hope my colleagues will give careful consideration to the views of the Anti-Defamation League and other nonprofit organizations which have written their support for John Bolton's nomination.

Again, I ask unanimous consent that letters, such as the letter from the Anti-Defamation League and the American Jewish Committee, which can hardly be regarded as conservative organizations, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ANTI-DEFAMATION LEAGUE
OF B'NAI B'RITH,
New York, NY, April 16, 2001.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: We are writing in support of the nomination of John Bolton as Undersecretary of State for Arms Control and International Security.

During his tenure as Assistant Secretary of state for International Organizations, Mr. Bolton played a leading role in the successful 1991 US effort to repeal the infamous ''Zionism-is-racism'' resolution.

While there may be some policy areas where we will differ, John Bolton has demonstrated both the commitment and integrity to advance United States interests.

Sincerely,

ABRAHAM H. FOXMAN,
National Director.

THE CUBAN AMERICAN
NATIONAL FOUNDATION,
Washington, DC, April 25, 2001.

Hon. JESSE HELMS,
Chairman, Senate Foreign Relations Committee, 450 Dirksen SOB, Washington, DC.

DEAR SENATOR HELMS: I would like to offer my strongest possible endorsement on behalf of John Bolton for Undersecretary of State for Arms Control and International Security Affairs.

Over the years, Mr. Bolton has been a champion of freedom worldwide and a passionate defender of U.S. interests around the globe. His past experience in senior-level positions at the State and Justice Departments, AID, and the International Religious Freedom Commission make him uniquely qualified for such an important position.

In the case of Cuba, Mr. Bolton has consistently revealed a keen understanding of the true nature of the Castro regime and has forcefully rejected the current siren song that U.S. trade will magically moderate the Cuban dictator's behavior.

His nomination is of particular interest to us in several other ways as well. Sober analysts talk of the continuing international security threat Castro's Cuba poses to U.S. interests, specifically in the non-conventional ''asymmetrical'' sphere. For many years, we have been concerned with Castro's involvement in the development of chemical and biological weapons. This is of particular interest to us as residents of South Florida, where we are within easy reach of Castro's capabilities to cause great harm.

We are also increasingly troubled by the growing presence of Communist China in Cuba. It is quite obvious that China is developing that presence to use as leverage against the U.S. in its support for democratic Taiwan, as well as to serve as a strategic base to make diplomatic and intelligence inroads all over this hemisphere.

These troubling developments demand a man like John Bolton, a man who sees the world as it really is rather than the way he wishes it to be. Mr. Chairman, I would like to reiterate our strongest support for John Bolton, not only for the benefit of the freedom-seeking people of Cuba and their supporters but also for the benefit for the United States of America as a whole.

Sincerely yours,

JORGE MAS,
Chairman.

WASHINGTON, DC,
April 13, 2001.

Senator TRENT LOTT,
U.S. Senate, S–230, The Capitol, Washington, DC.

DEAR SENATOR LOTT: I'm writing in support of the nomination of John Bolton as Undersecretary of State for Arms Control and International Security.

As Executive Vice President of B'nai B'rith, my organization and I remain grateful to Mr. Bolton, for his tireless efforts to seek repeal of the infamous Zionism-Racism resolution at the United Nations, during his tenure as Assistant Secretary for International Organization Affairs.

Supporters of Israel often look at the U.N. with a jaundiced eye, given the harsh, discriminatory treatment that country has been subject to over a period of more than five decades. Nevertheless, many of us understand the important role that organization can play, once reformed and freed from the hypocrisy that the Zionism-Racism resolution represented.

We speak as an organization that was invited to San Francisco to participate in the founding of the U.N. in 1945, and which, since the late fifties, has maintained a full time U.N./NGO office in New York, and which is represented at U.N. bodies in Paris, Geneva, Vienna and Santiago.

I urge the Senate's expeditious support for Mr. Bolton's nomination.

Sincerely,

DANIEL S. MARIASCHIN.

JEWISH INSTITUTE FOR
NATIONAL SECURITY AFFAIRS,
Washington, DC, April 17, 2001.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: It is my pleasure to write you in support of the confirmation of John Bolton as Under Secretary of Arms Control and International Security. Mr. Bolton is greatly admired and respected for his outspoken advocacy of American interests in foreign affairs. As Assistant Secretary for International Organizations, John was respected and well regarded. His resume, as I know you are aware, is highly impressive, but not as impressive as the man it represents.

We believe that Mr. Bolton will be a tremendous asset to the Bush administration. He is dedicated and talented, and his confirmation will enhance American diplomacy.

JINSA is a non-profit non-partisan organization with over 20,000 members throughout the United States who are committed to a strong National U.S. Security. We have representatives from all sectors of the community including over 200 American Admirals and Generals.

Sincerely,

TOM NEUMANN.

THE AMERICAN JEWISH COMMITTEE,
New York, NY, April 19, 2001.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I am writing to express my support for the Honorable John R. Bolton, who has been nominated to serve our country as Under Secretary of State for Arms Control and International Security Affairs.

It was my privilege to have worked closely with Mr. Bolton from 1989 to 1993, when he served in the Bush Administration as Assistant Secretary of State for International Organization Affairs.

We shared a strong interest in the United Nations and a profound concern that, as a result of the actions of some member states, the world body was being diverted from its central mission.

In the same spirit, Mr. Bolton believed that the adoption, in 1975, by the United Nations General Assembly of Resolution 3379, the odious resolution equating Zionism with racism, was a stain on the institution itself that could not be left standing, even though the repeal of resolutions was essentially unheard of in the annals of the U.N.

To the everlasting credit of Mr. Bolton, he spearheaded a successful American-led effort to repeal Resolution 3379. It took years of patient planning, extraordinary persistence, and remarkable diplomatic savoir-faire, and it was finally accomplished in 1991. The lion's share of the credit for this political

and moral triumph goes to Mr. Bolton. As a result of his efforts, to many of us who care deeply about the integrity of the United Nations he has achieved legendary status.

I have stayed in touch with Mr. Bolton since he left government service. Indeed, we have worked collaboratively under the auspices of United Nations Watch, a non-profit watchdog agency established by the late Ambassador Morris B. Abram, who served the United States with distinction under five American presidents. At UN Watch, Mr. Bolton, who has been an active board member, has once again demonstrated his passionate commitment to a fair and just United Nations and to a strong and effective American leadership role in international affairs.

From my experience, I can say without hesitation that Mr. Bolton is an individual of keen intellect with a profound understanding of foreign policy, strong principles, and deep commitment to advancement of democracy and human rights.

I wish to thank you for your consideration of these views. Should you require any additional information, please do not hesitate to be in touch.

Respectfully,

DAVID A. HARRIS.

Mr. HELMS. Mr. President, these groups support John Bolton because of his political views, because of his political expertise, and because of, yes, his personal moral principles.

John Bolton is precisely the kind of citizen the United States desperately needs in this difficult time to have an important role in the protection of the American people from the threat of missile attack. This man is a thoughtful scholar and an accomplished diplomat and an honest and decent man. I urge that the Senate confirm his nomination without further delay.

Mr. President, I yield the floor.

EXHIBIT 1

MARCH 14, 2001.

Hon. JESSE HELMS,
Chairman, Senate Committee on Foreign Relations, Dirksen Senate Office Building, SD–450, Washington, DC.

DEAR MR. CHAIRMAN: We are pleased that you have scheduled a hearing date on President Bush's nomination of John Bolton to serve as Under Secretary for Arms Control and International Security. We strongly support the President's selection of John Bolton for this important position.

As former Directors of the Arms Control and Disarmament Agency, we believe John Bolton is eminently qualified to serve as Under Secretary. He brings a wealth of knowledge to the position as an expert in international law and a great deal of relevant practical experience as a former Assistant Secretary of State for International Organizations.

He has acquired a great deal of experience with multinational organizations which have gained in importance for arms control and disarmament, relative to the bilateral forums that dominated the evolution of arms control during the Cold War. Also, he is well suited to work with regional organizations that are pursuing arms control agendas, such as the Organization of American States (which deals with the convention on illicit weapons trafficking). His prior services as Assistant Secretary of State also acquainted him with the International Atomic Energy Agency, and the then emerging structure of the Organization for the Prohibition of Chemical Weapons.

As an experienced international lawyer, John Bolton is superbly qualified to guide the US participation in the negotiations of complex international treaties and in making best use of these treaties for the intended arms control purposes. This is of key importance for the continuing struggle to curb the proliferation of weapons of mass destruction and to deal with the current proliferation problems regarding Iraq, North Korea, Iran, and other nations.

Iraq may well be the most difficult case at this time. It is a fortunate coincidence that John Bolton was deeply involved in the formation of UNSCOM and the adoption of UN Security Council Resolutions designed to reveres Saddam's weapons programs. This expertise is greatly needed now as the Bush Administration seeks to restore the badly eroded international support for maintaining sanctions.

Mr. Chairman, we can recommend John Bolton to the Committee without reservation. He has a thorough knowledge of the most pressing arms control and nonproliferation issues of the day, and we hope that the Foreign Relations Committee will unanimously support his nomination.

Sincerely,

KENNTH L. ADELMAN,
FRED C. IKLE,
Distinguished Scholar, Center for Strategic & International Studies.
RONALD F. LEHMAN,
Center for Global Security Research, Lawrence Livermore Laboratory.

JOHN D. HOLUM,
Annapolis, MD, April 11, 2001.

Hon. JESSE HELMS, *Chairman,*
Hon. JOE BIDEN, *Ranking Minority Member,*
Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATORS HELMS AND BIDEN: I know that the Committee is considering President Bush's nomination of John R. Bolton to be Under Secretary of State for Arms Control and International Security, the position I held during the latter days of the Clinton Administration. I congratulate you for having conducted timely hearings on his nomination. I hope the Committee will also move expeditiously to a vote, and not allow the confirmation to be delayed over matters unrelated to Mr. Bolton's fitness for office and qualifications for this assignment.

No doubt Mr. Bolton and I will find many areas of substantive disagreement. However, the most relevant point bearing on his confirmation is that he has the confidence of the President of the United States and the Secretary of State. Moreover, he has been nominated for a position with vital responsibilities bearing on our national security, including advancing our efforts against the spread of weapons of mass destruction, leadership in formulating and articulating U.S. arms control policy, assessing compliance with arms control agreements, and overseeing security assistance and munitions exports controls. He also faces the task of fulfilling the potential of our reorganization of the Arms Control and Disarmament Agency into the Department of State, and keeping arms control and nonproliferation central to the Department's mission.

So long as the Under Secretary position is not filled, the Department's capacity in these areas will be diminished, and the Administration's ability to advance U.S. interests in the world, including in the vast majority of matters on which we can all agree, will be lessened. Therefore, I strongly encourage the Committee and the full Senate to act without delay on John Bolton's nomination.

With thanks for your consideration, I am,

Sincerely,

JOHN HOLUM.

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

The PRESIDING OFFICER. The pending business is the Bolton nomination.

Mr. HELMS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time has expired. The question is, Will the Senate advise and consent to the nomination of John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—57

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

NAYS—43

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

The nomination was confirmed.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to point out to the leadership and to the Members, this vote

took 35 minutes. Many of us have hearings on the budget. We have nominees for various Secretary positions waiting. I think it is unreasonable to have a 35-minute vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

ORDER OF PROCEDURE

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

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May we have order.

Mr. KENNEDY. Mr. President, may we have order. The Senate is not in order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may I have the attention of the Senators.

The PRESIDING OFFICER. The Senate will be in order. If Members have conversations, please take them off the floor.

Mr. BYRD. Mr. President, a unanimous consent request is before the Senate to limit each of the next two votes to 10 minutes each.

Mr. THOMAS. Yes.

Mr. BYRD. Mr. President, with all due respect to the Senator who propounds this request, every Senator knows nobody is going to pay any attention whatsoever to that request if it is granted—nobody. I have seen this happen too many times. I would love to see some 10-minute rollcall votes here, but it is a joke. It is a joke to agree to 10-minute votes, and then forget about them, and go on and have 20 minutes, or 25 minutes, or 37 minutes, as was the case in the previous vote.

Now, I am not going to object in this case. Perhaps it will work this time. I hope it will. But I am going to pay close attention. I remove my reservation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to Legislative Session.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report by title.

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.

Craig amendment No. 372 (to amendment No. 358), to tie funding under the Elementary and Secondary Education Act of 1965 to improved student performance.

Kennedy modified amendment No. 375 (to amendment No. 358), to express the sense of the Senate regarding, and to authorize appropriations for title II, part A, of the Elementary and Secondary Education Act of 1965, with respect to the development of high-qualified teachers.

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

Kennedy (for Mikulski/Kennedy) amendment No. 379 (to amendment No. 358), to provide for the establishment of community technology centers.

Allen/Warner amendment No. 380 (to amendment No. 358), to provide for a sense of the Senate regarding education opportunity tax relief to enable the purchase of technology and tutorial services for K–12 education purposes.

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.

AMENDMENT NO. 372

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Craig amendment.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I assume we are now proceeding on the Craig amendment, with 1 minute for each side.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. Mr. President, I encourage my colleagues to support the amendment I have put before the Chamber. It does not cut a program. It does not even take out the cost of living or an annualized increase based on that. What it says is that the Federal Government and the Department of Education and educational programs will no longer reward mediocrity.

In title I, over the last 30 years, we have put in $120 billion and poor kids are still lower in achievement than middle-income kids who are outside the program. It failed. In this education bill before us, we are trying to change that.

All I am saying is, if you do not measure up, and if the States do not improve the environment in which kids are learning—in other words, if kids do not improve—and it is measured by the tests and the standards within this bill—then no more Federal money goes out. In other words, we will not continue to fund mediocrity. We will set a standard and a precedence where improvement in our young people means we will reward that improvement with the use of the Federal tax dollars.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope the Craig amendment will be defeated. This is really putting the cart before the horse. If you adopt the Craig amendment, you are effectively saying there will not be any funding at all for the development of quality testing and accountability systems.

President Bush has proposed a threefold increase in three times the amount of reading funding. That will not be available for children if the Craig amendment is adopted. Effectively, this amendment undermines what President Bush has stated are his goals in terms of trying to get increased accountability, better testing, and increased support for education. That will all be prohibited under the Craig amendment.

What we are trying to do is match resources to responsibility. That is the change in this whole bill. We are matching those two concepts. And that makes sense. But under the Craig amendment, you will be denying the President's program in increased reading and the President's program in terms of accountability. It puts the cart before the horse and makes no sense. I hope it will be defeated.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I support what the distinguished Senator is trying to accomplish. I think it is about time we let the States know they are going to have to do better; that they are going to have to measure up. I cannot, however, coming from a poor State, summarily cut this off. When I use the word ''summarily,'' I realize we have had 35, 36 years in which to accomplish these things. But I do think they ought to be warned ahead of time.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CRAIG. This Senator's amendment would not cut any program. It would allow continued funding at that level. It does not reward by allowing the increases in the spending. That is what is important. The Senator from Massachusetts mentioned that nothing would go forward. He is wrong. Everything goes forward, and the measurements are in place.

What we are saying is, we are strong and definitive in saying that if you do not improve, you do not get the additional money.

Mr. BYRD. Mr. President, at some future time, I may support what this amendment is trying to accomplish. I think that we should have more accountability by the states. I also believe that we may need to reevaluate how Title I funds are used in the states. That being said, I do not think that this amendment is the proper way to tie funding to achievement. I represent a low-income state where Title I funds make up $76.5 million of the money spent on education. By threatening to freeze funding until the schools improve, I fear we may be taking away the very tools necessary to achieve the improvement that we all seek both in our schools and our students. I like what the Senator is saying, but I am going to vote against his amendment at this time. Basically, I have not heard enough of this debate. And this is one thing that is wrong. Let me underline that. This is one thing that is wrong with the stacking of the amendments.

I have already stated my opposition to the stacking of the amendments.

Sometimes there is justification for stacking votes, and sometimes I will not object to it. But in the future, I am going to object more than I have in the past. It is demeaning to the Senator who offers the amendment. It is demeaning to the amendment itself to be limited to 2 minutes before we vote on it. And it is demeaning to the Senate.

When it comes to stacking votes so as to allow Senators to be away on a Monday or be away on Fridays, I am going to be hard to get along with in that regard. I hope that what I am saying will let every Senator know that in the future I will frequently object to the stacking of votes. This is a bad way to legislate.

This particular amendment ought to have more debate than it is getting. It may have had some debate—I don't know—on Friday. I am not sure. I had to take my wife on Friday to a pulmonary expert. I couldn't be here. But other Senators weren't here either. It is demeaning to come out here and offer an amendment on Friday with a shirttailful of Senators present, maybe two, maybe three, and few press people.

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

Mr. BYRD. I thank the Chair. I will have to vote against the Senator's amendment today, but I compliment him for trying to do something. Let's do it later.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 372. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 27, nays 73, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—27

Allard	Bunning	Enzi
Allen	Burns	Fitzgerald
Bennett	Craig	Frist
Bond	Crapo	Gramm
Brownback	Ensign	Grassley
Gregg	Kyl	Smith (NH)
Hatch	Nickles	Thomas
Helms	Santorum	Thompson
Inhofe	Shelby	Thurmond

NAYS—73

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

The amendment (No. 372) was rejected.

Mr. BYRD. Mr. President, how many minutes were required for that rollcall?

The PRESIDING OFFICER. Sixteen and a half minutes.

Mr. BYRD. Sixteen and a half minutes on a 10-minute rollcall. We are doing better.

AMENDMENT NO. 375, AS MODIFIED

The PRESIDING OFFICER. On this amendment there are 2 minutes equally divided. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, one of the very important features of this legislation is upgrading the skills of unqualified teachers who are teaching poor children and also making sure that new recruits are going to be qualified teachers.

This legislation guarantees schools that have 50 percent poor children will have a qualified teacher in every classroom in 4 years.

This amendment says that we should fully fund the $3 billion which is in the authorization to make sure all the teachers who are going to be teaching poor children are qualified. It says we ought to add $500 million each additional year, so that in the last year there will be a total of $6 billion a year in funding, necessary to provide continued professional development to every techer, every year in a high poverty classroom.

There are 1,500,000 teachers who teach poor children; 750,000 are unqualified today. This amendment will ensure that we continually upgrade the skills of every one of them.

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

Mr. JEFFORDS. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 375, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—69

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

NAYS—31

Allard	Frist	Roberts
Bennett	Gramm	Santorum
Bond	Gregg	Shelby
Brownback	Hagel	Smith (NH)
Bunning	Helms	Stevens
Burns	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Murkowski	
Fitzgerald	Nickles	

The amendment (No. 375), as modified, was agreed to.

AMENDMENT NO. 380

Mr. JEFFORDS. Mr. President, I ask for the regular order on this pending Allen amendment No. 380.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BYRD. Mr. President, I want the Senate to know that I voted twice on the previous vote. I was standing here by Mr. KENNEDY when I raised my hand, which I usually do. I was not behind my desk, as I usually am.

I am not complaining about anything. I am not criticizing anybody. I just want the Senate to know that I voted. Normally, I do not hold up the Senate.

I thank the Senate. I thank the Chair.

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

The amendment (No. 380) was agreed to.

Mr. KENNEDY. 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.

Mr. KENNEDY. I thank the Chair.

Mr. President, I thank all of our Members for their presence and for their cooperation.

We now have the Senator from Washington on an extremely important

amendment. We hope the Senate will give careful attention to this amendment. This is one of the most important amendments we will have to this legislation. I am enormously grateful to the Senator from Washington for her leadership on smaller class size. I am sure she was reassured again today when we read the front page of the Washington Post and saw what was happening in Prince George's County. The test scores show the best gains.

When the local Superintendent of schools was asked about the factors that were most important in making progress, she quickly indicated that smaller class size in the early grades was one of the most important aspects leading to the children's progress.

Mr. President, I ask unanimous consent that the full Washington Post article be printed in the RECORD after Senator MURRAY's remarks.

Senator WARNER spoke to me and would like to join me in that request.

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

(See exhibit 1.)

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

AMENDMENT NO. 378

Mrs. MURRAY. Mr. President, I call up amendment No. 378.

The PRESIDING OFFICER. The amendment is now the regular order.

Mrs. MURRAY. Mr. President, I thank Senator KENNEDY for his work on class size, too. I saw the article in the Washington Post today. It shows that the debate we are about to have on the class size amendment is extremely critical. We know it makes a difference in our children's classrooms. We have had tremendous progress.

I hope that our colleagues will listen carefully to the debate as we bring it forward because it is an important part of education. It is what parents are looking for. It is what we are demanding of our students—achievement.

I appreciate the words of the Senator from Massachusetts, and I look forward to the debate we are about to have.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to my amendment: Senators BAUCUS, BIDEN, BINGAMAN, CLINTON, CORZINE, DODD, FEINGOLD, HARKIN, KENNEDY, REED of Rhode Island, and WELLSTONE.

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

Mrs. MURRAY. Mr. President, right now in classrooms across our country students are gathering. Right now teachers are beginning his or her lesson, and those students in that classroom probably do not know the specifics of the debate that we are about to have. They probably are not familiar with the amendment I am about to offer. But I will promise you one thing. Those students will realize the impact of how the Senate votes on this class size amendment.

Today, I am offering an amendment to continue the progress we have made over the last 3 years in making classrooms across the country less crowded and more productive. My amendment will ensure that we keep our commitment to help local school districts hire 100,000 new teachers so that students can get the time and the attention they need and deserve in our classrooms.

We know that smaller classes help kids learn the basics with fewer discipline problems.

Just this year we also learned that smaller classes resulted in better scores on standardized tests and a higher likelihood of taking college entrance exams and a lower teen pregnancy rate.

As managers of the taxpayer dollars, we should invest in ideas that work. We know that smaller classes help our students learn.

Unfortunately, the underlying bill combines funding for class size reduction and teacher quality into one pool. As a result, local school districts would have to choose, under this bill, between providing smaller classes or funding teacher quality. They shouldn't have to choose one or the other. We should fund both. It has always been important to invest in the things that work in the classroom. This year it is even more important as I look at the rest of the underlying bill.

Since President Bush plans to punish schools that do not improve, we have to make sure that schools have the proven tools they need, such as smaller classes, to help our children learn.

Before I continue, I want to share a personal reflection about what we are doing on education this month. As we update the Elementary and Secondary Education Act, we are creating a blueprint of how we are going to support excellence in schools across the country.

As a parent and as a former educator, I cannot imagine smaller classes not being a part of that blueprint. It just does not make sense. Right now, this bill leaves behind targeted funding for smaller classes. My amendment corrects that failure and tells students, teachers, and parents across the country that we know they are concerned about overcrowded classrooms, we know they want help in hiring new teachers, and we are going to honor our responsibility to pay for them.

I want to talk this morning about the difference that smaller classes can make according to research and according to parents and teachers. We know that too many classes are overcrowded with growing enrollment and limited space. Too many students are trying to learn in classrooms that are packed to capacity, where they have to fight just to get a teacher's attention. And too many teachers are spending time on crowd control instead of spending time on curriculum.

Over the years, major studies have found that smaller classes boost student achievement. The STAR study found that students in small classes—those with 13 to 17 students—significantly outperform other students in math and reading. It also found that students in small classes have better high school graduation rates, higher grade point averages, and they are more inclined to pursue higher education. Certainly those are goals. Every one of us in the Senate Chamber has stated that we want that for our children in our school systems in this country.

Another critical study, the Wisconsin SAGE study, consistently proved that smaller classes result in significantly greater student achievement.

Just two months ago, in March, we got more good news. Dr. Alan Krueger of Princeton University found there are long-term social benefits of being in a smaller classroom, including better scores on standardized tests, a higher propensity to take college entrance exams, a lower teen pregnancy rate, and possibly a lower crime rate for teens.

Those are the types of benefits we want for every one of our students. But you do not need research to know that smaller classes help. Just talk to parents or teachers or talk to the students themselves.

I have been in classrooms where this funding has reduced overcrowding. It makes a difference. I recently received an e-mail from Kristi Rennebohm Franz. Kristi teaches at Sunnyside Elementary School. I also should mention that Kristi is one of our best educators. She received a Milken National Teacher's Award. She received the Presidential Award for Excellence in Teaching Elementary Science, and the Peace Corps World Wise Schools Paul D. Coverdell Award for Excellence in Education. Those are some of Kristi's credentials.

Mr. President, I ask unanimous consent that her entire letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mrs. MURRAY. Mr. President, 10 years ago, when Kristi started as a teacher, she promised herself that she would take time each day to listen to her students and to understand their needs. Kristi writes to me now:

> It is a promise that can only come true if we have small enough classes with enough qualified teachers in place to meet the individual learning needs of each child. . . .

She continues:

> . . . because of the sheer numbers of children in our classroom, it is not humanly possible to have the educational conversations I need and want to have with each child to best assess their understandings, struggles, challenges, and progress that can inform where the next day's learning needs to go.

She says:

> I can't tell you how frustrating it is to know how to teach and not be able to do the very best teaching every moment because it is difficult with too large a class and without enough teachers on board as a team to meet the learning needs of the children.

Mr. President, let's show Kristi and thousands of hard-working teachers that we do support them and want them to be able to do their best in uncrowded classrooms.

I have talked about the research, and I have shared a teacher's perspective, but I have one more example of the importance of small class sizes. It comes from the Houston Independent School District where our Education Secretary, Rod Paige, served as their superintendent.

I show my colleagues this chart. It is actually from a presentation by the former Chief of Staff for Educational Services in the Houston district, Susan Sclafani. By the way, she currently serves as Counselor to Secretary Paige at the Education Department.

Part of her presentation that I am showing on this chart shows how Houston helped turn around low-performing schools. I know we are basing a lot of this education bill on what happened in Houston at the directive of the President and Dr. Paige. They talk about test scores, but they also are very clear about what made a difference in making sure those test scores turned around and that those schools improved.

On the chart, you can see that among the seven things they have done in the Houston school district was to make classrooms less crowded. They made making classrooms less crowded one of the seven things to be done to improve education. They know it works.

In fact, Houston hired 177 new teachers through the Class Size Reduction Program that we funded at the Federal level. Houston also used the funding to provide professional development for more than 600 teachers. That is the type of support we want all communities to have.

We know that making classes smaller works. The research shows it. Parents know it. Teachers know it. Even Secretary Paige used smaller classes to make improvements in the Houston school district. There was not a miracle in Houston. There was hard work. And there was investment in what works. Class size reduction was one of those investments.

We should invest in the things that we know work in the classroom. Parents want to know that their Federal education dollars are making a difference for students.

I served on a local school board. I can tell you that hiring new teachers is difficult because you have to commit today for a new teacher when you don't know what is going to happen 3 months down the road.

That is one of the reasons why many school districts have had a hard time hiring new teachers on their own. Fortunately, they are not all on their own. Local educators have partners at the State and Federal level who are working together to help all students succeed.

That is why in 1998, Congress began the Class Size Reduction Initiative. This program sends Federal dollars to school districts across the country so they can hire new, fully qualified teachers in grades K–3.

And let me remind my colleagues that this is a voluntary program. No school is forced to use this money. If a district wants help hiring teachers to make classrooms less crowded, they simply apply. And there is very little paperwork or administration. In fact, in my own State of Washington you can apply for this class size reduction money over the Internet on a simple, one-page form.

Many educators have told me that they have never seen dollars get so quickly from Congress to the classroom. Local schools, under this, make all the decisions about who to hire based on their unique needs. The money is also flexible. If schools have already reduced classroom overcrowding, they can use the money for teacher recruitment or for professional development. Finally, and critically, these dollars are targeted to disadvantaged students—who can make the most progress when they are in a productive classroom.

This program has been a success story for the Congress. Since 1998, we have helped school districts across the country hire 34,000 new teachers. Over the past 3 years, we have made classrooms less crowded in K–3 and more productive for almost 2 million students. It is a program that works, and we should not abandon it now. This underlying bill does not ensure that this overcrowding will be reduced because it eliminates the targeted funding for class size reduction.

Some say that we should combined funding for teacher quality and class size reduction and just let folks choose. Unfortunately, that is a false choice, and our kids will pay the price. This bill—the underlying bill—pits effective programs against each other and makes educators choose. In the end, our kids will lose if they can't have both smaller classes and qualified teachers. We should be the ones making sure that happens.

Let me repeat that. Smaller classes and qualified teachers go hand in hand. Educators should not have to choose between either making classes smaller or improving teacher quality. They need both. We should fund both. That is what this amendment would ensure.

Finally, I remind my colleagues that there are real consequences to not providing dedicated class size funding. Without my amendment, this bill could put schools in an unwinnable situation with very high stakes. The underlying bill will punish schools that do not improve. At the same time, it takes away the very tools they need to improve, and that is just wrong.

On the one hand, we are telling students to meet high standards, and on the other hand this bill takes away the support they need to get there. We can do better than that. If we want our students to succeed and we are going to punish those who don't, now is the time to increase our investment in smaller class sizes. That is what this amendment does.

This week we are talking about many different education issues from accountability to testing to funding. Right now there is only one question being asked by each of us as Senators: Do you favor targeted funding to make classrooms less crowded or will you take that targeted funding away from your schools? How you vote on this amendment will affect millions of students who are trying to get a good education.

I urge our colleagues to support this amendment by voting yes.

EXHIBIT 1

[From the Washington Post, May 8, 2001]

PRINCE GEORGE'S TEST SCORES SHOW BEST GAINS EVER

34% OF COUNTY SCHOOLS MEET U.S. BENCHMARK

(By Tracey A. Reeves)

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

Prince George's has often been criticized for its abysmal test scores and spotty leadership, but its gains on the Comprehensive Test of Basic Skills are the first significant academic increases the county has registered since Iris T. Metts took over as superintendent in 1999.

According to the results, 34 percent of county schools had median test scores at or above the national average this school year, compared with 21 percent last year.

Of the schools tested, 82, or 63 percent, registered significant gains. Results also show a slight narrowing of the achievement gap between black and white students and between Hispanic and white students, an added boon for school officials who have been struggling for years to close the gap.

The improved scores brought a huge sigh of relief for Metts, who acknowledged yesterday that she felt vindicated by the results and empowered to continue her changes.

Metts said she hoped that county and state leaders would see the test scores as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings.

''We're not just achieving,'' an elated Metts said at a celebratory news conference announcing the test results. ''We're achieving miraculously.''

The mood was indeed upbeat as school officials asembled in Upper Marlboro to learn more about the results and to coax each other on in the effort to improve the school system's rank as the second-worst in the state, behind Baltimore. In the hallways, school system employees flashed wide grins as they toasted the gains with punch. Teachers and their staffs, who had been summoned to county school headquarters for the news conference could hardly contain their applause.

Principals hugged their teachers. High-fives were everywhere

''This didn't happen by chance,'' said Leroy Tompkins, head of instruction for county schools. ''We achieved this by focusing on what we needed to do, and it's paid off.''

School Board Chairman Kenneth E. Johnson (Mitchellville), who with the rest of the board has accused of not putting the needs of students first, praised the superintendent for

the results and said the board never doubted her ability.

''The board always thought she could bring the system along,'' Johnson said. ''All we need to do now is stay the course.''

Even Maryland Schools Superintendent Nancy S. Grasmick said she was encouraged by the results, though she hesitated to classify the scores an all-out success. She is eager to see the results of Maryland School Performance Assessment Program exams, which students are taking this month.

''I expect to see improvements there, too,'' Grasmick said. ''But all of these results will have to be sustained over a two-year period for us to really know what's happening here.''

Maryland requires all public school second-, fourth-, and sixth-graders to take the basic skills exam, which tests ability in math, reading and language arts.

Prince George's is the first Maryland county to release its results, in part because it is using the scores to determine whom to recommend for a new summer program established to bring along struggling students.

Other school systems are expected to release their test scores in coming weeks.

The test is given annually to gauge trends in ability among students. Unlike the MSPAP, which generally measures how well schools are teaching children, the Comprehensive Test of Basic Skills is viewed as more useful to parents because it looks at how students did individually.

The basic skills test is also considered useful to teachers because it lets them know what areas to concentrate on and which students need more help.

Until this year, Prince George's scores have been low, flat and far from the national norm. School officials attributed the gains to the reforms that Metts has demanded.

For example, she has required all schools to give students in the early grades 120 minutes of uninterrupted reading time and 90 minutes of math a day. She has also reduced class sizes in the lower grades, and efforts are underway to remove disruptive students from classrooms. Metts and principals have also put more emphasis on training teachers.

Systemwide, Prince George's scores increased at each of the three grade levels and in every content area in the March test. For example, the rate of students scoring above the national average in reading rose from 24 percent last year to 36 percent. In math, it more than doubled, from 16.7 percent to 42.4 percent.

EXHIBIT 2

APRIL 30, 2001.

DEAR SENATOR MURRAY: As the U.S. Congress has its focus on educational programs, I want to take time to thank you for your tireless efforts on behalf of quality education funding for our public schools! As a primary classroom teacher in Washington State, I know first hand the challenges we face in making sure no child is left behind. While the challenges are tremendous, it is a challenge which public school teachers take on day after day, unwilling to give up and unwilling to do anything less that the very best we can and know how to do in each moment we have in the classroom. When I interviewed for my current teaching position ten years ago, one of the comments I made about my goals as a teacher was that it was very, very important that I hear each child's voice at school each day so that each child would know he/she: (1) had multiple opportunities to be listened to and heard; (2) had the opportunity to tell me what he/she understood and what he/she needed help with; and (3) had multiple opportunities to know he/she was greatly valued as a learner and person. That is a promise that needs to be reality in order for no child to be left behind. It is a promise that can only come true if we have small enough classes with enough qualified teachers in place to meet the individual learning needs of each child and to mentor children in meeting the expectations we share for them as teachers, parents, community, state, and country.

Each school day, I try to live to that promise . . . and as I come to the end of each day, I know I have come up short . . . because of the sheer numbers of children in our classroom, it is not humanly possible to have the educational conversations I need and want to have with each child to best assess their understandings, struggles, challenges, and progress that can inform where the next day's learning needs to go. In order to best and most effectively and efficiently teach primary children, I need time each day to interact with them as individuals, in small groups and as a cohesive whole class without distractions and interruptions. I need time to build the math, literacy, science and social studies concepts, problem solving and critical thinking skills they need for today's complex and ever dynamically changing world. When I have a large class of primary children with very diverse academic, social and emotional needs and with no additional adult in the classroom to assist children, the importantly needed and valued time to work on learning with children individually and even in small groups or as a cohesive whole class can be lost.

Presently, every classroom teacher in my building is well qualified for his/her assignment and has special outstanding abilities. But we can not do the job we know how to do and keep learning new and better ways to teach in response to changing needs and in today's schools, when: (1) the numbers of students in each class makes it impossible to meet the challenges each student faces; (2) the number of adults needed to help provide education is too low; and (3) the energy toll of the teaching day (which requires planning, preparation, reflection, collaboration with colleagues and parents far beyond the time our 8:00 to 3:30 contract time) leaves teachers unable to engage in much needed professional development beyond the needs of the daily classroom instruction. We hear people say that throwing money at the challenges in education won't help, but I don't know how we can provide the number of qualified teachers needed to provide the best education possible for each child without funding those positions, without providing the funding for teaching materials and for safe, healthy learning environments that are needed, and without funding support for teachers to keep learning and growing professionally!

During this school year, I received a Milken National Teacher's Award as well as the Presidential Award for Excellence in Teaching Elementary Science, the Peace Corps World Wise Schools Paul D. Coverdell Award for Excellence in Education (which was presented at the U.S. Senate building with comments from Sen. Edward Kennedy and Sen. Christopher Dodd), a national Blue Ribbon Classroom Website Award, and just recently a grant for funding a co-teacher in our classroom for the remaining weeks of the school year to sustain and document our innovative primary curricular program where children are developing the literacy, science, social studies and math skills they need to meet state learning goals through local to global collaborative telecommunications service learning projects. I am continually learning how to teach. I often work 12 hours per school day developing and sustaining our curricular program as well as usually a full weekend day. I often spend recess time with children as well as after school time building team support for a child and communicating with parents. I spend summers reviewing the past school year and preparing for the next. I spend time taking the course work I need to improve my teaching skills and keep my certification updated. That is what it takes to even come close to a goal of leaving no child behind. Yet, even with developing a classroom which is being recognized as outstanding, I feel that I come up short at the end of each day in providing each of the children in my class the full measure of what they need, deserve, and are capable of doing. If only we had been able to have two teachers for this many children all school year, the sky would not even be the limit for what these children could be accomplishing!!! There is no substitute for educational success for all children than critically needed time with an adult to teach them and enable them to soar! And I don't know anyway to insure that those adults are in place each day with needed qualifications without funding!!! There is no substitute for having the funds to prepare qualified teachers and have them in classrooms in great enough numbers so we can do the job of teaching that is needed for today's schools.

Almost every public school class today faces challenges of helping children with behavior. Some days, the biggest challenge comes down to making sure each child is safe from harmful physical and verbal hurt by other peers. Large class sizes greatly, exponentially exacerbate these challenges of classroom management to the point of taking away from valuable teaching and learning time. Additionally problems are compounded by not having enough school personnel to assist children facing emotional behavior needs often caused by circumstances not of their fault. Primary grades are the school years with the first opportunities for helpful interventions for children and their families on issues of academic successes and for meeting the emotional needs that affect that success. We know what to do to help. We know how to design learning programs to help children succeed but we simply can't do it unless we have the people we need to implement those programs. I can't tell you how frustrating it is to know how to teach and not be able to do the very best teaching every moment because it is difficult with too large a class and without enough teachers on board as a team to meet the learning needs of the children. People will say to me, ''You are trying to do too much, Kristi, . . . your expectations for what we can do in school are too high'' . . . but, to me, lowering the expectations of what's possible means some children will be left behind and I'm not willing to accept that option. How can we ever possibly be doing too much until we know every child is succeeding to the best of his/her abilities? And wouldn't it be wonderful to be at that place where we say, we have enough of what we need to meet the challenges of educating our children and we are indeed leaving no child behind? I dream of someday hearing that conversation nationally . . . and, until that conversation is truly there, we must do all we can and more just to insure we meet our educational vision and goals for all the children in our country!!!

And how can we assess if children are meeting those educational goals and we as teachers are meeting our teaching vision . . .

We can administer standardized test to a whole class to measure how students are doing according to a norm and against the skills a particular test identifies as priorities. But, those measurements provide only one form of reference on student learning and, depending on the integrity and quality of a standardized assessment, the test data may or may not be an accurate assessment

of what students understand. I can't tell you how many times, in working with primary children, I have seen a child's standardized test results communicate an assessment profile that does not provide the full measure of what I have seen that child demonstrate in the classroom learning environment lessons. Performance on an isolated skill assessment with primary children simply cannot document the whole of who they are as learners.

Primary children are growing along a developmental continuum where many of the skills and understandings that we need to see in place in these years as indicators of ongoing successful learning are best demonstrated within the context of active learning with the teacher rather than being only demonstrated in individual performance by themselves. Rather than just being able to demonstrate mastery of individual, isolated skill tasks that are assessed in a standardized test without support of a teacher and outside the context of lesson learning . . . many, many of the skills and understandings that we need to have in place in the primary years for ongoing school success are in the category of: Being able to engage in lessons with the teacher; being able to learn when being taught during a lesson; being able to actively think and talk within a teachable moment; and being able to generate a product or comment when asked to contribute and work with the teacher and peers on ideas and work directly with curricular learning materials . . .

While I am successfully using the standardized tests that are required in our district and state to provide data on student progress, if I were to rely only on those standardized skills assessments to measure the success of our children in our public schools, I would miss important documentation of learning that is taking place but simply is best revealed in the interactive teaching and learning between the student with his/her teacher and peers. A standardized test, while providing specifically focused insights on a child's progress, is just a moment of time in a child's school learning. This is especially true when assessing primary children. Sometimes, a standardized assessment presents a profile of student learning that shows a child not succeeding when in actuality, he/she has been demonstrating some successes. I have seen a standardized assessment provide data that looks like the child and the teaching is failing when in actuality neither is true. Often, the observation of a child's behaviors when responding to the challenges of an individual standardized test tell me as much about that child's learning strategies and performance as the actual numerical score that child receives. I often make documentation notes on a child's behavior during the process of administering a standardized test. This takes time for individual observations and writing on my part while also devoting energy and focus on the rest of the class . . . which is no easy task but an important one to fully understand and interpret the results of a standardized score.

Many of the standardized assessments we are required to do with our primary students require extended, individual, uninterrupted time with each student. After we give the initial instructions, we must time and record their performance. This is especially true of reading assessments as those are done while listening to, recording, timing and notating each child's reading aloud performance (while also keeping track of the rest of the class). Often these assessments can take ten to fifteen minutes per child to implement and additional time to score. While the information from these assessments can be very valuable, you can well imagine the time involved in a school day to do this accurately and reliably with each child when you have a large class of primary children without any other adult assistance in the classroom. In order to do the best possible job on all assessments of student progress, we need to have smaller class sizes.

Often, the best insights I have had on children's learning progress have emerged in the process of having a cohesive whole class, small group or individual conversation about important basic skills and concepts we have been working on together and sometimes it comes from listening in on conversations a child is having with a peer as they work on their learning with one another. Those avenues of assessment tell us so much about the successes in children's learning as well as direction for ongoing learning. Those conversations will not happen unless we have small enough classes with enough teachers to hear the voices of what children are learning each school day.

Sincerely,

KRISTI RENNEBOHM FRANZ.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise in opposition to the Murray amendment and to put a little different focus on the debate.

The issue, as I see it, on this amendment is not classroom reduction. The issue is not the virtue of having smaller classrooms. The issue is not whether that is valuable or whether that is desirable. Most would say, of course, a smaller class is better than a bigger class. The issue is whether or not those choices and those decisions ought to be made at the local level.

The Senator from Washington, who is always very passionate on this issue, used Houston as an example. I will use Houston as an example. Yes, classroom reduction was part of the program. It was part of seven points, a package of seven reforms they emphasized as local reform that helped turn around the Houston school district. I emphasize that classroom reduction was only one part of the whole package. The decisions were made locally, and in addition to class size reduction you also had tutors, planning assistance, and staff development. Those decisions were made locally.

The issue is not, do we want smaller classes? Of course, we do. The issue is, do we want to continue the Washington-knows-best, top-down approach to education, when the whole thrust of this bill is to move the other direction?

The thrust of this legislation, supported on both sides of the aisle, negotiated by leaders on both sides of the aisle, is that the plethora of Federal programs has not been a productive approach and that we should consolidate those Federal streams of funding. And now along comes an amendment that says: Let's go back to the old way. Let's go back in the old direction. Instead of consolidation, let's pull this out and let's have this program prescriptive from the Federal level where we know best, where we are going to tell local educators what they should do.

The Senator from Washington said they should not be forced to choose and that we should fund both. In fact, in this legislation we do fund both. The Teacher Quality Program is authorized at $3 billion, which is an increase over at what the programs are currently funded.

So many people argue that when we create larger, more flexible grants, we are trying to decrease funding for these programs. That is just not true. The Professional Development Program received $485 million last year, and the Class Size Reduction Program received $1.6 billion. If my addition is correct, that is $2.05 billion in these two programs. We consolidate them. We combine them and increase the funding to $3 billion.

Furthermore, the Kennedy amendment, which just passed and which I supported, reaffirmed not only the $3 billion number but then increases $1/2 billion a year each year. So it is not a matter of only giving limited resources and you must choose: Do you want class size reduction or do you want professional development? We are saying: Here is both, but you decide your priorities locally. Here is the funding for both, an increase by 30 percent over what the previous administration put into class size reduction and professional development. The President and this Congress have increased that authorized level by 30 percent to $3 billion, ensuring an additional $½ billion each year in the future.

We said: Let the local schools, let the States decide the priority. It is not always going to be class size reduction as the highest priority. Sometimes it will be professional development. Sometimes it will be mentoring. Sometimes it will be merit pay. Sometimes it will be tenure reform. Many times it will be class size reduction. We ensure they will always have the option of spending that money as they see best.

The issue is not do you want class size reduction. The issue is, do you want real local control? Do you really want them to have the choice or do you think we know best?

There has been a growing consensus that what we have done for the last 35 years, with Washington creating more programs and making more prescriptions, has not been the right approach. There has been a growing consensus on both sides of the aisle that we need to consolidate. This is a move in the wrong direction, the opposite direction, to pull this out and say: In this area, we know best; you must do class size reduction if you want these funds.

Studies by Eric Hanushek, a professor at the University of Rochester, show that teacher quality is the most important factor in a child's instruction. So while class size is very important, even more important than class size is the quality of the teacher in that classroom.

Oftentimes professional development is going to be even more valuable than ensuring there are fewer children in the classroom, and we should not make the determination of what is needed locally. This new flexible grant, the

Teacher Quality Program, allows States and school districts to continue class size reduction if they choose. They are not mandated to do so.

The National Commission on Teaching & America's Future found that class size reduction has the least impact on increasing student achievement and that teacher education and teacher quality had the most impact on increasing achievement.

One other point: For rural States such as Arkansas, we have many school districts, many times very small school districts. This kind of Federal program simply doesn't work. If you calculate what local schools in Arkansas get, it is about a third of a teacher per school district. For many small school districts, this kind of a program just doesn't work. It is far better to put additional funding in a program with greater flexibility so local school districts will have enough resources so they can actually make a difference.

While I agree many school districts and many States are going to put as priority No. 1 cutting the size of classes, in some areas that is not going to be priority No. 1. We should not make that decision for them and say: The only way you can access these funds is if you spend it in this way.

I reluctantly oppose the Murray amendment. We are putting considerable new resources, a 30-percent increase, into this Teacher Quality Program, and that will ensure that schools are going to be able to make the right kind of choice and the right kind of investment to get the best return in academic achievement. The Teacher Quality Program in this bill recognizes that mandates from Washington aren't the way to improve teacher quality. This legislation gives more flexibility to States and school districts but holds them accountable for teacher quality and, most importantly, student achievement.

I underscore again that this amendment is counter to the entire thrust of this education reform legislation. We should not make the mistake of returning to the past and reducing again the very important flexibility and decisionmaking authority that should reside at the local level.

So while I know this amendment is well intended, it is really counter to the kind of reform that will result in greater student achievement and improved education across this country, and I hope my colleagues will join me in opposing the Murray amendment and staying consistent with a desire to consolidate and provide greater flexibility, with meaningful accountability, and thus keep our focus upon the children and their educational future.

I yield the floor.

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

Mrs. CLINTON. Mr. President, I associate myself with a number of the points made by my friend from Arkansas. Clearly, what we are attempting to do is to put the emphasis on what works and to provide to our children the opportunity to have the best possible education.

I have been very privileged over the last 20 years to know quite a bit about education in Arkansas, which my good friend has the privilege of representing, and now I know a lot about education in New York. I have no doubt that my friend, were he still here, would agree with me that our goals are the same for the children in both States. We want to provide the best possible educational opportunities, but we face very different challenges.

What I saw and worked on for many years in improving education in Arkansas, which was one of the great honors of my life, is very different from what I now see day in and day out in New York City, where we have more than a million children in our school system.

I agree with my friend that what we are crafting is an approach that will give to local school districts, parents, and teachers the tools to make the right decisions for the children whose futures they hold in their hands. That is why I wish my friend were still here—and I will seek him out later to talk with him privately about this.

That is why I am such a strong supporter of Senator MURRAY's amendment because what Senator MURRAY has done is point out very clearly that one size does not fit all; that what we need to do is provide the tools that will enable each school district in each State to deal with the problems they face.

So I want to be part of passing legislation, in a bipartisan way, that will be the best for Arkansas, the best for Washington, the best for Vermont, and the best for New York because we will have honestly looked at all the different tools we need to provide our local educational authorities with in order that they can do the job we are now asking them to do their very best in achieving.

So I am very proud to be a cosponsor of this amendment and to stand with my colleague in stating my commitment to supporting the Class Size Reduction Initiative, both because it is voluntary and provides additional funding to schools that are in desperate need of such funding and, maybe most important, because we know it works.

I went back and reread President Bush's blueprint for education called ''No Child Left Behind.'' In it, he expresses dismay that over the years Congress has developed programs without asking whether or not programs produce results or even knowing the impact on local needs. Later on, the President goes on to suggest that under his education plan, which is really the core of what we are debating in this education debate, he will focus on what works and ensure that Federal dollars will be spent on effective, research-based programs and practices and that the funds will be targeted to improve schools and enhance teacher quality. That is certainly what the committee on which I am proud to serve, under the leadership of the Senator from Vermont, attempted to do in reporting out such a bill—to focus on what works and to target funds to improve our schools and enhance teacher quality. President Bush and I absolutely agree on this point.

I have often said that I sometimes fear Washington is an evidence-free zone where, despite whatever evidence we have, we don't follow it, we don't put it to work, and we spin our wheels too much. Well, I believe we should look at what works, what has had a positive impact in raising student achievement, what has helped at the local level give very necessary resources; there is no better example of what works than reducing class sizes so that teachers can teach and children can learn.

Allow me just a moment to review the research demonstrating that reducing class size has proven results. Teachers who teach in classes of 18 students or fewer in the early grades are helping to raise student achievement for our most educationally disadvantaged students who are attending schools in high-poverty neighborhoods, where we all know it is harder to teach.

Senator MURRAY was a teacher. She was on a school board. I don't think any of us should kid ourselves; there are some school districts and some schools where it is just hard to teach, where children come to school with all kinds of challenges and difficulties. We know, as we look at the research done, that if we focus on getting that class size down with a qualified teacher—this should not be an either/or; it should be a qualified teacher and a small enough class size—then we can have very positive results.

I particularly point to the work Senator MURRAY and I highlighted in a press conference a few weeks ago that was done at Princeton University by an economist named Dr. Alan Krueger, who tracked the performance of well over 11,000 elementary school students at 79 schools in a Tennessee pilot program known as Project STAR. This was done randomly. The results are scientifically provable. What he found, and what everyone who has studied it has found, is that smaller class sizes have a tremendously positive impact on student performance and, particularly, on African American students.

We want to be supporting both excellence and equity. That is why I support accountability. I think we should know what our children know and what they don't know. I also believe everyone in this Chamber understands that we have to do more to increase the opportunity for excellence by focusing on the students who are most likely to be left behind. To me, the fact that African American students have such positive results from lower class size is a very strong argument for us renewing this commitment.

There are other studies which have found exactly the same thing. A Rand study—and Rand usually studies issues such as the military and defense and national security—focused on cost-effectiveness of educational resources in raising scores on the NAEP, the National Assessment of Educational Progress. It is a test that is given to a randomly selected group of our students across the country. We use it to track how well we are doing as a nation.

What Rand found in looking behind these test scores was that the higher scores could be traced to investments in lower class sizes in the early grades—plus, higher prekindergarten participation, lower teacher turnover, and higher levels of teacher resources. So it is that complement of cost-effective strategies that I think we should be supporting in this legislation.

Later in the debate, I will focus on the importance of supporting early learning opportunities and trying to retain our teachers because we are losing our teachers at an alarming rate. I brought this photo of P.S. 19 in Jackson Heights, Queens, which is one of the magnets for immigration into our country. People come to Kennedy or LaGuardia Airports and they end up in Queens. I wish I could take every Member of this body to the schools I visit in Queens where bathrooms are classes, hallways are classes, and where children speak 40 to 100 different languages, where they are packed in there and where a teacher, despite her best efforts, can't possibly connect with all these children.

Yesterday, I was in a school that works in Manhattan, the New Manhattan School. It is a wonderful school. I met for a long time with the teachers, the principal, and the superintendent of the district. It is an old building, built in 1904. It is packed to the rafters. They are adding teachers into classrooms so if they do not have the additional classrooms, at least they have more qualified teachers in those classes so the children get the attention of the adult responsible for their learning.

It is important we understand there have to be opportunities for local communities to make choices. I believe having this tool is essential for providing good opportunities for choices to be made.

With the funds appropriated in 2001, it is expected the Federal Government's Class Size Reduction Initiative will bring nearly 40,000 qualified teachers into classrooms. Any one of us who goes into a large city in our country knows that if we do not have qualified teachers and we do not have low class sizes, we can test until the cows come home and we are not going to find anything other than what we already know: that children from high-poverty areas, from dysfunctional backgrounds without adequate training for academic work are not going to do well, but that a qualified teacher working with a small enough group of children, as Senator MURRAY knows so well, can make all the difference in that child's future.

When we looked at this issue in New York City, we saw the results clearly. Two years ago, the program was initiated and class sizes in New York City were 25 percent larger than statewide. With both Federal and State initiatives, we were able to reduce class size for approximately 90,000 students in the early grades, almost 30 percent of the city's K–3 population.

I want people to keep in mind, I am talking about a million children and 90,000 children. I know it is hard for some people who represent States without that many people in the State or maybe only half that many to understand we are dealing with huge numbers in a lot of the large cities. It is not just the numbers; it is the real lives behind those numbers.

When we looked at the results, after 2 years of efforts, we were very pleased because achievement went up in those classrooms where, with Federal help, we were able to add a teacher.

That does not mean the local communities do not have to continue doing their part, and it does not mean the State does not have to do its part, but we have gotten behind in what we need to do for our children. We need all hands on deck. We need everybody pulling together. Education is a local responsibility in our country, but we all know it has to be a national priority.

Let us make sure we focus on both teacher quality and lower class size. That is why this amendment, which Senator MURRAY has championed and has been successful in persuading a bipartisan group of Senators to support in the past, is a critical component of this legislation.

If we can make it possible for class sizes to remain small in the early grades, we improve the chances dramatically of producing a productive, functioning citizen who can find his or her way in this complicated society and global economy that awaits them in the 21st century.

Yesterday, when I was in this wonderful school that was filled to the brim, they took me into a bathroom that had been turned into a guidance counselor's office. They did not have any other space. We went into the gym and children were doing their physical activity which I believe in strongly. We have to keep children's bodies active as well as their minds.

There was a partitioned area in which there were more offices. They were making the best of a very difficult situation. They had just been told a school down the block, a little elementary school, had been condemned. We will get to that later in this debate, too. This school had been condemned. It is unsafe for our children and teachers.

There is a school in Mechanicsville, NY, where a piece of concrete fell on a teacher's head while teaching in the classroom.

There is a condemned school a few blocks from where I was yesterday. They are already packed. The school I visited will be taking in the children from that condemned school.

This is a critical component of the commitment to excellence and equity, accountability, and resources that the President has called for which so many in this Chamber have championed for many years. We have the money to do this. We just have to determine whether we have the will.

I call on my colleagues, and echo the very eloquent call of the Senator from Washington, that we recognize that continuing this initiative does help local communities meet the needs they see right in front of them and let us make sure we do everything possible to make every child believe he or she is important so that at the end of this debate the bill we pass truly will leave no child behind.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment. The role that teachers play in the efforts to improve educational opportunities for young people is perhaps the most important next to the role of parents.

The bill before us includes significant changes related to the critical job of providing teachers the quality professional development activities they deserve. Supporting our Nation's teachers is a key element of education reform. A 1999 survey by the U.S. Department of Education, pertaining to the preparation and qualifications of public school teachers, reported that continued learning in the teaching profession is essential to ''building educators' capacity for effective teaching, particularly in a profession where the demands are changing and expanding.'' Over the last decade, States have been developing standards that are directly tied to academic achievement and performance. S. 1 builds on that movement.

Having a highly qualified teaching force is a major factor in getting students to meet and exceed the standards. While there is near total agreement that strong, capable teachers are very important to a successful educational system, we have done little to help our teachers be at the top of their profession. There are still too many educators teaching outside their field of their expertise. Too often, teachers are offered one-shot, one-day workshops for professional development that do little to improve teaching and learning in the classroom. Professional development activities often lack the connection to the everyday challenges that teachers face in their classrooms. A recent evaluation of the Eisenhower Professional Development program notes that ''the need for high quality professional development that focuses on subject matter content and how students learn that content is all the more

pressing in light of the many teachers who teach outside their areas of specialization.''

Title II of this bill addresses these serious professional development deficiencies. S. 1 draws on the strongest elements of the Eisenhower program while including authority for other initiatives that have an impact on teacher quality. The bill provides flexibility to school districts to address the specific needs of individual schools through activities such as recruitment and hiring initiatives; teacher mentoring; retention; and other long-term professional development efforts. S. 1 prohibits Federal dollars from being used for ''one-shot'' workshops that have been criticized for being relatively ineffective because they are usually short term and lack continuity. In addition, these one-day workshops are often isolated from classrooms and schools which serve as the professional development laboratories.

S. 1 authorizes a major investment of funds, $3 billion, which will be used by school districts to improve the quality of teaching in the classroom. The funding level of the teacher quality section of this bill represents the combining of funds and authorities from the current Eisenhower program and the class size reduction program. The purpose of combining the funding streams is to give school districts the flexibility they need to make the investments that will lead to having a highly qualified teacher in every classroom—ether by using the funds to hire teachers or providing first rate professional development or both. This bill clearly states that Federal funds must be used for activities that will improve teaching and learning in the classroom, including the hiring of highly qualified teachers if that hiring will improve student performance. The decision as to how the Federal funds will be used will be made by the local school district.

My home State of Vermont serves as a good example of success through local decisionmaking. Vermont strongly supports funding for class size reduction. Yet, since the first dollar was appropriated for class size reduction, Vermont sought greater flexibility to use most of the money for professional development activities that would improve the quality of the teacher in the classroom. Because Vermont already had small classes that met the Federal mandated level of 18, a large portion of Vermont's share of the class size reduction monies has been used for professional development.

I want other States to do what Vermont has done if that is what is in the best interest of its students. Reducing class size is important. Having a dynamic, highly qualified teacher at the head of the classroom is of equal or perhaps, even greater importance. Title II of this bill supports both efforts and does so in a manner that allows school districts to come up with their own recipe for improving student achievement and performance. I am opposed to the class size reduction amendment because I believe that local schools are in a better position than we are to determine how best to distrbute funds in regard to professional development and teacher hiring. S. 1 as passed by the committee gives local school districts the opportunity to make the decision about the expenditure of dollars for the purpose of improving their teaching force which will, in turn, lead to overall student improvement.

I see the hour of 12:30 p.m. has arrived.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess——

Mr. WARNER. Mr. President, I ask unanimous consent that the recess be deferred for about 6 minutes so I can address the Senate.

Mrs. MURRAY. Mr. President, if I could just make a 1-minute wrapup before we turn to the Senator from Virginia, I would appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Mr. President, let me state we will have more time, obviously, this afternoon to debate the class size amendment. I appreciate the comments from the chair of the HELP Committee in this regard.

I agree with him. Professional development is extremely critical. That is why my amendment to separate the professional development funds from class size funds is extremely important. We want our schools to have professional development but not at the expense of reducing class size, which we know works. That makes sure Federal tax dollars are spent wisely at the local level—and which is a local decision, I say to the Senator from Arkansas, who spoke earlier.

If a school district doesn't want to participate, they certainly do not have to do so. But for the many schools out there, for 2 million students who have benefited, let's not take it away now. Let's make sure they are in a class size in K–3 that allows them to learn math, science, basic reading, and they are able to succeed in the future.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Chair and my colleagues for their indulgence.

I was greatly taken by the distinguished manager of the bill, Chairman JEFFORDS, and his recognition of teachers. I have here the President's really wonderful message on education entitled ''No Child Left Behind.'' I am sure the chairman agrees with me, if we do not accord equal assistance to teachers, we cannot hope to achieve the goal that no child will be left behind.

Mr. JEFFORDS. I certainly agree with the Senator.

Mr. WARNER. I thank the chairman.

Mr. President, I rise today in support of our Nation's teachers and to say thank you to the over 3,000,000 teachers in this Nation for all of the hard work and personal sacrifices they make to educate our youth.

This week is ''Teacher Appreciation Week'' and today, May 8, 2001, is ''National Teacher Day.'' Today, I will be introducing a resolution in the Senate where the Senate will make the appropriate designations to honor our teachers with this appreciation week and day.

This resolution already has as original cosponsors Senators ALLEN, BROWNBACK, COCHRAN, JEFFORDS, CRAIG, THURMOND, CRAPO, and ENZI. Mr. Coverdell, who unfortunately was taken from us some time ago, introduced a similar resolution in 1999.

How appropriate it is that Teacher Appreciation Week and National Teacher day are upon us as we in the Senate are considering legislation to reauthorize the Elementary and Secondary Education Act.

The legislation that is before us today, the Better Education for Students and Teachers Act—the ''BEST'' Act—is based on a principle put forth by President Bush entitled, ''No Child Left Behind.''

As we move towards education reforms to achieve the goal of ''Leaving No Child Behind,'' we must keep in mind the other component in our education system—the teachers. If we fail to accord equal recognition to our teachers in this debate, our children will be left behind.

All of us know that individuals do not pursue a career in the teaching profession for the salary. People go into the teaching profession for different personal commitments—to educate the next generation, to strengthen America.

While many people spend their lives building careers, our teachers spend their careers building lives.

Simply put, to teach is to touch a life forever.

How true that is. I venture to say that every one of us can remember at least one teacher and the special influence he or she had on our lives.

Even though we are all well aware of the important role our teachers play, it goes without saying that our teachers are underpaid, overworked, and all too often, under-appreciated.

In addition to these factors, our teachers also expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending money out of their own pocket on three types of expenses:

1. Education expenses brought into the classroom—such as books, supplies, pens, paper, and computer equipment;

2. Professional development expenses—such as tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors; and

3. Interest paid by the teacher for previously incurred higher education loans.

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.

Estimates are that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement and increased student enrollment.

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.

Here is an example of such help. On a federal level, we can encourage individuals to enter the teaching profession and remain in the teaching profession by reimbursing them for the costs that teachers voluntarily 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.

With these premises in mind, I introduced, ''The Teacher Tax Credit.'' This legislation creates a $1,000 tax credit for eligible teachers for qualified education expenses, qualified professional development expenses and interest paid by the teacher during the taxable year on any qualified education loan.

I ask unanimous consent to have a copy of my tax bill printed in the RECORD.

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

S. 225

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 TEACHER-Tax Credit Act''.

SEC. 2. CREDIT FOR TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) the qualified education expenses paid or incurred by the taxpayer during the taxable year,

''(2) the qualified professional development expenses paid or incurred by the taxpayer during the taxable year, and

''(3) interest paid by the taxpayer during the taxable year on any qualified education loan.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for the taxable year shall not exceed $1,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in a public elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

''(2) ELEMENTARY AND SECONDARY SCHOOLS.—The terms 'elementary school' and 'secondary school' have the respective meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect of the date of enactment of this section.

''(3) QUALIFIED EDUCATION EXPENSES.—The term 'qualified education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

''(4) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES—

''(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

''(i) for tuition, fees, books, supplies, and equipment required for the enrollment or attendance of an individual in a qualified course of instruction, and

''(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

''(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

''(i) directly relates to the curriculum and academic subjects in which an eligible teacher provides instruction,

''(ii) is designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

''(iii) provides instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented),

''(iv) provides instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in clause (iii) learn, or

''(v) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of the eligible teacher.

''(5) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(e)(1), but only with respect to qualified higher education expenses of the taxpayer.

''(d) DENIAL OF DOUBLE BENEFIT.—

''(1) IN GENERAL.—No deduction or other credit shall be allowed under this chapter for any amount taken into account for which credit is allowed under this section.

''(2) COORDINATION WITH EXCLUSIONS.—A credit shall be allowed under subsection (a) for qualified professional development expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Teaching expenses, professional development expenses, and interest on higher education loans of public elementary and secondary school teachers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. WARNER. Mr. President, this legislation, S. 225, is cosponsored by Senators MIKULSKI, ALLEN, DEWINE, COCHRAN, HARKIN, and ENSIGN. The National Education Association also has endorsed this legislation.

I am not introducing The Teacher Tax Credit Act as an amendment to the education bill before the Senate because, procedurally, it would stop this bill because of the ''blue slip'' taxation procedures in the House of Representatives.

I do propose today a Sense of the Senate amendment on the importance of providing additional tax relief for our Nation's teachers.

This amendment simply states that it is the Sense of the Senate that during the 107th Congress, 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 they incur to improve the education of our Nation's students.

I note that President Bush agrees that teachers should receive tax relief to help defray the costs associated with classroom expense and professional development costs.

The President's education blueprint to the Congress contained a specific reference on page 13. I will read it:

> Provide tax deductions for teachers: Teachers will be able to make tax deductions up to $400 to help defray the costs associated with out-of-pocket classroom expenses such as books, supplies, professional enrichment programs and other training.

The concept is in the President's blueprint. Frankly, with all due respect to President Bush, I want to go a step further and make it stronger, not just a deduction you have to work with and hope you get the money back, but an absolute tax credit on that tax return to take right away off the bottom line. Frankly, I think the $400 falls a little short and I would like to see more.

I also note that Senators COLLINS, KYL, and HATCH have worked diligently on legislation providing tax relief to teachers.

On National Teachers Day, and during Teacher Appreciation Week, I urge all my colleagues to support this important amendment that will put the Senate on record in support of tax relief legislation for our Nation's teachers.

I thank the Chair and my chairman for allowing me to participate at this time in this debate.

I send the amendment to the desk, a sense of the Senate, and I await comments from the Chair. Then I will ask for the yeas and nays.

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

Mr. JEFFORDS. I am aware of your amendment. I also said on the Finance Committee, not only can I assure you it will get notice here, I assure you I will communicate your wishes to the chairman of the Finance Committee and support you.

AMENDMENT NO. 383 TO AMENDMENT NO. 358

Mr. WARNER. Mr. President, I send to the desk my amendment.

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

Mr. WARNER. At the appropriate time, subject to the leadership of the Senate and management, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The clerk will report the amendment by number first.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 383 to amendment No. 358.

The PRESIDING OFFICER. Without objection, the reading is dispensed with.

The amendment is as follows:

(Purpose: to provide a Sense of the Senate regarding tax relief for elementary and secondary level educators)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately $40,582.

(2) The average starting salary for teachers in the United States is $26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average $408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) 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.

Mr. WARNER. I ask for the yeas and nays

The PRESIDING OFFICER. There is not a sufficient second at the moment.

Mr. WARNER. At the moment.

Perhaps I could engage the attention of my two colleagues. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The yeas and nays were ordered.

RECESS

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

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The Senator from Kentucky.

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

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

Mr. MCCONNELL. Mr. President, it is my understanding that I would be recognized to lay down an amendment at 2:15, and I am here to do that.

I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 384 TO AMENDMENT NO. 358

Mr. MCCONNELL. Mr.President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 384 to amendment No. 358.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCONNELL. Mr. President, I rise today to offer an amendment to the BEST Act which incorporates the provisions of legislation I introduced earlier this year, the Paul D. Coverdell Teacher Protection Act. This important legislation extends protections from frivolous lawsuits to teachers, principals, administrators, and other education professionals who take reasonable steps to maintain order in the classroom.

The Teacher Liability Protection Act builds upon the good work Congress began in 1997 when it enacted the Volunteer Protection Act. As Senators may recall, the Volunteer Protection Act provides liability protections to individuals serving their communities as volunteers. After bringing several volunteer protection amendments to the floor through the 1990's and introducing the Volunteer Protection Act during the 104th Congress, I was blessed when Senator Paul Coverdell joined me in helping to steer this measure through the 105th Congress and have it enacted in 1997. Now, we need to extend similar liability protections to our nation's teachers, principals, and education professionals who are responsible for ensuring the safety of our children at school.

Everyone agrees that providing a safe, orderly environment is a critical component of ensuring that every child can reach their full academic potential. Teachers who are unable to maintain order in the classroom cannot reasonably be expected to share their knowledge with their pupils, whether it be in math, science, or literature. Disruptive, rowdy, and sometimes violent students not only threaten the immediate safety of their classmates, they threaten the very future of our children by denying them the opportunity to learn. Unfortunately, teachers, principals, and other education officials share an impediment in their efforts to ensure that students can learn in a safe, orderly learning environment: the fear of lawsuits. All too often, these hard-working professionals find their reasonable actions to instill discipline and maintain order are questioned and second guessed by opportunistic trial lawyers.

Today's teachers will tell you that the threat of litigation is in the back of their minds and forces them at times to act in a manner which might not be in the best interests of their students. A 1999 survey of secondary school principals found that 25 percent of the respondents were involved in lawsuits or out-of-court settlements in the previous two years—an amazing 270 percent increase from only 10 years earlier. The same survey found that 20 percent of principals spent 5 to 10 hours a week in meetings or documenting events in an effort to avoid litigation. This is time that our educators should spend counseling students, developing curriculum, and maintaining order—not fending off frivolous lawsuits.

Mr. President, allow me to illustrate my point with several examples.

In May of 1998, representatives of the Bethlehem Area School District learned that one of their students, Justin Swidler, had created a web site where he solicited money to hire a hit man to kill his math teacher, Mrs. Kathleen Fulmer. According to a local newspaper account, the web site contained images of the principal being shot and ''a picture of Fulmer which changed, or ''morphed'' in to a portrait of Adolf Hitler.'' The site, which bears a name I cannot repeat on the Senate floor, also listed reasons ''Why Fulmer Should be Fired'' and then reasons ''Why She Should Die.'' I think that deserves repeating: The list was not limited to the typical juvenile carping about a teacher. It listed why she should die.

The school district, much to its credit, expelled Justin Swidler. However, rather than encouraging young Justin to take responsibility for his actions, the response of Justin's parents was all too predictable—they hired a lawyer and they sued. First, they sued the school district. Then, they sued the principal. After that, they sued the superintendent. Finally, in the coup de gras of the litigation, the Swidlers sued the teacher whom their son had threatened to kill. I repeat, the Parents sued the teacher whom their son had threatened to kill.

What reasons did the Swidlers give for their suit? they claimed, among other things, to have suffered ''embarrassment, ridicule, humiliation, isolation and severe emotional distress'' as well as financial loss and ''inconvenience.'' The Swidlers wanted the school to pay because they suffered ''embarrassment'' and ''inconvenience'' because their son threatened the life of his math teacher? That is utterly outrageous. The boy's father, Howard Swidler, also claimed his son had difficulty enrolling in a new school because ''teachers wouldn't provide recommendations.'' I can imagine that. The teachers at Nitchmann Middle School didn't want to write a letter of recommendation for this kid who had compared a fellow teacher to Hitler and threatened to have her killed. What nerve of those teachers not to write a recommendation under those circumstances.

These lawsuits and countersuits drug out in the courts for more than 2½ years. During this time, good reputations were besmirched, distinguished careers were ruined, and each party accumulated what we can only estimate to be thousands of dollars in legal bills.

After all of this litigation, who finally won here?

The student didn't win. His expulsion was upheld and worse yet, he learned from his parents that the appropriate way to defend indefensible behavior is to file a lawsuit. That is what he learned.

The teacher didn't win. Upon returning to teaching, she found that the publicity surrounding the case had irreparably damaged her credibility in the classroom, and she was forced to leave her chosen profession.

The principal didn't win. He found himself so thoroughly frustrated and saddened by the toll the incident had taken on his school, he decided to take early retirement.

Justin's classmates didn't win. The school's students were denied resources which should have been used for their education that were instead used to defend the school from a lawsuit.

After all of this, I think the only possible winners in this case were the lawyers who generated 2½ years worth of billable hours, from the Swidlers, the Fulmers, the principal, the school district, and, yes, the students.

Let me give you another example.

Three students in Anchorage, AK, were caught accessing pornographic material over the Internet during a computer class at school. The school, acting within its discretion, removed the students from that class and gave them an F for the semester. However, one of the students had earned a grade point average which placed him at or near the top of his class. Realizing that the F would prevent the student from being honored at his graduation, the student's family hired a lawyer and sued the school.

After a protracted legal battle, the school was forced to withdraw the F in a settlement once the judge warned the school he would likely rule against it. Is this what we want? Do we want lawyers and judges deciding what grades a student should receive or aren't we better off leaving this to the teachers in the classroom and principals in the schools?

Another example: Last year, a high school cheerleading coach in Labanon, TN, required her squad to run some laps during practice. One of the girls objected to this assignment and referred to it as a ''piece of [blank]''. In response to the girl's insubordinate and vulgar language defying her coach in front of her teammates and classmates, the coach suspended her for an upcoming game against Lebanon's arch rival, Mount Juliet High.

Those of you who have been listening closely to my remarks can guess what the girl's family did next. Why, of course, they hired a lawyer, and they sued the coach. What is amazing is that the cheerleader won an injunction against the coach hours before the ball game with the court requiring that she be given the opportunity to cheer. While this case might cause us to chuckle, it points to a real problem. It sends a horrible message to wayward students that school officials don't have any real authority and students don't take any responsibility. If you don't like a teacher's decision or a principal's decision, just hire a lawyer and sue the teacher. Don't listen to your teacher; listen to your lawyer.

These are but a few of the instances in which frivolous lawsuits threaten to undermine discipline in our Nation's classrooms. While each of these cases is troubling, what I find more disturbing are the cases that aren't publicized at all. These are the cases where the teacher or principal looks the other way or decides not to discipline a misbehaving student because of the fear—the fear—of a lawsuit.

Many educational organizations recognize frivolous lawsuits as a problem. That is why the Teacher Protection Act has the support of the National Association of Secondary School Principals and the National Association of Elementary School Principals. I respectfully ask unanimous consent that letters from these organizations be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, Apr. 27, 2001.

Senator MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: The National School Boards Association (NSBA) understands that you plan to introduce an amendment to the Elementary and Secondary Education Act (ESEA) regarding liability protection for school officials who take reasonable actions to maintain order, discipline, and an appropriate educational environment. NSBA is pleased that the amendment extends liability protection to individual school board members.

This provision is necessary because frequently, a student will sue the school district (meaning school board), and then they will sue the teacher, the principal, the superintendent, *and the board members in their individual capacities.* As a result, the school district expends time and money defending these claims brought against school board members acting in their individual capacity. School district budgets are stretched too far, and unnecessary litigation results in less money being spent on educating our nation's students. Providing individual school board members liability protection will reduce litigation costs in local school districts and will also provide for the swift dismissal of suits against individual school board members.

We recognize that this narrow exception may raise concern that professional staff might feel they have a ''free hand'' in the discipline of students. In this regard, it should be emphasized that with respect to school discipline, professional educators are subject to school district policies, court enforceable due process requirements, and in any extreme cases, the criminal code. And when it comes to such areas as criminal conduct and gross negligence, the exemption of this amendment would not apply. In all cases, the school district can still be sued. Accordingly, this amendment retains the limits and deterrence of possible professional error or misconduct through other legal avenues while enabling school officials to do their jobs, without fear of litigation, in rendering their sound judgement in the great majority of situations involving student safety and a sound learning environment.

NSBA supports your effort to provide liability protection to individual school board members and looks forward to the measure being adopted when the full Senate considers ESEA. If you have any questions please contact Lori Meyer, director of federal legislation, at 703–838–6208.

Sincerely,

MICHAEL A. RESNICK,
Associate Executive Director.

NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS,
Reston, VA, Feb. 28, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the National Association of Secondary School Principals—the preeminent organization representing the interests of middle level and high school principals, assistant principals, and aspiring principals—I would like to thank you for introducing S. 316, a bill that provides for teacher and principal liability protection.

As a nationwide survey of principals conducted last year indicates, schools across the nation are eliminating or altering basic programs and activities due to the fear of lawsuits. Twenty percent of those responding reported spending 5–10 hours a week in meetings or documenting events in efforts to avoid litigation and six percent put that number at 10–20 hours a week. At a time when society is heaping greater academic expectations on our schools, we cannot afford to lose one minute, or one dollar, or one school program to frivolous litigation.

There is a growing shortage of qualified candidates applying to be principals occurring at the same time that roughly 40 percent of practicing principals are expected to retire from their jobs within the next five to ten years. A study conducted last year by the Educational Research Service on behalf of NASSP and the National Association of Elementary Principals reflects that two of the three primary reasons that discourage candidates from applying is because the position is too stressful and there is too much time required for the requisite responsibilities. There is no doubt that frivolous lawsuits and activity related to that litigation contributes to the level of stress experienced by principals.

While we applaud your efforts to provide liability protection to teachers and note that the bill's definition of ''teachers'' is inclusive of principals, we believe the title and references contained in the bill should reflect this intent. Principals, as school leaders, are typically named on lawsuits involving teachers.

Sincerely,

GERALD N. TIROZZI, Ph.D.,
Executive Director.

NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS,
Alexandria, VA, March 13, 2001.

Hon. MITCH MCCONNELL,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the National Association of Elementary School Principals (NAESP), representing more than 28,000 elementary and middle school principals, I am writing to express our support for your bill, the Paul D. Coverdell Teacher Liability Protection Act of 2001. If enacted, this measure, S. 316, would be helpful to principals, teachers, and other professional school staff. While we welcome accountability, we are very concerned about the proliferation of lawsuites.

Recent surveys conducted by NAESP and the American Tort Reform Association indicate that there has been a significant increase in lawsuits against educators. Nearly a third of the suits were dropped, about one-quarter were settled out of court, and the remainder were resolved in the principal's favor. Virtually no judgments were found against principals, a fact that leads one to conclude that many of the suits could be described as frivolous. Each time there is a lawsuit, valuable time must be taken away from the teaching and learning process and devoted to legal matters. A principal in Washington State spent more than 100 hours one year on legal work surrounding one special education case. This principal is responsible for a school with 500 students and a staff of 40. Not only do lawsuits exhaust many hours; even worse is the effect they have had on principal-student and principal-family relationships. Principals are increasingly cautious about the decisions they make, including implementing changes in the way students are taught and disciplined. This is obviously a hindrance to effective school reform efforts. The simple act of comforting a child in distress has also changed; no longer do school staff members feel that they can put a hand on a child's shoulder to calm the child down or provide an encouraging pat on the back.

Although your bill's title refers only to teachers, its definition of ''teachers'' clearly includes principals, and we appreciate that. Thank you for your work to turn down the heat, so to speak, and discourage unnecessary lawsuits.

Sincerely,

VINCENT L. FERRANDINO,
Executive Director.

Mr. MCCONNELL. In fact, frivolous lawsuits are such a concern to educators that many teachers unions tout liability insurance as a key reason for joining their union. The Missouri NEA advertises on its website that:

> A $2 million educators employment liability (EEL) policy is the cornerstone of MNEA's professional protection plan. The coverage, automatic with membership, includes up to $2 million in damages and additional payment for legal fees for most civil and some criminal lawsuits arising out of job-related incidents while members are working.

In Texas, where the legislature has already adopted a comprehensive teacher protection bill, the Texas State Teachers Association, TSTA, touts its insurance program as a strong incentive for joining its union:

> For the times when life goes haywire and people are reacting with emotions rather than reason, rest assured that TSTA is watching out for you. Our $6 million liability policy sets a new standard for professional protection and coverage is automatic with your [union] membership.

For my Senate colleagues who question whether or not this is indeed a serious problem, you ought to know that the Maine NEA disagrees with you. This is what the Maine NEA says:

> If something happens to a student in your class, on your bus, or in your area of supervision, you can be sued and held individually liable. By virtue of your employment, you could place your home and savings at risk due to the claims of an angry parent.

However, Maine teachers should not fear, the e-mail continues:

> All MEA members are immediately protected by NEA's $1 million professional liability policy from their first day of membership.

This legislation is structured similarly to the Volunteer Protection Act of 1997 and is nearly identical to teacher protection legislation introduced by Paul Coverdell, S. 1721, in the 106th Congress. Simply put, this amendment extends a national standard to protect from liability those teachers, principals, and education professionals who act in a reasonable manner to maintain order in the classroom. It does not preempt those States that have already taken action to address this problem, and it allows any State legislature that disagrees with these strong protections to opt out at any time. Since the legislation builds on Senator Coverdell's fine work, my colleagues and I thought it would be highly appropriate that it bear his name.

At the same time, it is important to note that this amendment is not a ''carte blanche'' for that minuscule minority of school officials who abuse their authority. The amendment does not protect those teachers who engage in ''willful misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety'' of a student. Nor does the amendment preclude schools or local law enforcement entities from taking criminal, civil, or administrative actions against a teacher who acts improperly. Rather, the amendment is simply designed to protect those teachers, principals, and educational professionals from frivolous lawsuits.

This is not new ground for our colleagues in the Senate. In 1999, the Senate agreed to a similar amendment offered by Senator Ashcroft. During the second session of the 106th Congress, Senator Coverdell successfully included a nearly identical amendment in the Senate's version of the ESEA reauthorization bill. It was approved by this body by an overwhelming vote of 97 to 0. Unfortunately, as we all know, efforts to reauthorize the ESEA stalled on the Senate floor. It is now the appropriate time for the Senate to revisit this issue, and I hope give its full endorsement.

I look forward to working with my fellow original co-sponsors and the rest of the Senate to see that these important protections are enacted into law on behalf of America's hard working and dedicated teachers.

Again, Mr. President, we voted on this in the last Congress. This amendment was approved 97–0. It is my hope that it will be accepted by the Senate this year. It has widespread support on a bipartisan basis and would add greatly to the underlying bill.

I have completed my opening observations on the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the amendment now before the Senate?

The PRESIDING OFFICER. It is the McConnell amendment No. 384.

Mr. REID. Mr. President, I don't know what the unanimous consent request was of the Senator from Kentucky, but I ask unanimous consent that we go back to the Murray amendment that was pending prior to the break.

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

The Senator from Missouri.

AMENDMENT NO. 378 TO AMENDMENT NO. 358

Mrs. CARNAHAN. Mr. President, I commend my colleague, Senator MURRAY, for highlighting class size and the pupil-to-teacher ratio as a key ingredient to educational excellence.

A dramatic increase in the student population in all grades throughout the country has presented a serious shortage of teachers. During the past 8 years, as first lady and now as Senator, I have traveled across Missouri visiting schools in every part of the State. I have spoken with many dedicated educators who are frustrated by having classes so large that individualized instruction is impossible. Teachers do their best under the circumstances, but they are handicapped when those in our communities and government ignore the plight of our classrooms.

Missouri's classroom teachers know that smaller classrooms and more individualized attention to students translates into higher achievement scores, especially for children of low-income families.

Students in smaller classroom settings are more likely to graduate on time and less likely to drop out, and they are more likely to enroll in honors classes and to graduate in the top 10 percent of their class.

It is not only the number of kids in the classroom that concerns me but the physical condition of the classroom itself. Far too many school buildings are in need of repair. Two years ago, the U.S. Department of Education reported that about 25,000 of the Nation's existing school buildings had ''extensive repair or replacement needs.'' The Department estimated that almost 12 million students were attending schools with poor roofing. Another 12 million were in buildings with outdated plumbing, and almost 15 million were in buildings with inadequate heating, ventilation, and air conditioning.

In Missouri's public schools, they face the daunting prospect of some $4 billion in construction needs over the next decade. In addition, 59,000 children in Missouri study in portable classrooms. In Nixa, MO, the Nation's second fastest growing school district, all fourth graders at Matthews Elementary are in trailers behind the school.

Too many of our schools have a crisis of infrastructure. Allowing this is a sad commentary on our priorities in the 21st century. Because I believe that improved classrooms are essential to the future of our Nation, I will vote with Senator HARKIN later this week to provide a Federal investment in school infrastructure.

True, we must demand high standards and rigorous accountability in our schools, but reform can only come with the resources to do the job. It must come with flexibility for States and local school districts to meet their unique needs. Any nutritionist or mother will tell you that it takes good food to grow strong bones and bodies. Likewise, we cannot have strong schools if we starve the educational system.

At a time of record budget surplus, it is our moral responsibility to do what is right for our children. We need a major new commitment to public education. To do less is to falter in our stewardship as elected leaders and as parents and as citizens.

The time is now and the place is here. As the poet, Gabriela Mistral, reminded us:

> Many things can wait, the child cannot. Now is the time his bones are being formed, his blood is being made, his mind is being developed. To him, we cannot say tomorrow, his name is today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CLELAND. 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. CLELAND. Mr. President, last Congress the Senate debated the reauthorization of the landmark Elementary and Secondary Education Act. Unfortunately, that debate ultimately broke down over disagreement on the federal role in education and the course we should pursue to improve America's schools. That debate has now resumed under a new President and a new Congress. Today there is real bipartisan agreement on measures we can take that will lead to a better future for America's public schools and the fifty million students who rely on those schools to provide them with a quality education.

The Better Education for Students and Teachers Act, unanimously supported by the Senate HELP Committee, encompasses President Bush's emphasis on literacy and his laudable goals to improve reading skills in the early grades and among disadvantaged students. Consensus also exists among Republicans and Democrats alike that in order to improve student achievement, we must also improve teacher quality. What teachers know and can do are the single most important influences on what students learn, according to the National Commission on Teaching and America's Future.

And yet today in America, nearly one quarter of all newly hired public school teachers lack the qualifications for their jobs, and approximately the same percentage of all secondary school teachers—25 percent—do not have even a minor in their main teaching field. The BEST bill endorses President Bush's emphasis on the importance of improving teacher quality and his proposal for holding States accountable for providing all students with ''effective teachers.''

This brings us to the core of President Bush's education plan and the bipartisan BEST bill: the creation of a new accountability system which for the first time links Federal funding to school performance. This accountability system includes support for high standards for schools serving disadvantaged students; annual testing in reading and math for all students in grades 3 through 8; public dissemination of school-by-school data on achievement; additional assistance for low-performing schools; and consequences for schools which fail to make needed improvements. With this emphasis on accountability comes a new emphasis on flexibility—providing States greater freedom and choice in using Federal funds to address their own needs and special situations.

Given these important principles of bipartisan agreement, there still remain issues which divide this body—issues which have been discussed forcefully and effectively by Members on both sides of the aisle: the seminal issue of funding, the compelling need to upgrade and repair America's public schools, the priority of class size reduction, to name just three.

Research has repeatedly shown, for example, that class size directly relates to the quality of education. Students in smaller classes consistently outperform students in larger classes on tests, and are more likely to graduate on time, stay in school, enroll in honors classes, and graduate in the top ten percent of their class. I have supported in the past, and will continue to do so, a national effort to hire and train 100,000 additional qualified teachers to reduce class sizes in the early grades. It is an investment in reducing teacher turnover and in improving student performance.

As some Members have noted on this floor, the education bill has evolved from the BEST bill reported out of committee. It is a work in progress, shaped by negotiations still on-going. During debate on S. 1, I intend to offer the provisions of my Immigrants to New Americans Act as an amendment. Information from the 2000 census shows that the impact from a dramatic surge in immigration is transforming the Nation.

This surge in immigration is increasingly challenging U.S. schools and communities from Florida to Washington State. My amendment would provide resources to these communities to help ensure that children with diverse linguistic and cultural backgrounds—and their families—are served appropriately. This amendment is based on legislation Senator Coverdell and I introduced in the last Congress, and it would provide funding to partnerships of local school districts and community-based organizations for the purpose of developing model programs with a two-fold purpose: one, to assist immigrant children achieve success in America's schools and, two, to provide their families with access to comprehensive community services, including health care, child care, job training and transportation. It has widespread support, including endorsement by the U.S. Conference of Mayors, the National Association for Bilingual Education, the League of United Latin

American Citizens, and the National Council of La Raza.

At the appropriate time I will also offer an amendment that addresses the all-important issue of teacher quality. Each school year more than 45,000 under-prepared teachers—teachers who have not even been trained in the subjects they are teaching—enter the classroom. Astounding. We know, too, that those students most in need of help are those who have the least access to quality teachers and teaching. Just consider: Over half of title I resources go into teaching assistant salaries. Yet less than one-fifth of teaching assistants have a college degree, and only 10 percent have college degrees in the nation's poorest title I schools. This is a formula for student failure.

Fortunately, the education bill we are debating acknowledges the well-researched fact that the training of our Nation's teachers is the single most important in-school influence on student learning. The amendment I will offer allows States an additional option of providing funds to innovative collaborations of K–12 schools and institutions of higher learning devoted to professional preparation of teacher candidates, faculty development, the improvement of practice, and enhanced student learning.

The amendment I will offer now addresses the troubling issue of violence in our Nation's public schools. No other event in recent times has so united Americans—from Savannah to San Antonio to Sacramento—as the student shootings in Littleton and Heritage High, and in other schools across the country. There is a consensus in every borough, town and city throughout the United States: Bloodshed in our schools cannot and will not be tolerated.

Therefore, I offer an amendment to the education bill that addresses the critical issue of safety in America's classrooms.

AMENDMENT NO. 376 TO AMENDMENT NO. 358

(Purpose: To provide for school safety)

Mr. CLELAND. Mr. President, I ask unanimous consent to lay aside the Murray amendment we are currently considering in order to send my amendment to the desk.

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

Mr. CLELAND. I send to the desk amendment No. 376 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 376 to amendment No. 358.

Mr. CLELAND. 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 the RECORD of May 4 under ''Amendments Submitted.'')

Mr. CLELAND. Although data show juvenile violent crime decreased in the late 1990s, appearing to counter the predictions of a teenage crime wave, criminologists and policymakers remain concerned about the continued high level of juvenile violence. The tragic shooting at Heritage High School in Conyers coupled with the incident in Littleton, Colorado and the other recent senseless shootings in our Nation's schools serve as terrible indications of the seriousness of the youth violence problem. I have traveled throughout Georgia, speaking and exchanging ideas with students, teachers and parents regarding this critical issue. Although there is certainly no one answer to the problem of youth violence, I believe that an open dialogue among educators, students, community leaders, and law enforcement officials is a crucial first step.

In fact, a report issued by the Department of Education in August, 1998, entitled ''Early Warning, Early Response,'' concluded that the reduction and prevention of school violence are best achieved through safety plans which: involve the entire community; emphasize both prevention and intervention; train school personnel, parents, students, and community members to recognize the early warning signs of potential violent behavior and to share their concerns or observations with trained personnel; establish procedures which allow rapid response and intervention when such signs are identified; and provide adequate support and access to services for troubled students. In addition, the Department of Justice's Bureau of Justice Statistics and the Department of Education's National Center for Educational Statistics found that in 1998, ''students aged 12 through 18 were victims of more than 2.7 million total crimes at school . . . [and they] were victims of about 253,000 serious violent crimes . . .'' Amazing. While overall indicators show declines in school crimes, students still feel unsafe at school.

Therefore, my amendment, the school safety enhancement amendment, which is based on legislation developed in the last Congress by Senator Robb of Virginia, would establish a National Center for School Youth Safety tasked with the mission of providing schools with adequate resources to prevent incidents of violence. The National Center for School Youth Safety would establish an emergency response system, operate an anonymous student hotline, and conduct consultation, information and outreach activities with respect to elementary and secondary school safety. Under my amendment, the center would offer emergency assistance to local communities to respond to school safety crises, including counseling for victims, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

My amendment would also establish a toll-free, nationwide hotline for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior.

Finally, the National Center would compile information about the best practices in school violence prevention, intervention, and crisis management. Specifically, the center would work to ensure that local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime, giving special attention to providing outreach to rural and impoverished communities.

My school safety enhancement amendment would require coordination among three Federal agencies on the all-important issue of safety in our schools. Specifically, it would authorize a total of $24 million in grants by the Secretaries of Education and Health and Human Services and the Attorney General to help communities develop community-wide safety programs involving students, parents, educators, guidance counselors, psychologists, law enforcement officials or agencies, civic leaders, and other organizations serving the community. In order to establish the National Center for School and Youth Safety the amendment authorizes the Secretary of Education to make available $15 million from amounts appropriated to the agency, and the Attorney General to make available $35 million from amounts appropriated for programs administered by the Office of Justice Programs of the Department of Justice, for each of fiscal years 2002 through 2005.

Organizations that support this amendment include the National Education Association, the International Brotherhood of Police Officers and the Georgia Association of Chiefs of Police.

It is essential that we come together as a Nation to provide the necessary resources to support our children at every level and that means providing safe learning environments for all of our children. Therefore, I urge the Senate to support school safety and our children by adopting my amendment.

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered. The Senator from Washington.

Mrs. MURRAY. Mr. President, what is the pending amendment?

AMENDMENT NO. 378

The PRESIDING OFFICER. The Murray amendment was set aside temporarily for consideration of the Cleland amendment. Now the Cleland amendment has been set aside.

Mrs. MURRAY. I assume we are on amendment No. 378, class size.

The PRESIDING OFFICER. The Senator is correct. We are on the Murray amendment.

Mrs. MURRAY. Mr. President, we began the discussion this morning about the very important issue of reducing class sizes in first, second, and third grades. To me, this is one of the most important issues facing us as we debate the Elementary and Secondary Education Act: whether or not we are going to continue our commitment to first, second, and third grade classrooms across this country to ensure students are in a class small enough for them to learn the basic skills that all of us want them to learn: reading, writing, and math.

I see the Senator from Iowa is on the floor. He has been a very strong supporter of reducing class size in early grades.

I yield for him.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first I thank my friend and my colleague on the Education Committee, Senator MURRAY from Washington, for always being in the forefront of this battle to make sure our class sizes are small enough so the kids can learn and teachers can teach. Truly, as I traveled around my State and traveled around the country, visiting different schools in different areas, Senator MURRAY's name has become synonymous with the nationwide drive to get smaller class sizes for all of our kids in elementary school. So I congratulate her for being our champion on perhaps one of the most important steps we can take to ensure success in school.

To hear tell from the administration and from President Bush, some would have you believe the most important thing we could do is test, test, test, year after year, as the most important way to assure success in school. I strongly agree with the need to demand greater accountability but if a teacher has 25, 28, 30 or more kids in a classroom, I don't care how many times you test them—you can test them every month, you can take their temperature every month—you are cheating those kids and you are cheating the teacher because that teacher simply cannot give the kind of hands-on instruction that the teacher needs to give to individual students. So the most important thing is not testing. I will say more about that later. The most important thing is to get the kids early in life.

I know Senator MURRAY was a preschool teacher. It is the most important job she has ever had in her life, I would say. It is more important than even being a Senator, as a matter of fact. And by serving on the school board, she brings the hands-on knowledge about education that so many of us probably lack.

I never taught school, and I have never been on a school board, so I put great weight and great credence on the positions taken by Senator MURRAY when it comes to issues of elementary and secondary education. I think Senator MURRAY has eloquently stated—not just eloquently but backed with the data and the facts—that smaller class sizes lead to better student performance and a healthier atmosphere in our schools. It reduces violence in our schools. When kids are not crowded together, when they have some space and they have that one-on-one with the teacher, their frustration level decreases and they can better learn and better associate with their peers.

In the debate we are going to have on elementary and secondary education, we are all going to have important amendments. I am going to have one on school construction, to help our schools meet that need. But really, when you think about what we need in the earliest years—kindergarten, first, second, third grade—this amendment, I submit, is the single most important. You can have the most modern classrooms in the world; you can have the best buildings; you can be wired for the Internet; you can have all this great stuff; but if you have one teacher teaching 30 kids, it doesn't mean a thing. So this really is the hub around which the rest of this is all spinning.

I have seen with my own eyes what has happened in the last couple of years in my State of Iowa with class size reduction. When you talk with teachers who have had 25, 28 students and they now have 18—I talked to one teacher in Iowa who had 15 students in a first grade class. She thought she had died and gone to heaven. She said: This is why I became a teacher. When I went through college and I got into student teaching, I remember I was in classrooms with 28 or 30 kids. I got out of college and I remember—the first class she told me about, I forget the exact number but it was 25, 26, 27, 28 kids. Now she has 15. She says now she can teach as she was taught in college. You could just see it on her face, just how she felt about her job. You could see it in the kids' faces, too. I will have more to say about that in a second.

This is what we are talking about. This is a picture that says it all. It is a modern classroom. It is well lit, well structured. There is plenty of work space. There are 18 kids. This is the Cleveland Elementary School in Elkhart, IN. That is the kind of classroom a teacher needs, to be able to give the kind of personal attention that a student needs. That is what we are talking about, that kind of classroom.

The Class Size Reduction Program has been a great success. Since 1999 when Senator MURRAY first started this effort, more than 29,000 teachers have been hired and more than 1.7 million children are benefiting because they are in smaller classes. Yet the bill we have—and I might say the budget we are going to be voting on tomorrow—will not allow us to continue this program. This is not the time to abandon the national commitment we have had in the past to reduce class size across America.

As I said, we have the data. We have the research. It has confirmed what we intuitively already knew, what students knew, what teachers knew: smaller classes boost student achievement. They get better grades.

We also know that minority students especially perform better than their peers in larger classes. The news release was put out on August 6 about Project STAR, the Student-Teacher Achievement Ratio. It is a Tennessee study. It tracked the progress of 11,600 elementary school students and their teachers comparing those who were randomly assigned to smaller classes—13 to 17 students for grades K–3—with those randomly assigned to larger class sizes—22 to 25 pupils—or regular size classes with a teacher's aide.

All the students were in regular-sized classes from the fourth grade on. So, again, they compared the students in the smaller class sizes, 13 to 17 students, with students who were in classes that had 22 to 25 students. What they found was smaller classes have a greater effect on African-American students than white students. While students were in smaller classes, the black-white gap in achievement fell by 38 percent. That is significant, 38 percent. And it remained 15 percent smaller after the students returned to normal-sized classes after the fourth grade.

While they were in kindergarten through third grade, the gap between the score achievement results for students between black and white increased by 38 percent. Even when, in fourth grade, they went into regular size and bigger classes, it was 15-percent smaller than for those who were never in smaller classes.

Again, what we all know is if you get to them early in life and you give them good instruction and good teaching and good support, it carries on. If you cheat them out of that early in life, that also carries on.

How many times do we have to learn around here that patching, fixing, and mending will get you a little bit, but to do it right in the first place in kindergarten, first, second, third and, I submit, even in preschool, means you don't have to patch and fix and mend and repair later on, and you are much further ahead.

That is what this study shows. This was not just a small study; this was 11,600 students. The study says that smaller pupil-teacher ratios can account for almost all of the narrowing of the black-white gap since 1971 as measured by the National Assessment of Educational Progress exam.

The study says smaller classes increased the likelihood that black students who take the ACT or the SAT college entrance exams grew from 31.8 percent to 41.3 percent, a sharper increase than among white students, which grew from 44.7 percent to 46.4. If all students were assigned to a small class, the authors of the study wrote, the black-white gap in taking a college

entrance exam would fall by an estimated 60 percent.

Think about that. If all students were assigned—they are extrapolating, I know. We have the study of 11,600. If you extrapolated that out, the black-white gap in taking college entrance exams would close by an estimated 60 percent.

When we talk about not leaving kids behind, let's face it. What are we talking about? Under the Bush budget that we see coming down the pike and we will be voting on tomorrow, he says leave no kid in the suburbs behind. Leave no kid behind who has well-heeled parents, or parents who are Senators, Congressmen, Presidents, or CEOs of major oil companies, or law firms. Let's face it. We have good public schools. We are talking about the kids who have bad schools and poorly trained teachers. Yes, we are talking mostly about minority students.

As we talk about trying to leave no kid behind, we should be talking about not leaving behind those who are at the bottom of the economic ladder. That is really what we are talking about. You don't leave those at the top of the ladder behind. They are never left behind. We make a good living here. Our kids are never left behind. The sons and daughters of CEOs, of corporation lawyers and lawyers downtown and college teachers are never left behind. The sons and daughters of those who are new Americans, many of them immigrants who come to this country, and the African Americans who have been denied the opportunities for education in our country for as long as they have been here on our shores—and that goes back 400 years—is what we are really talking about, not leaving kids behind who are at the bottom rungs of the ladder.

If that is what we are talking about, then we need smaller class sizes because the study shows they are the ones who benefit the most. Everyone benefits for smaller class size. Don't get me wrong. But those who are minority students who come from the low socioeconomic strata of America are the ones who benefit the most.

The teen birth rate for those assigned to smaller classes is one-third less among white females and 40 percent lower for black teenage males.

Crime: Conviction rates were 20 percent lower for black males who were in smaller classes than their peers who were in regular size classes.

Perhaps these aren't statistically absolute, but statistically they show trends and what happens when you have smaller classes.

Again, we are talking about not leaving any student behind. This is really the hub of it. There is the center of the universe. A lot of it is spinning around out there in terms of having better schools and better trained teachers, better equipment, wired to the Internet, accountability, and testing. All of that is sort of spinning around out there. But in the center of all of it is how many kids per teacher are in these earlier classes. You can have the best trained teacher in the world. If you put him or her in a class of 30 kids and they can't teach well, those kids are going to be cheated.

This is really the amendment to say whether or not we really care about leaving any children behind.

As I said earlier, I have visited many schools in my State in the last couple of years since we started the class size reduction program. The enthusiasm and the support among the teachers, the principals, and parents is incalculable. Time after time they were saying, thank you; it is about time we were doing this.

Last month I held two appropriations field hearings in Iowa. I heard from a lot of people about all aspects of elementary and secondary education. But I think the most poignant testimony had to do with class size reduction.

Jolene Franken, president of the Iowa State Education Association, has 30 years of teaching experience in Iowa elementary schools. This is what she told me:

> Try teaching 30 students versus 20 students and see how much individual help you can give to students. . . . In order for teachers to do their best, they must know their students' needs, learning styles, strengths and weaknesses—these things are impossible with large class sizes.

Sherry Brown, Cedar Falls, testified on behalf of the Iowa PTA. She said:

> The advantages of small class-sizes in the early grades on overall academic achievement are well documented, but the advantages also include improved parent involvement. When teachers have fewer students, they have fewer parents with which to communicate and are able to confer with them more frequently.

Maybe that is something some of us haven't thought about. After what Sherry said, I thought about it. It stands to reason that we want parents more involved with their kids' education. A lot of that has to do with the teacher talking to these parents and getting the parents involved. When you have a huge class and 60 parents, it is very hard to communicate with all of them. Cut that down by a third or more. Then you can see what Sherry Brown was talking about. They can talk to the parents more frequently.

During a visit to Starry Elementary School in Marion a while back, I spoke with Reggie Long, a first grade teacher for 30 years. She told me she really appreciated the smaller classes. She said:

> It's nice because I can give individual attention to the kids. We just give them so much academically now. If you don't give them individual help, they can't succeed and we can't succeed as teachers.

The superintendent of the school district said:

> The key to effective teaching is getting to know the students and parents.

William Jacobson said that it is easier when teachers have fewer students in their classes.

Two years ago, Angie Borgmeyer, a teacher in Indianola—my home county—had 27 students in her second grade class. I visited her last year, and because of class size reduction, she was down to 21 students. She thought it was still too many, but she said 27 was way too many. She said:

> It's very difficult with that many students. When you're trying to teach them to read and give them basic arithmetic, you need to be able to do it in a small group and give them individual attention.

She pleaded with us to continue the program because her goal was to get down to 18 students, where she believes she could really then fulfill her obligation and her commitment to being the best teacher possible.

The Class Size Reduction Program is simple. It is flexible. It is popular. So I, for one, cannot understand why we are having a problem. Is it budgeted? It can't be the budget. The budget has $400 billion in some contingency fund—$400 billion—for the next 10 years. So it can't be a budgetary matter. We have a surplus out there. We are going to give tax breaks, they tell me, to a lot of people. People who make over $1 million a year are going to get tax breaks. So this is not a budget item. It is not that we do not have the money to do this. We do. It is a matter of priorities. That is all it is, a matter of priorities: what do we want to do?

Last week, with the help of Senator JEFFORDS, Senator MURRAY, Senator HAGEL, and others on both sides of the aisle, we adopted an amendment that appropriated $181 billion for special education over the next 10 years to help us meet our goal of providing at least 40 percent of the average per pupil expenditure. We did that. And there is money to do that.

So it seems to me that, again, in our actions we could ask: Is that a priority? Yes, it is. Certainly it is a priority.

A few minutes ago I said that perhaps the biggest beneficiaries of smaller class sizes are our minority students. I take it back. I misspoke. The biggest beneficiaries of smaller class sizes are our students with disabilities—our kids who have special needs, who no longer are warehoused and pushed into institutions but are now living with their families and are going to their neighborhood schools with their friends and their neighbors, but they have special needs.

They may be physically disabled. They may be mentally disabled or a combination of both. But would anyone stand in this Chamber and say it is time to turn the clock back? That those kids should not be in the classroom? That we ought to go back to the old days that I know a lot of us remember, when kids with disabilities were sent across the State to some institution, deprived of the support of their families, deprived of their friends and their neighbors, simply because they had one disability or another? I bet there isn't one Senator who would stand in this Chamber and advocate that. I do not think there are too many

people in this country who would advocate that.

We have come too far. We know that both the kids with the disabilities and the kids without the disabilities benefit from this interaction in our classrooms. We have seen it. We know it.

The kids without disabilities become more sensitized. They become more understanding. As I have said many times in dealing with this issue of education and disability, when you put such kids together early on, then the fact that they are going to later associate in the workplace with someone who has a disability is no big deal.

When we first passed the Americans with Disabilities Act, more and more people with disabilities started getting into the workplace. I spoke in this Chamber many times and said: I know what people are saying. They are uncomfortable around people with disabilities. They don't know what to do. They don't know how to act. I have always said: Just be yourself. You'll be far ahead. But I understand that.

To break down that feeling of being uncomfortable or not being able to associate with people who have disabilities, put all children in school together. Let them play together. Let them grow up together. They will find that it is no big deal. So it helps kids with disabilities and kids without disabilities. It helps all of society.

What am I getting to in talking about this? I guess what I am getting to is that we put all this money into special education, to help our local school districts meet their obligations to educate kids with disabilities, but the biggest beneficiaries of small class size, I would submit, are those kids with disabilities.

If you have a big class, how much attention is that student with special needs going to get? If you have a smaller class, the teacher can pay more attention to both the minority students and the kids with disabilities.

So I correct what I said. I think the biggest beneficiaries of smaller class size maybe are not minority students but kids with disabilities. It seems to me, if we want to back up what we did last week, in providing the funds for special education, this is the amendment with which to do it, to make sure we have smaller class size.

Maybe this isn't the time, but I am constrained, nonetheless, to talk a little about an issue because it is going to come up—I anticipate that it will come up—and that is the whole issue of discipline and discipline in our schools.

It is a major issue. I am not in any way denigrating it nor saying the problem isn't there, that it does not exist. Of course it does. Any of us who have put kids through school know that it is an issue. But time and time again, when I have looked at the issue of discipline, especially when it concerns children with disabilities, who are under an individual education program, an IEP—which qualifies them under the IDEA program—most often, the discipline problem arises out of the frustration that this young person with the disability has because their special needs are not being attended.

I remember a classic case one time where we had a deaf child, a deaf student, in a classroom and they were using visual aids, television. The kids would watch television as part of their learning program. I don't know whether it was ''Sesame Street'' or whatever. I am not certain what the program was. After a few days of this, the student who was deaf began to act up and throw things, hit other kids, became disruptive. What was the first impulse of the teacher? Get that kid out of class. The kid is becoming disruptive; I can't handle him.

They pointed out that the reason the kid was disruptive was because he didn't understand what was going on on the television—they didn't have closed captioning—because he had been deaf since birth. He had trouble speaking. So he was acting out his frustration by being disruptive in school. But when they fixed the problem, they put in closed captioning, it was amazing; the discipline problem went away.

You are going to hear more about this issue of discipline. Keep in mind how frustrated and angry some of these kids who have special needs and disabilities got, and they are not being supported so that they can get an appropriate education.

Again, I come back to my point. If we have smaller class size, the teacher can pay more attention to the student with special needs. Any way you measure it, I believe this amendment before us now is the key to having healthier, happier, more productive students, students who will go on to achieve more. The idea that somehow if we are going to test later on—we are going to test from the third to the eighth grade—we are going to test every year now, that somehow this is going to make them better students, there is a place for testing—but not without the support of the funding for it, though—if you don't have smaller class size, this testing isn't going to mean a thing. That is why we have to adopt this amendment.

I don't suppose the camera can pick these up. I had some other items here that were sent to me. Here are some second grade kids in McKinley School in Des Moines who made some posters for me, talking about how they felt with smaller class size.

Here is one that said: ''There are more books and time to spend with adults.'' That is a second grader who wrote that.

Here is another one. I like this one. These kids are all standing in line to go into the library, and this student said: ''It takes less time to do things.''

Smaller class size means they don't have to stand in line so long to get their books. This is looking at it through the eyes of second graders who have seen what it means to be in smaller classes.

I like this one. This is Chelsea. Chelsea says: ''There is more space in my classroom.'' The kids aren't crowded together. Think what it means to a child to have a little bit of space; they are not all crowded together. It means a lot to us, too.

Here is another one. This is Miguel Gonzalez. He says: ''We are not crowded.'' And you can see all the kids are happy. They all have smiling faces.

This is from Tony. Tony says: ''More books so I can learn easier, from the library.'' I assume he means he can get more books so he can learn easier because it is not so crowded. He is reading a book about space, he wrote there. That is a second grade kid.

Here is one; this is Gentrie. Gentrie says: ''I can spend more time with the teacher.'' Here is the teacher saying, ''Hello, Gentrie.'' And here is Gentrie saying, ''Let's talk.'' A second grade kid, through this picture, says: ''Hello, Gentrie.'' She says, ''Let's talk.'' With smaller class size, Gentrie can talk to her teacher.

That kind of sums it up in terms of the Murray amendment and what it means.

We are going to have a budget conference report, I guess, tomorrow. We put $320 billion into that budget. Senator JEFFORDS and others, Senator SPECTER, Senator CHAFEE, had all voted to put more money into education. We had over $300 billion that we put in for education over the next 10 years. The Bush budget had $21.3 billion for 10 years. We said that is not enough. So we boosted that to $320 billion over 10 years.

The House, interestingly enough, had passed the budget with the President's figure of $21.3 billion in education over the next 10 years, an increase. Usually when we pass something here and they pass something different in the House, we go to conference and compromise somewhere between the two. We passed a $320 billion increase in education over 10 years; the House passed a $21.3 billion increase over 10 years. You would have thought that maybe we would have a compromise somewhere in the middle. The conference report has come back with has a zero increase for education. They didn't even take President Bush's $21.3 billion, as meager and penny pinching as that was. They zeroed it out.

So the money we put in for education, the budget conference that we will consider later this week a zero increase, zero. What they did was they took all the money and put it in a contingency fund, $400 billion in a contingency fund for 10 years. That pot of money can be used for anything, as I understand it. It can be used for anything we spend money on. So that means education is sort of put down on the level with everything else. It is not that important. We will just put it down with everything else. But this Senate, last week, said education was more important; that it deserved to be increased by over $300 billion over the next 10 years. Later in the week we will have a budget conference report

that says: No, not only will we not even put in the President's $21.3 billion increase; we will put in a zero increase for 10 years.

That is why I believe it is so important for us to have a strong vote on the Murray amendment for class size reduction. Once again, we have to tell those budget negotiators that what they did is totally inadequate, if we are really going to meet the needs of education over the next 10 years.

That is why I am hopeful we can have a good, strong vote on the Murray amendment. We know the figures. We know the facts. We have the studies. We know what smaller class size means. If we just stop and think to ourselves, think about our own educations and our backgrounds, it is just common sense. We really don't need a lot of study. Sometimes just good old-fashioned common sense tells us what we ought to do, that a smaller class is going to mean more individual attention. As Gentrie said, she would talk to her teacher more. Teachers can talk to parents more. Common sense says we have to do it. We have to have smaller class size.

I guess the second question is, Can we afford to do it? Well, when you have $400 billion sitting in a contingency fund, nonallocated, for 10 years, I say yes, we can. We were talking about $1.6 billion last year. This amendment is $2.4 billion. Let's see, if I am not mistaken, that would be about one-half of 1 percent, roughly, of what is in that contingency fund. Can we say we can't use some of that money to reduce class size? I think we have to follow common sense around here and recognize that, yes, we have the resources; yes, we are a rich enough country; yes, we have the money to do this; and we ought to do what is right.

We ought to adopt the Murray amendment and continue what we have done for the last couple of years, which is working. We know it is working. The parents love it, as do students and teachers. We know it is going to benefit the kids of America. Why stop now? I think the answer is, don't stop it now; keep it going. Keep reducing class size. Let our teachers teach the way they want to teach and our students learn the way they want to learn, in close relationships. We will have healthier and better schools in the future for America.

I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senator from Virginia be allowed to proceed as in morning business for 5 minutes.

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

Mr. ALLEN. Mr. President, I will simply say the compassionate speeches we have heard are interesting and certainly true. Earlier today we had Senator KENNEDY's amendment, which will give billions of additional dollars to localities for teachers so that children can have more individualized attention, or whether it is paying teachers more, or for teacher development, or stipends. That is a very good idea to empower local school boards to meet local needs as regards teachers.

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

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise, first, to support the amendment by the Senator from Washington regarding class size reduction. This is a very important amendment. It is one that will result in $13 million of additional funds coming to my State of New Mexico in fiscal year 2001.

It is a very important initiative and one that I hope very much we can adopt as part of this bill.

I want to also speak more generally about the legislation that is before us and begin by complimenting Senator JEFFORDS, the chairman of the Health, Education, Labor, and Pensions Committee, and the ranking member, Senator KENNEDY, as well as our staffs for the fine work that has been done on this bill. It is an honor for me to serve on that committee with them and to have participated in the development of this legislation.

This legislation, the Better Education for Students and Teachers Act, contains many provisions that I support and many that I have advocated for some period of time. I am especially pleased with the new accountability requirements that are in title I of the bill and throughout.

The bill also maintains several of the most important programs that are targeted to specific problems that we see in my State of New Mexico and many other States.

For example, the bill makes a strong commitment to reducing the very high dropout rates that currently affect many in our schools. The bill includes a measure to ensure that all teachers are well equipped to use new technologies in their classrooms, to incorporate it into their teaching to expand opportunities for students in every school.

There are also provisions in the bill to encourage more advanced placement instructions to raise the level of academic performance in our high schools and middle schools leading into those advanced placement courses at the high school level.

Clearly, the centerpiece of the bill is this section related to accountability. For the first time, States and school districts and individual schools will be held accountable for improving the academic performance of all students.

I am pleased the President adopted many of these accountability measures. Senator LUGAR and I introduced a bipartisan bill earlier this year. Many of those provisions now are contained in S. 1.

Implementation of tough and mandatory accountability standards is now a bipartisan effort. I feel very good about that. What we are implementing in this bill is a rigorous accountability system that demands results from all students, including those whom we have previously classified as disadvantaged students.

I want to take a minute to summarize the key components of this new performance-based accountability system.

The bill ensures that Federal funds will be directly tied to gains in student performance and, most importantly, it ties these funds to increased student achievement for all children. The accountability system incorporated in the bill goes a long way to ensuring that a primary goal of Federal funding is the elimination of the existing achievement gaps between disadvantaged and advantaged groups.

The components of the accountability system include:

First, raising standards for all students and providing an objective measure for that progress which can be effectively implemented through a grading system for States, school districts, and schools.

Second, focusing on the progress of disadvantaged students by setting separate goals for their achievement so schools must either show gains for those groups or be labeled as failing to make adequate progress as intended under the grading system.

Third, identifying schools that are failing to meet their goals in a timely manner so they can receive the additional resources and support to help those schools turn around; also, there are strict consequences if that failure turns out to be chronic.

Fourth, working to ensure that every class has a qualified teacher and that low-income and minority students are not taught by unqualified teachers at higher rates than other students.

Fifth, providing an expanded role for parents by expanding public school choice, establishing school report cards to inform parents about the quality of their schools, including the right to know their teacher's qualifications.

I do believe these strong accountability provisions in the bill are the right thing to do. They will improve academic achievement of all students, and I thank the chairman of the committee, Senator JEFFORDS, and the ranking member, Senator KENNEDY, and the administration for joining in promoting these tough new standards.

I also thank and acknowledge Senator LIEBERMAN and Senator Bayh for the important role they played in supporting these strong accountability standards.

I am also glad the committee included three other important measures in the bill as it was reported. The first is the dropout prevention program I mentioned earlier. The second will help train teachers in the use of technology in the classroom. I also mentioned that. And the third expands the opportunities for students to take advanced placement courses while in high school. That I also mentioned.

All three of these measures have broad bipartisan support. All were adopted unanimously in the committee. The dropout program makes lowering the school dropout rate a national priority.

Parenthetically, lowering the school dropout rate was one of the original goals former President Bush and the 50 Governors agreed upon in Charlottesville in 1989. Including it in this legislation is extremely important.

It is well known that the failure to acquire a high school diploma is one of the greatest barriers to future employment, earnings, and advancement. High school completion rates remain distressingly low in many communities across this country and, unfortunately, in many communities in my State of New Mexico.

The problem is disproportionately greatest among the minority and low-income students. Over 3,000 students drop out of school each day. Hispanic youth are nearly three times more likely to drop out of school as their Anglo classmates.

It does not need to be this way. There is now strong evidence that efforts that are focused on students most likely to drop out, especially at the ninth grade level, can dramatically improve the odds that those students will finish high school.

For example, in my State of New Mexico, Cibola High School in Albuquerque is using just such a focused effort and a small Federal grant to reduce its dropout rate from 9 percent to less than 2 percent in just 4 years. Last year, 86 percent of their ninth grade students earned all of their credits and moved on to the 10th grade.

The purpose of these dropout provisions in the bill is to try to duplicate Cibola High School's success at schools across the Nation.

There are three parts to the dropout program that are included in the bill. First is the creation of a national clearinghouse to get out information on research, best practices, and available resources to help schools implement effective dropout prevention programs.

Second, the bill establishes a national recognition program to spotlight schools that do successfully reduce the dropout rate.

Third, the bill authorizes a grant program to help schools implement proven approaches to reduce dropouts and put in place prevention programs.

I do believe that dropout prevention needs to be a national priority. The need for this program is underscored by the President's increased emphasis on annual testing which is sure to raise concerns that dropout rates will increase as States try to meet their academic performance goals. This is a real danger, that students who are not doing well in the tests will be the ones most likely to drop out. With all the emphasis on test scores, States will not have any incentive to focus resources on keeping these kids in school. That is why the dropout prevention provisions in the bill are so important.

In addition, I believe it is critical that States be required to set goals to reduce those dropout rates and report their dropout rates along with their annual test scores.

Senator HARRY REID of Nevada has been a long-time champion on this issue and has cosponsored this dropout bill provision with me. I thank him for all his good work.

The bill also includes provisions from a bipartisan Technology for Teachers Act, that I introduced along with Senators COCHRAN, ROCKEFELLER, and ROBERTS. Technology does promise to transform education. Unfortunately, too many of our schools do not take full advantage of this opportunity simply because the teachers have not been properly trained to use the technology.

I am pleased this bill includes our measure to continue the successful ''Preparing Tomorrow's Teachers to Use Technology'' program. The program provides grants to consortia of schools of education and State and local education agencies to develop teacher preparation programs to ensure that new teachers have the tools they need to take full advantage of new teaching technologies in their classrooms.

Another important new measure included in the bill is the Advanced Placement Program. This bipartisan program is cosponsored by Senators Hutchison and Collins. Advanced placement programs provide high school students with challenging academic content. They raise the bar for academic standards. They allow students to earn valuable college credits. I believe it is very important that the Federal Government support efforts to expand this program.

We have a superb example of what can be done in advanced placement instruction in Hobbs High School in my home State. It increased the participation rates in advanced placement instruction by 550 percent in just 3 years in that school district. A statewide program in New Mexico that helps low-income children pay for the cost of the tests has helped boost participation by 74 percent for Hispanic students, 300 percent for African Americans, and a remarkable 950 percent for Native American students. This is an important provision and one I feel very good about seeing in this bill.

I also believe S. 1 is a good bill and reflects a strong bipartisan basis for fundamental reform of Federal education programs. I hope we can maintain this spirit of bipartisanship that has been able to prevail. I am a cosponsor of Senator MURRAY's class size amendment. I strongly urge the Senate to vote to include that in the bill.

I will also be offering two amendments to deal with an issue I believe the States are not in a position to properly address. The first addresses the issue of school security and basic student and teacher safety. Senator TIM HUTCHINSON is a cosponsor. The other amendment is to expand a successful pilot program to create small learning communities within larger schools, the so-called schools within schools. Both of these have passed the Senate before. I am hopeful the Senate will agree to include them in this BEST bill.

I would like to conclude with one final point. I do think it is important for all Senators to remember this is an authorization bill. I expect it will pass with bipartisan support. But the real proof of the will and determination of this Congress to improve education will come in the appropriations process.

On the one hand, President Bush has imposed a variety of new requirements on the States including annual testing, but on the other hand the administration's budget, at least so far, does not provide significant increases for education. I support many of the proposed reforms, but so far I have failed to see the commitment of resources needed to make those reforms possible. I, for one, intend to be speaking out. We need appropriate funding levels for education this year and for each of the years covered by this 7-year authorization bill.

I do believe that much of what we are proposing in this bill will not be successful unless we are willing to make the full investment of Federal funding required. What is called for now is an investment in our children's future, an investment I believe our children deserve.

I thank the chairman of the committee, Senator JEFFORDS, and Senator KENNEDY, and their staffs for their fine work. I look forward to continuing to work with them and the other members of the committee as this bill moves from the Senate floor and into conference. I hope we will soon see this important legislation signed into law and appropriately funded.

I yield the floor.

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

Mr. BIDEN. Mr. President, I rise to support Senator MURRAY's amendment.

I make an observation at the outset. I do think this amendment suffers in one sense. It suffers from the ''not invented here'' syndrome. That is, I have not heard anybody yet—I am hopeful to hear it—come forward and say why smaller classes are not better and why the United States of America and the Federal Government should not help in accommodating most States and counties and cities change individual classrooms to smaller sizes.

Maybe there is something of which I am unaware. I am anxious to hear it. I have been listening back in my office to this nondebate debate because everybody seems to be for it, based on what is going on, other than an oblique reference that is not good from one quarter. But other than that, I have not heard why smaller classes are not better.

I am amazed any Senator would come to the floor of the Senate to argue that reducing class size is not good for children. Occasionally we run across those things that are so obvious on their face there is no debate about it. I do not know anybody—educator, noneducator, able to read, not able to read, with a Ph.D., with just a high school education—I do not know anybody who would make the argument that if you are given the same teacher, competent or incompetent, that teacher is more likely to get more information in the heads of the children in his or her class if there are 2 students than if there are 5, if there are 5 instead of 15, if there are 15 instead of 45. It just is so self-evident.

Results from both standardized tests and from curriculum-based tests show students in smaller classes continually outperform those same students in larger classes. These results span urban and rural schools, among low-income and wealthy students. In fact, when class sizes were decreased for minority students, their achievement rates doubled—that is right, doubled.

There are certain things I do not know why we spend so much time debating, they are so self-evident, such as the idea that we would be better off in this country and more likely to raise the achievement level of all our children in direct proportion to how many children had to compete for the teacher's attention.

Children would lose a lot if everyone had Plato as a teacher because they would not learn to interact with other children; they wouldn't be involved in sports; they wouldn't learn social skills. But, my Lord, does anybody think they would not learn more information if they had one brilliant teacher and one brilliant student, no matter how slow and how fast?

Everybody knows this. The question is whether or not we are willing to put our money, as a priority, on what we say is the single most important task facing this country—education of our children.

I ask anybody within listening distance of this microphone, on television or on radio, to ask themselves the following question—by the way, I teach. I taught as a student teacher when I was in law school to make money to get through law school. I now am a professor at Wyden University Law School, teaching an advanced course in constitutional law for two or three credits, depending on the semester, for the last eight or so semesters.

You don't have to know rocket science to figure this out. They tell me there are about 190 young people who try to sign up for my class every year. Because it is a seminar, it is limited to no more than 16 or 17 students, although I might note parenthetically that the school started putting 25 and 28 in my class. I finally went to the dean and said: I think it is too large. He said: Well, I guess you are right. And they decided to put fewer students in the class. They changed the schedule to a Saturday morning, and it became inconvenient at the last minute. So for the last two semesters I have only had five to eight students. I promise you, as bad of a teacher as I am, when I had 5 students in my class, they learned a lot more than when I had 15, even in a targeted seminar.

My wife has been a schoolteacher for the last 22 years. She can tell you, as any teacher in a public or a private school—she taught in the public school; now she teaches at a junior college—that everything changes when you have fewer students—everything. Discipline problems change when you have 5 students as opposed to 10; or 15 as opposed to 45. Everything changes. The student who is self-conscious, or the student such as I when I was a kid who stutters, is much more likely to raise his or her hand with a small class than with a big class. The kid who raises the devil or is shy is likely to engage more in a small class than a big class.

I don't get this. I don't understand why this is even a debate. I really truly don't.

Some of my conservative friends believe in the devolution of power, which is the new, as they say, paradigm for Government. It is a fancy word of saying the Federal Government has no responsibility.

If you conclude that the Federal Government has no responsibility to deal in any way, directly or indirectly, with elementary and secondary education of our students in the States and localities, then I accept your ''no'' vote as being based upon a rational principle. I disagree with your principle, but it is rational. It is rational to say the Federal Government should not be involved at all; ergo, I am against 100,000 teachers. I got that. I figured that out. There are some in this body, many at the Cato Institute, and many at the Heritage Foundation who believe that. I think many of the people, including President Bush, may believe that. I don't know. But I understand that.

However, I do not understand anyone making the argument that the distinguished Senator from Washington is wrong—if I am not mistaken, she used to actually teach—when she says that it is easier to communicate information, build confidence, and encourage involvement when you have a smaller class than when you have a larger class.

Why do you think we pay so much money to send our kids to private universities as opposed to public universities? I went to a public university. I am very proud of my university, the University of Delaware. My son went to a large law school. In our State, we don't have a large public law school. My son went to Yale. He had five, six, or seven in his class. The fact is, I didn't get into Yale. Thank God I have a smart son.

But all kidding aside, why do you think we pay all this extra money? Many of these brilliant young people sitting behind us and the ones who advise us went to those schools. They went there because, in part, of the teacher-pupil ratio.

Why do you think when you send your kid to a university and you get that little book, which we all learn—there is a book that gives the ratings of all the colleges—why do you think, in addition to telling you the size of the library, the size of the student body, the endowment, and how many Nobel Laureates they have, part of the rating of whether they are a good or a bad school is based upon the teacher-student ratio?

I get confused here. Maybe I am a little slow. But if, in fact, it matters when you are a 22-year-old doctoral student to have a smaller class, tell me why it doesn't matter when you are a 7-year-old first grader? I don't get this. I think we need a little bit of truth in packaging here.

This is not my legislation. I am a follower. But I am ready to be a soldier. I hope someone will come to the Chamber and debate with us about why smaller class size is not a good idea.

Good. Maybe my friend is about to do that. I would love to have that debate.

Simply put, smaller classes can dramatically improve the quality of a child's education, whether they are slow, or fast, or whether or not they are the brightest candle on the table. All of them will benefit marginally more by a smaller class.

We began this initiative under the leadership of the Senator from the State of Washington 3 years ago in an attempt to reduce class size in grades 1–3 to no more than 18 students. I cosponsored that amendment with Senator MURRAY in her effort to continue this program in subsequent years.

I would like to think that the 100,000 teacher initiative would be as successful as the 100,000 cops initiative that I authored in 1994. I don't think it is an accident that overall crime has gone down 7½ percent per year because we added 100,000 cops on the streets in addition to other initiatives. The Federal Government has no strings attached in terms of having any control over the cop any more than having any control over the teacher. The State, the district, and the locality control that teacher. But as we say, there are certain national priorities.

No child should be left behind. One of the ways to make sure no child is left behind is to do just what every parent does in the supermarket or department store: Don't let go of her hand. Don't let go of his hand. And if you have 45 students in the class, you can't hold all their hands, figuratively speaking.

So the degree to which you want to be assured that children are left behind, increase class size. The degree to which you want to diminish the possibility of any child being left behind, reduce class size.

Both the cops and teachers programs focus on putting resources where they

can be most effective. For cops, it was the street. For teachers, it is the classroom.

In the first year, more than 29,000 teachers were hired. Now about 1.7 million children are directly benefiting from smaller classes.

In my home State of Delaware, a small State, our schools rely on this program to fund 115 teachers statewide.

While that may not seem to be a lot to some of my colleagues, those additional teachers can, and do, have a great impact in a State as small as mine. I debated the Senator's legislation on, I believe it was, ''Meet the Press'' about a year ago with the distinguished and serious Governor of the State of Pennsylvania, who was making the case that President Bush did not like this program. He pointed out—and I will ask permission to amend this figure in the RECORD if I am wrong—my recollection is there were a couple thousand teachers in Pennsylvania or 1,800. It was a big number.

I turned to my friend on that show, the Governor of Pennsylvania, and said: Well, then, I assume the Governor of Pennsylvania would like to send back the money. You don't want the teachers? They don't make a difference?

So I suggest that any Senator who is opposed to this program should stand up and in good conscience say: By the way, we have 270 federally funded teachers. I would like to send all the money back. I am sending a petition to my Governor saying: Don't take the money. Fire those teachers. Send them home. Or tell us why it isn't working in your State to help alleviate the myriad of problems public educators face every day. This program is working.

Now, in my humble opinion, is not the time to give it up, either by failing to provide the necessary funds for continuation or by block-granting them with other education programs because, do you know what happens when you block-grant? The last people to benefit are the teachers. The last folks who get anything in the deal are teachers. This isn't for the teachers. This is for the students.

Again, I make an analogy to the police. Before we passed the Biden crime bill in 1994, in the 20 largest cities in America, there was a net increase of less than 1.5 percent in the total number of those who were on police forces because—guess what—they did not want to hire police, not because they did not think they needed them but because they did not want to sign on to the commitment of year in and year out having to pay them. They did not want to pick up the fringe benefits, the health care, and so on.

So when you block-grant it, I promise you, they are not going to put it in hiring more teachers. They are not going to go into your local school districts and say: By the way, we block-granted the money. And now we are going to give, for example, Abraham Lincoln School in such and such a county, in such and such a State, money to hire three more teachers.

I hope I am wrong. But I will make a bet, if you block-grant it, a year after the block grant has been distributed, there will not be any more teachers than the day before it was distributed.

So, folks, it is a funny thing about education: you need a teacher. It is a strange notion.

I know of the incredible work Senator KENNEDY has done. And I say to my colleague from Vermont, and all the members of this committee—Republican and Democrat—they have done incredible work. But I cannot think of anything—anything at all—they have done that has the potential to have a more immediate impact on the amount of knowledge students in the United States of America attending public schools will acquire than reducing their class size. Maybe there is something out there—I do not purport to be an expert in education—but I am telling you, I can't think of anything in this bill more important.

So I urge my colleagues to stand with the Senator from the State of Washington, Mrs. MURRAY, and adopt her amendment and support the Class Size Reduction Initiative—unless they have another idea as to how they are going to guarantee us that the end result of our legislation will be smaller class size in the States and localities that voluntarily choose to participate in this program.

I thank my friend from the State of Washington for allowing me to participate and cosponsor this amendment. I compliment her and everyone else who supports this concept. I look forward to hearing opposing arguments on why smaller class size is not a good idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak in opposition to the Murray amendment. I want to build on the discussion that has gone on in this Chamber for several hours. I will focus on three particular points.

No. 1, very clearly, the goal of the underlying bill is to address the issue of how we can best, first, diminish the achievement gap—which has gotten worse over the last 30, 35 years, during which time the Elementary and Secondary Education Act has been in effect—and, No. 2, to boost the academic achievement of everyone, to make sure we are, indeed, preparing our young people today and those of tomorrow for their future: To realize that American dream, to make sure they can compete, not just adequately but in a powerful way, with their international counterparts.

I think the amendment of my colleague from Washington focuses, in a very important way, on a very important issue and that is the teacher-student relationship. For one of the first times in the debate in dealing with class size, we are focusing on the face of the child in the classroom and on the teacher at the head of that class.

We talk about programs a lot. We talk about money a lot. But this does take us down to the classroom, how we best accomplish the education of the child sitting in the classroom, with the teacher at the head of that class.

I will argue against the amendment, basically using the argument that another Federal program, another Federal approach is not the answer. It does not mean I believe class size is not important. That is not what I am saying. What I am saying is we need to find out how best to achieve what is needed in the classroom, to make the teacher and the students have a relationship that maximizes student achievement, learning, and to minimize and, hopefully, eliminate the achievement gap over time.

The second point I wish to address is this whole issue of looking at the teacher and the students in the classroom and figuring out what you can do to best take care of the needs of that class to boost student achievement.

In my mind, if you look at all the parameters, the most important is the quality of the teacher. We have an impending crisis in that area. In part it is because of demographics, and in part it is because of the attractiveness of the profession, and professional development. Much of that is addressed in the underlying bill—something we have not talked about very much.

The quality of that relationship—it does not mean quantity is not important—becomes first and foremost in importance, to my mind.

Thirdly, I believe the amendment by my colleague from Washington is unnecessary because if class size is an issue at the school level—whether it is in Nashville, TN, or Alamo, TN, or Kingsport, TN—it can be addressed as it is spelled out in the underlying bill itself.

I want to refer back to the bill because we have talked very little about how that issue is addressed. A lot of people have not read the details of the bill itself as it relates to the issue of that teacher-pupil relationship in the classroom itself.

In the bill we allow schools to address their current classroom needs, to give them the flexibility and the freedom, the mechanism, to accomplish what the goal is: boosting academic achievement. It means we do have to examine that relationship between a teacher and a student. There are all sorts of variables. And you will hear that one is more important than another.

A big issue is how many students are in the classroom with the teacher. It is not quite that simple because it depends on the subject. Is it mathematics? Is it science? Is it teaching a child to read? Is it in a classroom where there is technology and there is a lot of interaction going on between the teacher and the students that we might not have had in the past?

A second issue is, how safe is that teacher-pupil environment where the

teaching is occurring? The goal is to boost student achievement. It is an issue that is addressed in the underlying bill. But the point is, in the classroom there are all sorts of environments that have to be addressed. How conducive is that environment to learning? Are there disruptive students in that environment? How good is that teacher?

Earlier this week, and last week, we talked about failing to invest in the quality of our teachers. We are failing to give them the programs to make them more useful. Their intentions are good. They work hard. We have to look at their qualifications, their certification, and, lastly, what is the relationship of that teacher to technology today.

Again, in this bill, which people are just beginning to really focus on, there is a whole section to encourage the use of technology, to adapt technology to the use of that classroom, again, to reduce that achievement gap, to boost learning for everyone, and to maximize the use of the teacher at the head of the classroom and the children.

What is important in one school in one part of Nashville may be totally different than what is important in another school, say, in Memphis or in Anchorage, AK, or in Manhattan or on an Indian reservation. That decision should most appropriately be made by people in that community. Whether it is the teacher in the classroom, the parents looking in on that classroom, or the principal, they are the ones who can assess how technology is most appropriately used; what is the size of that classroom; how safe is that environment; how disruptive are the other students; all of which is placed into this bowl of how best to boost student achievement and maximize the teacher interaction with that particular student.

The point is class size is one of those parameters and, indeed, in certain situations it can be very important. But rather than have another Federal program—because we have tried that; we have had a litany of hundreds of Federal programs over the last 35 years—that basically says, this is the problem and this is the way to fix it, why don't we have a program which—and it is in the underlying bill—says: Let's group and consolidate programs, including class size, but allow the decision on how to use those resources to be made by the teachers, by the principal, by the school district, the community, under the influence of parents, under the influence of local decisionmaking and local input.

It comes down to a fundamental difference, what the debate has been over the last several years since I have been in the Senate, on which we have disagreed many times in the past: Whom do you trust? Whom do you trust to identify the needs, to respond to those needs? Is it another Federal program or is it the teachers and the principals and the school board members at the local level?

Our approach, very clearly—the reason why I urge defeat of the amendment—is that, yes, we need more resources; yes, we need more money; we need to shine the spotlight on the issue of local control, but we want to free people up from government regulations, from another program, to allow them the how-to in boosting the achievement with decisions made locally.

The second issue I will discuss is when you look at the classroom environment which we all want to maximize and make conducive to learning, the teacher is very important. We are having an impending crisis in the quality of teachers at the head of the class. The U.S. Department of Education estimates that a whole wave of teacher retirements as well as the demographics of rising enrollments will force America's public schools to recruit over 2 million new teachers in the next decade. It is a matter of demographics and retirement.

I argue that instead of thinking about warm bodies, as you see this teacher and the student in the classroom, we absolutely must invest—and the good news is, the underlying bill does—in improving that teacher quality. Teacher quality in the classroom drives academic success. It is the single factor most likely to boost student achievement. Good teachers clearly make the difference. We can all name our teachers. Both sides of the aisle have talked about teachers who have influenced their lives and the importance of that personal relationship in an environment which maximizes learning.

William Sanders, from Tennessee originally, has been quoted on the floor because he has looked at all sorts of issues and has been nationally recognized for studying the environment. Again, his conclusions and statistics and data have been used by both sides of this particular issue. He says:

> When kids have ineffective teachers, they never recover.

Teacher shortages are going to hit a high in the year 2010. We absolutely must begin thinking right now about how to replace what equates to about two-thirds of our teaching population today that simply will not be teaching at that time. The factors are many. In large part it is demographic. We know that enrollments in public and elementary and secondary schools are projected to rise about 4 percent in the next decade. That, in and of itself, is going to require more teachers to fill the increasing number of classrooms. The average teacher today, 44 years old, means that school districts all across the Nation will have to brace for a whole wave of retirements occurring in the not too distant future.

Third, one-fourth of beginning teachers in my own State of Tennessee leave the profession within 5 years. More than half are teaching subjects in Tennessee outside their area of expertise or in subjects they were never trained to teach.

On the issue of teacher quality, the Thomas B. Fordham Foundation reported in a recent study:

> College graduates with high test scores are less likely to become teachers; licensed teachers with high test scores are less likely to take jobs; employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return.

When you couple the critical importance of teachers with the fact that today America's students rank lower than their international counterparts in the fields of math and science and in reading, the issues we have talked about before, we clearly need to focus on quality teachers, on attraction of those teachers, supporting those teachers, and retention of those teachers. They are the key to motivating those students who may fall further and further behind—again, in part contributing to that increase in the achievement gap we all know so well.

It is important to understand that—and class size is one of them—the quality of the teacher is critically important to educating our children. I mentioned a few of the statistics, but if you just go through several about the qualifications of teachers today—again, remember, we have identified a problem; we are making this diagnosis; and we want to respond in an appropriate way—only one in five full-time public school teachers feel well qualified to teach in a modern classroom.

More than 25 percent of new teachers enter our Nation's schools poorly qualified to teach. Twelve percent of teachers enter without any prior classroom experience.

If we look at inner-city schools, statistics are even worse. Inner-city students have only a 50/50 chance of being taught by a qualified math or science teacher. New teachers in the United States receive less on-the-job training and mentoring than do their teacher counterparts in Japan and in Germany. I have referred to the fact that U.S. teachers today who are in that classroom actually teaching our children lack appropriate training and knowledge of a particular subject.

The data is as follows: Many students are taught by a teacher who lacks either a major or a minor in the subject they are teaching.

Of the following statistics, these are people who do not have a major or minor in the field in which they teach: That is, 18 percent of social study teachers, 40 percent of science teachers, 31 percent of English teachers, 34 percent of math teachers.

In schools where more than 40 percent of the students are low income, nearly half the teachers are what is called ''out of field.''

I go into some detail about this issue of quality because the focus is very much on what goes on in the classroom. Then the question is: You have identified the problem. Is it being addressed in the bill? This brings me to my last point. Is the Murray amendment necessary? To answer that, I will

argue, no, and I encourage my colleagues to vote against it. But it takes an understanding of what was done in the underlying bill and what is actually in the bill to understand why I can say with confidence that it is unnecessary as we focus on the teacher and the student in the classroom.

What we do in the first part of this bill is pool the funds and the authorities that are existing in programs which we have had in the past. We have talked about that in the last hour. The existing Eisenhower professional development funds and the class reduction funds, we haven't gotten rid of those. We haven't eliminated the class size reduction effort, but what we have done is put those together, consolidated them.

We pool those funds. And we do that with a very simple—this really comes down to the philosophical difference of what we think works and what will not work. We do that in order to give access to these resources to local communities to give them the flexibility to address their particular needs. In one school, it might be class size and they can use those funds for that. Remember, we have not done away with the funds themselves. We list that as one of the appropriate uses. But it might not be and it might be that school would rather use those funds for an after-school program or for increasing the use of technology or the inclusion of technology in that program.

The point is that we have taken the class size reduction funds and the other funds and we have put them together and basically said, how you accomplish boosting student achievement or reducing that achievement gap is up to you at the local level. Why? Because you know whether or not you need another teacher in the classroom, a smaller class size, or better use of technology.

Real quickly—and I will be brief—what is in the bill? State activities: States may use these funds for a whole range of activities—certification of teachers, recruitment of teachers, professional development, or support for teachers. Local activities: Again, local decisions can be made whether or not to use these funds for class size, professional development, recruitment, or for the hiring of additional teachers.

Local accountability is built into the underlying bill. The evaluation plan of a local education agency must include performance objectives related to student achievement, relationships to teachers, how well teachers are performing, participation in professional teaching and development activities.

Lastly, in the bill, there is a whole series of sections that look at activities that address leadership by teachers, advanced certification and credentialing, supporting that activity by teachers, and transitioning to teachers for those people who might be midcareer and might need training to be certified to teach.

In closing, if class size is a problem in the school, under the Kennedy-Jeffords bill it will and can be addressed. There are resources there for that. Our approach is not another Federal program, not admitting a program. We have tried that in the past, and we have a litany of programs today that clearly have not been successful. We want those decisions to be made locally by teachers, by principals, by school boards, rather than Washington, DC. Since it is provided in the bill, I believe there is no need to create yet another program. I urge defeat of this amendment when we vote on it tomorrow.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that at 5:15 today, the Senate proceed to a vote on the Warner amendment No. 383, with no second-degree amendments in order to the amendment.

Mr. KENNEDY. Mr. President, reserving the right to object. I want to move this process along, however I haven't spoken on this amendment. If anybody else wants to speak, there might be a few minutes in the morning. Understanding that we might be able to split that between Senator MURRAY and myself, I will not object.

Mr. REID. Reserving the right to object, I also say that Senator KENNEDY has indicated that he has someone lined up to do another amendment tonight—Senator FEINSTEIN—if that is in keeping with what the majority wants. We can debate that for a while tonight. I don't know if the leadership wants a vote tonight or tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank my friend and colleague for making the agreement, and we will move ahead with the vote shortly.

We are very hopeful of getting the process moving. There are currently about 70 amendments. Some are in the process of being worked through because they are under the jurisdiction of other committees.

There are also many outstanding amendments which are related to this bill, that need to be called up. We are prepared, as we mentioned last Friday, to work toward the continuation of debate on these measures and final resolution. I know the Senator from Vermont said we are prepared to stay in this evening, tomorrow evening, and Thursday evening. We are going to have time to debate the Budget reconciliation that we will take up sometime this week. However, we are quite prepared to deal with these amendments. We urge colleagues to bring them up. I am absolutely amazed, quite frankly, that Members are not prepared to bring up their amendments. We have known this bill is going to be debated on the floor. We are prepared to deal with this legislation.

I intend to ask our leaders on our side to request consent to establish a deadline for submitting amendments. We welcome our colleagues to submit amendments, and we want to try to have a full opportunity for discussion on these measures. It is about time we had good debate on this legislation. That is what I know my friend and colleague from Vermont is prepared to do. I am prepared to do that.

I make the plea to my colleagues on this side of the aisle to address these measures and do it in a timely manner. We understand the priority that the budget has, and we have all been around here long enough to know that unless some deadlines are established, unfortunately, we are not going to complete our business. I will work with our side and with the majority leader to try to establish a process where we can move in a timely manner. I will be glad to yield for a moment, but I would like to address this amendment.

Mr. JEFFORDS. I agree with the Senator 100 percent. I suggest that all amendments that are filed—only all those filed by 5 p.m. tomorrow be considered to be voted on, or some appropriate language that would make that the law.

Mr. KENNEDY. That certainly is a proposal I could support. I will not offer that at this time, though.

Mr. BIDEN. Will the Senator yield for a unanimous consent request?

Mr. KENNEDY. I am glad to yield.

Mr. BIDEN. I ask unanimous consent that my amendment No. 386 be called up and then set aside, just so I make sure I am in this game.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment for this consideration?

Without objection, the pending amendment is set aside.

AMENDMENT NO. 386 TO AMENDMENT NO. 358

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 386.

The amendment reads as follows:

(Purpose: To provide resource officers in our schools)

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

SEC. ___. SCHOOL RESOURCE OFFICER PROJECTS.

(a) COPS PROGRAM.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting ''school officials,'' after ''enforcement officers''; and

(2) by striking paragraph (8) and inserting the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;''.

(b) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

''(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;''; and

(3) by adding at the end the following:

''(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

''(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

''(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

''(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

''(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and 1709(4), to remain available until expended $180,000,000 for each of fiscal year 2002 through 2007.''.

Mr. BIDEN. I ask unanimous consent that my amendment be set aside.

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

Mr. KENNEDY. The pending amendment is the Murray amendment; is that correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I want to add my strong support for the Murray Class Size amendment. I have listened with great interest and always have learned from my friend and colleague from the State of Washington when she proposes this amendment. It is a subject that is not new to the Senate. We have voted on this, and we have seen its implementation for a number of years and the success that it is having in schools across the country.

I am always impressed by the fact that the Senator from Washington, who was a member of a school board and a great teacher, understands this issue and is able to address this issue from her personal experiences. We are so fortunate to have a Senator with that kind of experience proposing an amendment that can make an important difference in the education of children. I support this amendment, as I have in the past.

We have tried in the legislation to find various programs that enhance the educational capabilities of children. It is true, as the Senator from Tennessee said, that there can be a local option as to whether schools, under the title II provisions, want to use the funds for smaller class sizes or professional development. It is my strong position we need both and we need a commitment in both areas.

That is what this is about. We did enhance the resources for recruitment, enhanced training of teachers, continuing professional development, mentoring, and the development of additional professional skills dealing with the important areas of child growth and development and child psychology area. These are enormously important.

If there is anything we have learned over the years, it is the power of well-qualified teachers with a good curriculum teaching in a class with a small number of students.

I am not going to take the time of the Senate to go through the research base supporting reducing class size, but the studies are very clear. Both the Star studies that have been done in the State of Tennessee, and the Sage studies in the State of Wisconsin show that reducing class size has positive effects on student achievement and classroom behavior.

I have traveled to the State of Wisconsin. I visited the classrooms. I heard the teachers. I talked with the parents. There has been dramatic and significant progress made in moving toward smaller class sizes.

That has been true in the State of California as well. I will read from the California report on the results from the first 2 years of class-size reduction:

California class-size reduction reports show that reducing class size improves student achievement. A study of the first 3 years of class-size reduction efforts in California shows that smaller classes have boosted student achievement in communities across the State for the second year in a row.

It goes on:

The evaluation shows those students in the most disadvantaged schools were most likely to be in larger classes or taught by less qualified teachers. Students in smaller classes outperformed their peers in larger classes even with less qualified teachers. These students could be performing even better if all the children in these schools had fully qualified teachers and smaller classes.

That is what we want: smaller class size and better trained teachers. That is absolutely essential. The Murray amendment will authorize continued funding to create smaller classes, hire additional teachers and provide those teachers with the professional development that they need to help every child succeed. We will have the continued commitment to smaller class size. With a strong bipartisan vote this morning, we will have the resources to make sure the neediest children in this country have well-qualified teachers in the classrooms, and those teachers will be able to give every student the individual attention that they deserve.

I am amazed at what the Senator from Washington was able to do with her amendment. It requires a simple one-page application. It will be available to any school district in the country. All they fill out is one page. Under the formula devised in the Senator's amendment, they will either qualify or not qualify. It does not take a lot of grant writing. The school districts will know very quickly the amount that they are entitled to and how many classes they are able to impact. That will help move the process forward.

There is flexibility in the Murray amendment. If a school district reaches the smaller class size goal, it states in the amendment that they can use the resources for professional training for teachers. It is enormously important.

Senator MURRAY has built in flexibility. If a school achieves a lower class size in grades one through three, and they have the additional resources, they can reduce class sizes in other grades. The flexibility is there. If they are able to do all of them and still have resources left, they can use them for teacher professional development.

I want to use my last moments to bring a few things to the attention of my colleagues. First, we have the recent story on the achievement gains by the students of the Prince Georges County Schools reported in this morning's Washington Post. I point out the lead story: ''Pr. George's Test Scores Show Best Gains Ever.'' It says:

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

It gives the very encouraging results.

The superintendent was asked about the factors in ensuring these kinds of results. She said:

. . . as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings.

This is what they have been able to do.

Moving over to the jump page on A14, it talks about the importance of reading. That is in the BEST bill. We are in strong support of additional time for reading and math. We are all for that. It is in this bill.

The superintendent also commented on the importance of reducing class size in the lower grades and placing more emphasis on training teachers. This is exactly what we are debating today.

How many times do we have to see the same evidence before we learn this? We have the studies in Tennessee, Wisconsin, and California.

I have a report from the Mississippi Department of Education. I will mention what a few of the teachers have

found. I will also include other comments.

This is from Suzanne Wooley:

The drop in the student/teacher ratio within the first grade this year has been a really great tool in our ability to help our children. Because of fewer numbers of children, we have had practically no discipline problems. The children are more like a team and they expect the best from each other. This saves a great amount of our instructional time for actual instruction. My teacher's assistant and I are also better able to aid and instruct low-achieving students with their individual needs. We are giving much more time to the skills each student needs to work on. As a group, we are covering our ''core-skill'' material much more quickly and the children are ''catching on'' and learning the material more thoroughly.

Kelly Blacklaw:

This is the first year that I have taught first grade. However, I am accustomed to small groups, because I taught Title I Reading for three years. I taught kindergarten for one year prior to teaching Title I and had 30 students with an assistant. Comparing this year to that particular year, reduced class size has definitely been very beneficial for the progress of my students. I have been able to get to know my students better and much more quickly. I have been able to gain a great deal of insight into their backgrounds and their strengths and weaknesses.

Ms. Simpson:

Generally speaking, my class this year is quite low. Due to that fact, a smaller classroom size has been greatly appreciated. I am able to more effectively monitor the children's progress as I teach, and have found that more time is available to reinforce and practice important skills.

They mention there was only one child who fell behind in reading.

These go on and on. I do not know what more we have to do to convince our colleagues. We are not placing a mandate on any local district. All we are saying is we know this works and we hope communities will choose to embrace the idea of reducing class size.

Mrs. MURRAY. Mr. President, will the Senator from Massachusetts yield on that point for a question?

Mr. KENNEDY. Yes, I certainly will.

Mrs. MURRAY. Mr. President, I commend the Senator from Massachusetts and ask him again, because we have heard from the other side that this is some kind of Federal mandate for local class size would the Senator from Massachusetts not agree with me that this is a voluntary steady stream of money for schools that choose to use this money to reduce class size?

Mr. KENNEDY. The Senator is exactly correct. It is a voluntary program. It will be available, with the Senator's amendment, to local communities that have crowding in their classrooms, as it has been in my own State of Massachusetts in a number of different communities with the same very positive results we have seen in other places.

As the Senator remembers, we made a national commitment to hire 100,000 teachers. This is the amendment the Senator from Washington offered—100,000 teachers. We have, I believe, 37,000 of them, and some of them have already proven to be our best.

At the time this was announced, as the Senator remembers, we had former Speaker of the House Gingrich. ''We said the local school board would make the decisions. No new Federal bureaucracy, no State, not a penny in the bill that was passed goes to pay for bureaucracy; all of it goes to pay for local school districts. . . .'' House Speaker Gingrich, the first time we passed the Murray amendment, called it a victory for the American people: ''There will be more teachers, and that is good for all Americans.''

As I remember, and as I read the amendment, I believe 99 percent of the funds go to the local district and the local district has the control. Am I correct?

Mrs. MURRAY. I thank he Senator from Massachusetts for answering that question. He is absolutely correct; 99 percent of the money does go to the local schools at their discretion to use for class size because it is a national priority.

I thank the Senator for yielding.

Mr. KENNEDY. Mr. President, I want to point out very clearly, we need fewer children in classrooms so that teachers can give each child the attention necessary for that child to succeed. Teachers need the mentoring and the professional development that we have in the legislation. Smaller class size is a tried and tested program. It is effective. We ought to have smaller classes and more opportunities for teachers to get the training that they need. That is what this amendment is really about.

We should not forget the commitment that we made. We know what works. We know it has been effective. We believe that children are worth our investment. We believe the Murray amendment is the best way to get this job done.

I yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe we are going to vote on the Warner amendment at 5:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Debate appears to be resolving around the amendment of the Senator from Washington, and I did want to speak to that. Then I guess we ought to vote.

The amendment of the Senator from Washington is an outgrowth of a proposal that was put forward by President Clinton and was carried by the Senator from Washington for the last couple of years. However it fails, in my opinion, for a variety of reasons.

The first reason it fails is the basic philosophy behind the amendment which is we in Washington know better—better than you, the American citizens who run their school districts; you, the parents across America; you, the principals across America; you, the school boards across America—how to run your schools. This is a command and control amendment. This is an amendment which says we are going to put a certain pot of money on the table—your tax dollars, by the way, tax dollars we took from you in Auburn, NH, or Cheyenne, WY, or Chicago, IL. The tax dollars that we took from you, we are going to take some of them and put them on the table. But before you can get any of those tax dollars, you have to do exactly what we tell you to do with them.

Specifically, in this instance, you are going to have to hire more teachers. Even if you do not need more teachers, you are going to have to hire more teachers because we in Washington know a great deal more about what you need in your school system than you do. That is the basic premise of this amendment. It is one of the primary reasons I oppose it.

The second problem with this amendment is there is no statistical standard which shows that certain class size ratios improve education. In fact, study after study, significant studies—in fact, 300 studies—which have been reviewed conclude that it is the quality of the teacher that is key to the quality of education more than the class size. That is especially true after you hit a certain level of class size.

In the United States today, the average class size ratio is 17 to 1. I think 44 States already meet the level of ratio that was put forward by the President as an appropriate level, which was 18 to 1. So we are not talking about dramatic reductions in class size in States across the country. What we are talking about is essentially trying to work at the fringe with some Federal money to demand that more teachers be hired.

But the practical effect of that may be to reduce the quality of education. Why? Because you may end up with poorer teachers being hired because you forced on the school system the requirement that they hire more teachers rather than that they improve the quality and the ability of the teachers who are in the classroom, which almost every study has concluded is the key to good education.

In fact, I hold California up as a pretty good example of how this works. They set in place—their right, they have the right to do it—a class size ratio proposal. As a result, they went out from 1995 and hired a whole bunch of new teachers. What happened? The number of certified, qualified teachers went up—this is in the K–3 area—from 1,100 to 12,000 unqualified or teachers who were of questionable quality. They were not certified. They had not learned how to teach a third grader or second grader or first grader or one in kindergarten. So it is very possible that by reducing the class size, California actually ended up putting 11,000 more teachers into the classroom who didn't know how to teach.

A couple of other important studies proved beyond any question that if a student is exposed to a teacher who doesn't know what they are doing in a subject, the recovery time for that student is extraordinary. Under a Rand

study, they concluded a student may never recover from a poor teacher—which gets back to the initial point: We do not know whether teachers are good or not.

I do not know here, standing on the floor, whether the teacher in Epping, NH, is good or poor, whether the teacher going to be hired is a good teacher or poor teacher. I don't know it in Cheyenne; I don't know it in Chicago. What I do know is the principal in that school probably does know who the good teachers are, probably does know teachers who have weaknesses and need assistance, probably does know whether in one class they need more teachers but in the other class they just need to improve the teacher they have. Or maybe in another class they have such a great teacher who is being pushed out of the school system because they cannot afford to pay the costs because the teacher cannot afford to live on the salary they are being paid and they need to pay that teacher more.

I do not know the answer to those questions, but I will tell you who does: The local principals, the school boards, the teachers in the class know that, and the parents whose kids are in the classroom.

What does this proposal say? It says it doesn't matter; you have to hire a new teacher. That is your option. If you want this money, you have to hire a new teacher.

I think that was misguided. I think it was misguided when President Clinton brought it forward earlier, and as a result we have debated this matter on the floor a number of times. What did we do to try to correct this? Because we do recognize, on our side of the aisle, putting more teachers in the classroom may be the proper resolution to a specific incident; that may be what some school systems need. We also recognize on this side of the aisle maybe the proper resolution is giving that teacher more tools to work with, maybe giving that teacher more educational support, maybe giving that teacher some extra pay so they can keep teaching or some of the other things they may need.

So we put in the bill something called the Teacher Empowerment Act. What the Teacher Empowerment Act does is to say let's merge these teaching funds; let's take this Eisenhower grant; let's take the class size grant, put it into a pot of money, and then give the States and local school districts the opportunity to use that money in four different areas. They can hire more teachers for their classroom if that is what they think they need. They can, if they need to, say to a teacher who may be leaving for the private sector: You are too good. We cannot afford to lose you. We will pay you some more money. They can, if they have a teacher in a classroom who maybe isn't quite up to speed on the academic issue they are teaching, say we are going to get some outside assistance; we are going to help you get your credentials up to speed; we are going to give you some money to help you get some more education. Or they can give the teacher some technical support in order to assist that teacher.

They can make those decisions. We do not make them on the floor of the Senate. We do not tell the people who are running the local school boards: You must do this; you must do that. We do not tell that to the principals, the teachers, or the students that, or the parents of the students. We would rather say: Under the Teacher Empowerment Act, here are four uses for this pot of money. You make the decision.

Isn't that much more logical?

We are not saying that the idea of reducing the ratio in a classroom is bad. In fact, we are saying it is a good idea in many instances. In fact, we are saying it is one heck of a good idea if you have a good teacher. We are, however, saying that in those classrooms where the principal knows maybe he doesn't have the right teacher or she doesn't have the right teacher coming in, or maybe that teacher does not know enough about the subject of teaching, that they ought to have other tools available to them to make those teachers more effective.

Interestingly enough, the studies have shown that by making teachers more effective in the classroom you can teach a lot more kids a lot better at a lot less cost than by going out and hiring unqualified teachers or teachers who maybe aren't cutting it. It costs about $450 per student to bring a classroom into compliance with some of these proposals that are being proposed today, but if you were to do it through technology, it costs, I think, $90 per student. I think that was, again, a Rand study.

We are saying on this side of the aisle, let's give the local school board the flexibility to adjust the classroom size. If they want to go to a ratio of 10 to 1, they can use the money to hire more teachers to do it. If they want a ratio, however, of 17 or 18 to 1, which is the average ratio today, if they want that teacher to learn more to be able to teach better, they should have that option. And that option is going to be made available under the TEA amendment, which is known as title II of this act.

I think it also ought to be noted that the resources are committed in this area. The President has made a major commitment in the area of resources to teacher improvement and to class size. He has funded in his budget to the tune of $2.6 billion the money necessary to do teacher improvement and class size.

I see the Senator from Virginia, whose amendment is coming up which I am not speaking to. I suspect he wants to say something about his amendment before it gets voted on. I yield to the Senator from Virginia so he can tell us what his amendment is about before we vote.

Mr. WARNER. Mr. President, I see my colleague seeking recognition. I am in no hurry.

Mrs. MURRAY. Mr. President, I know the Senator from Virginia wants to speak on his amendment. If I could have 1 minute by unanimous consent to speak.

Mr. WARNER. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Thank you, Mr. President. I thank my colleague from New Hampshire who has spoken eloquently and passionately.

I remind our colleagues that the class reduction bill is not a mandate from the Federal Government. It is a Federal partnership from the Federal Government to our classroom and to our schools that want to reduce class size in the first, second, and third grades.

I also let our colleagues know that the California experiment which the Senator from New Hampshire spoke of had teachers who were hired that were unqualified. I agree that we don't want that to happen. That is exactly why in our amendment we require fully qualified teachers to be hired if these Federal funds are used.

I point out that a study has shown even in the California class size reduction reform they didn't require fully qualified teachers. Test scores are up and student achievement is improving. Test results have been released in the last week that show student scores are up in those classes because they reduced class size. Reducing class size does make a difference.

We target a number of areas in this bill from reading first to technology, to training math and science teachers. We should also target money for class size reduction.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if I might quickly conclude, as the Senator from Virginia is not quite ready, the President's $2.6 billion for teacher improvement and class size reduction will be available at the option of the local community under the TEA legislation, which is a very significant increase over last year's funding level.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the vote be set aside for 2 minutes to allow the Senator from Virginia to explain his amendment.

Mr. WARNER. Mr. President, reserving the right to object, could we make that 5 minutes so he and I can share the time?

Mr. JEFFORDS. Certainly. I ask unanimous consent for 5 minutes.

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

AMENDMENT NO. 383 TO AMENDMENT NO. 358, AS MODIFIED

Mr. WARNER. Mr. President, I found a technical deficiency in the manner in

which the amendment is drawn. It is a very simple one. It does not change in any way the thrust of the amendment. I would like to send to the desk at this time a technical change to my amendment and ask that it be accepted.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REID. Reserving the right to object, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The amendment is so modified.

The amendment (No. 383), as modified, is as follows:

(Purpose: To provide a sense of the Senate regarding tax relief for elementary and secondary level educators)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately $40,582.

(2) The average starting salary for teachers in the United States is $26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average $408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) 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.

Mr. WARNER. Mr. President, first, I wish to say that the thoughts I embrace in my amendment have been advanced in this Chamber by other colleagues over a number years. I particularly wish to recognize the Senator from Maine, Ms. COLLINS, and Senator KYL, who have made similar efforts through the years. Therefore, I am very proud to have my name on this amendment. I assure you that there are many Senators, and, indeed, some on the other side, who have embraced this general concept that teachers need equal recognition to the emphasis that has been put thus far on the debate on students.

My effort on this day, which is National Teachers Day—I think we have slowly worked through the system a resolution to that effect—is to recognize that many, many teachers across our Nation reach into their pockets and withdraw aftertax dollars and expend them for little things they observe in their daily teaching of students that are needed in the classroom. These teachers also have to constantly bring themselves up to speed on current events in education. Many of them have very burdensome financial commitments with student loans, and so forth.

I think it is time the Congress recognize this profession. For so many years nursing and teaching were the two professions that were open to many, and now, fortunately, all the professions have been opened, and I hope equal opportunity is being given women in so many professions. There are now opportunities to leave teaching and seek higher pay in these particular positions.

This is an amendment which simply says it is the sense of this institution that in the course of our deliberation on the various tax proposals that have come from the House and which are now beginning in the Senate Finance Committee—of which my distinguished colleague, the chairman is a member—that it would at some point take into consideration this type of legislation.

I have requested $1,000, which is a pretty substantial sum. My hope is that we can get the maximum. But I thought we would try at that particular level.

I have discussed this with my colleague, the distinguished manager. I know he has a few views. I would be happy to yield for his questions and make it technically feasible for him to take the floor.

Mr. JEFFORDS. Mr. President, I come from a teaching family. My mother and sister are teachers. I know of the effort they put into teaching and buying supplies to make things go a little bit better. It is very common and accepted in the sense that it is sort of part of the job. But it shouldn't be.

We are at a time when our teachers' salaries are so much lower than they ought to be. I think it is wrong to expect teachers to continuously take money out of their pockets in doing their job, when it should be taken care of through the school system. I think they would appreciate and are entitled to have a tax credit of $1,000 to take care of those expenditures. I will pursue that in the Finance Committee for my good friend.

Mr. WARNER. Mr. President, I presume the Senator supports Senators voting for this measure?

Mr. JEFFORDS. Yes. I think it is one of the best amendments we will have.

Mr. WARNER. Mr. President, with that, I yield the floor.

Mr. President, the yeas and nays have been ordered, am I not correct?

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. WARNER. I thank the Chair.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator WARNER, in introducing this proposal. Senator WARNER deserves credit for focusing our attention on the selfless efforts of teachers, and on the financial sacrifices they make, to improve their instructional skills and the classrooms where they teach. As President Bush has put it, ''Teachers sometimes lead with their hearts and pay with their wallets.''

Our amendment expresses the sense of the Senate that Congress should pass legislation providing teachers with tax relief in recognition of the many out-of-pocket, unreimbursed expenses they incur to improve the education of our children. Our amendment is targeted to support the expenditures of teachers who strive for excellence beyond the constraints of what their schools provide. Yet our amendment is broad enough to embrace a number of different approaches to supporting our teachers through the tax code.

Earlier this year, I introduced the Teacher Support Act of 2001, which is supported by good friends, Senators KYL, LANDRIEU, and COCHRAN.

Our bill has two major provisions. First, it would allow teachers and teacher's aides to take an above-the-line deduction for their professional development expenses. Second, the bill would grant educators a tax credit of up to $100 for books, supplies, and equipment that they purchase 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. This sacrifice is typical of the dedication of so many teachers to their students.

So often, teachers in Maine and throughout the country spend their own money to better the classroom experiences of their students. I recently met with Idella Harter, president of the Maine Education Association, who told me of the books, rewards for student behavior, and other materials that she routinely purchased for her classroom. One year, Idella saved all of her receipts from purchases of classroom materials. She started adding up all the

receipts and was startled to discover that they totaled over $1,000! She said that she decided she better stop counting at that point.

And Idella is not alone, Maureen Marshall, who handles education issues in my office, taught public school for several years in Hawaii and Virginia. In her first year as a teacher, she spent well over $1,000 of her own money on educational software, books, pocket charts to assist with language arts instruction, and other materials. And yet, because of her tax situation, she could not deduct these expenses from her taxable income.

The ultimate beneficiaries of efforts to provide financial assistance to our teachers are our students. Other than involved parents, a well-qualified teacher is the most important prerequisite for student success. Educational researchers have demonstrated the close relationship between qualified educators and successful students. Moreover, educators themselves understand how important professional development is to maintaining and extending their levels of competence. When I meet with teachers from Maine, they repeatedly tell me of their need for more professional development and the scarcity of financial support for this worthy pursuit.

I greatly admire the many educators who have voluntarily financed additional education to improve their skills and to serve their students better and who purchase books, supplies, equipment and other materials that enhance their teaching. By enacting modest changes to our tax code, we can encourage educators to continue to take formal course work in the subject matter that they teach and to attend conferences to give them new ideas for presenting course work in a challenging manner.

I hope that, by adopting this amendment, which is particularly fitting on National Teacher Day, we will pave the way for passage of meaningful tax relief for teachers later this year. I think we should make it a priority to reimburse educators for a small part of what they invest in our children's future.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 383, as modified. 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 Wisconsin (Mr. KOHL and the Senator from Minnesota (Mr. WELLSTONE are necessarily absent.

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—95

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

NAYS—3

Enzi	Gregg	Nickles

NOT VOTING—2

Kohl	Wellstone

The amendment (No. 383), as modified, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, we are still working on both sides of the aisle to get agreements on how we will proceed with votes later on tonight and tomorrow. We have some items we can lock in. I ask unanimous consent when the Senate resumes the education bill at 9:30 Wednesday, the Senate proceed to a vote in relation to the Mikulski amendment regarding technology centers with 5 minutes equally divided prior to closing remarks.

I ask consent all first-degree amendments in order to S. 1 be filed at the desk by 5 p.m. on Wednesday and any second-degree amendments be limited to the subject matter contained in the first-degree amendment.

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

Mr. LOTT. In light of this, there are no further votes this evening. The next vote occurs at 9:35 on Wednesday. However, I understand Senators are ready to go with amendments or second-degree amendments. We will continue to work on that as long as we can get Senators to offer their amendments.

Mr. DASCHLE. Will the Senator yield?

Mr. LOTT. I yield.

Mr. DASCHLE. I think it would be helpful to reiterate what we think the sequence would be. Is Senator VOINOVICH going next?

Mr. LOTT. Followed by Senator FEINSTEIN tonight.

Mr. DASCHLE. I know Senator CARNAHAN has an amendment she would like to offer and is prepared to lay aside at the moment, and then Senator MIKULSKI is recognized, with that vote to occur on the Mikulski amendment tomorrow.

Mr. LOTT. That is correct. Senator SPECTER has a second-degree amendment to the underlying Murray amendment.

Mr. DASCHLE. The sequence, then, is Voinovich, Feinstein, Specter, Carnahan, and Mikulski?

Mr. LOTT. We were not making a unanimous consent request; we are just trying to get clarification of the next four actions.

Is there a problem, though, with proceeding that way?

Mr. SPECTER. Mr. President, I have already discussed with my colleagues, Senator VOINOVICH, Senator CARNAHAN, and Senator FEINSTEIN, that I might have 30 seconds to lay down a second-degree amendment.

Mr. LOTT. We will proceed with the other amendments once that happens.

I yield the floor.

AMENDMENT NO. 388 TO AMENDMENT NO. 378

Mr. SPECTER. Mr. President, I send to the desk a second-degree amendment to the underlying amendment by Senator MURRAY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 388 to amendment No. 378.

Mr. SPECTER. 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 provide for class size reduction)

In lieu of the matter proposed to be inserted, insert the following:

"SEC. ___. CLASS SIZE REDUCTION.

"(a) ALLOTMENT.—Notwithstanding any other provision of this law, from $1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

"(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

"(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

"(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

"(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data

are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

''(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

''(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

''(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

''(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

''(c) USES.—

''(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

''(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

''(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

''(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

''(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

''(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

''(1) to make further class size reductions in kindergarten through grade 3;

''(2) to reduce class size in other grades;

''(3) to carry out activities to improve teacher quality, including professional development; and

''(4) to carry out other activities authorized under title V.

''(e) REPORTS.—

''(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

''(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

''(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

''(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

''(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

''(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

''(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 389 TO AMENDMENT NO. 358

Mr. VOINOVICH. I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. BAYH, and Mr. NELSON of Nebraska, proposes an amendment numbered 389.

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

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

The amendment is as follows:

(Purpose: To modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved)

On page 7, line 21, add ''and the Governor'' after ''agency''.

On page 8, line 1, insert ''and the Governor'' after ''agency''.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

''(c) STATE PLAN.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.''.

On page 35, line 20, insert '', that is jointly prepared and signed by the Governor and the chief State school official,'' after ''a plan''.

On page 706, line 8, insert ''Governor and the'' after ''which a''.

On page 706, line 16, insert ''Governor and the'' after ''A''.

On page 707, line 2, insert ''Governor and the'' after ''A''.

Mr. VOINOVICH. Mr. President, the amendment that I have offered will improve the coordination, accountability and delivery of educational services in states all across America. I am pleased to be joined by Senator BAYH and Senator BEN NELSON in introducing this amendment.

Mr. President, as many of my colleagues know, Senator BAYH, Senator NELSON and I served as Governors of our respective states; they served in Indiana and Nebraska respectively, and I served as Governor of Ohio for 8 years. As my state's chief executive, I learned that few individuals have more of an impact on education policy in their state than the Governor.

Yet, under federal law, governors—the men and women who are their state's CEOs—are not able to fully participate in their state's education planning process.

Mr. President, most federal education assistance to our states currently flows directly to state education departments, where a large percentage of that funding is then passed on to local schools.

State plans submitted by state education departments to the U.S. Department of Education set the parameters that local school officials must subsequently follow in developing and implementing their own spending plans. However, there is no requirement that governors be involved in this process, nor is there any requirement for coordination between Chief State School Officers and Governors on the use or disposition of federal education dollars.

In some states, the Chief State School Officers are appointed by Governors and are, therefore, accountable

to them, while in other states, Chief State School Officers are elected directly by the people. If these individuals share the same political leanings, there is usually little conflict on education policy. However, where governors and chief state school officers do not see eye-to-eye, potential conflict can arise that could threaten the educational needs of our children.

Regardless of how a state's top education official achieves his or her position, in each and every state, it is the governor the public holds accountable for the overall condition and success of public schools. As it is currently written, the Senate's ESEA reauthorization bill also holds governors accountable for student progress, even where governors have no current discretion over Federal education programs and Federal education funding.

This accountability issue is magnified under the legislation we are considering. Under Title VI of this bill, States may lose between 30 and 75 percent of their administrative funds for formula programs if States fail to meet specified performance requirements.

If a State budgets those administrative funds and they are lost as a result of this bill, then the entire State budget could be impacted. Ohio, for example, received $3.1 million in Title I administrative funds last year. If Ohio were to lose 75 percent of these funds, that would mean about $2.33 million would have to come from somewhere else in the state budget.

Governors do play a leadership role in the development of State education policy, including standards and assessments, and the allocation of State budget resources for public education. Governors are willing to be held accountable for Federal programs as well, but it is imperative that the Federal Government give them the authority to help determine reform through Federal education programs.

It doesn't make sense, that a Governor, who has to manage the State's budget and is accountable for any shortfall, is not required to be consulted when State educational officers set education priorities.

Our amendment hopes to change that.

What our amendment is designed to do, is very simple: it encourages consolidation and coordination between Governors and chief State school officers in designing State education reform plans.

Under our amendment, State education plans submitted to the U.S. Secretary of Education for Federal programs, as well as funding for the school improvement program, must be jointly signed by both the Governor and the chief State school officer—both of them.

The timing of this amendment is critical, since once Congress passes ESEA reauthorization this year, each State will finalize their educational plans and priorities. State legislatures will consider funding and resource issues, chief State schools officers will consult local districts, and Governors will set out plans for educational priorities throughout the State.

Speaking from personal experience, having the Governor and the chief State school officer working together is absolutely critical. Having these two individuals working independently on education policy does not maximize our ability to achieve the educational goals the President has set out and that this Congress has set out. I believe we need to require both signatures.

Our amendment will also help leverage State resources. As my colleagues know, the Federal contribution to education amounts to only 7 percent, with the State and locals funding the remaining 93 percent of education spending in the State.

Requiring joint sign off on education plans by the Governor and the chief State school officer enables the Governor to leverage and ensure coordination of the much larger pot of state education funding to work with the Federal dollars. The only way to fully leverage Federal funds is to ensure the coordination of these funds with State efforts.

Governors are the national leaders in education reform. I remember as Governor of Ohio, we pushed for EdFlex authority from this body so that we could have the flexibility to combine programs and target funds where they were needed. Governors like Bill Clinton in Arkansas, Richard Reilly in South Carolina and Lamar Alexander in Tennessee became well known nationally on education, not because of what they did in Washington, but because as Governors they innovated to improve education in their States. Our current President, George W. Bush, ran for President partly to share with the rest of America, the successful education plan he had implemented in Texas.

What ultimately matters—and what should drive our decisions on education policy—is whether or not our students learn. That is really what we are talking about in this debate. We must coordinate policies so that there is a consensus on education in the state for the benefit of our students. Education is too important to have our different stakeholders working separately. Our Governors and chief State school officers must be working together.

Our amendment will foster greater cooperation between all State officials responsible under State law for the performance of public schools. It will also help to ensure that state plans submitted for approval by the Department of Education align with the implementation of State accountability legislation. It is of vital importance that chief State school officers and Governors work together to establish education goals in their States.

I might add, Mr. President, this amendment is strongly supported by the National Governors' Association.

As a former Governor who had education as one of my highest priorities, I am offering this amendment to make sure that the highest elected official of every State is a full partner with Congress in the effort to implement true reform. I urge my colleagues to support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SESSIONS. Will the Senator yield for a question?

Mrs. FEINSTEIN. I will.

Mr. SESSIONS. Has an order for speaking time been reached?

The PRESIDING OFFICER. There has been no such order reached.

Mr. KENNEDY. If I could ask the Chair, I think when the leaders asked, there was a recognition that in order to move the process forward, Senator VOINOVICH, Senator SPECTER—I see the leader is here—there was a recognition that Senator FEINSTEIN was to speak briefly, Senator MIKULSKI—we have agreed to consider her amendment—and Senator CARNAHAN. I don't know whether consent was agreed to, but I think that was generally the thought.

Mr. SESSIONS. If I could generally have the opportunity to speak after the last speaker, I will appreciate it.

Mr. KENNEDY. The Senator is being very gracious. There, correctly, was not a consent agreement, but I think there was sort of a gentleperson's agreement to try to move the scheduling along. I think I will be here when the Senator speaks.

Mr. SESSIONS. I understand. That will be acceptable? Do we have an understanding of the time the Senators will use?

Mr. KENNEDY. Senator CARNAHAN, as I understand, would like to address the Chair and introduce her amendment and set it aside. Am I correct?

Mrs. CARNAHAN. Yes.

Mr. KENNEDY. I ask consent she be recognized for that purpose. Then the Senator from California intends to introduce her amendment and speak briefly. After that, the Senator from Maryland, for whatever time she might use. After that, the Senator from Alabama.

Ms. MIKULSKI. If I might respond to the Democratic Chair of the Education Committee, I intend to speak no more than 10 minutes and probably even less.

Mr. KENNEDY. If we could ask unanimous consent to that order, and then I ask if I can be recognized after the Senator from Alabama.

Mr. SESSIONS. I have no objection.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Without objection, that is the order in which Senators will speak.

The Senator from Missouri.

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

The PRESIDING OFFICER. The amendment pending right now is the Voinovich amendment. The Senator will have to ask that it be set aside.

Mrs. CARNAHAN. Yes, I ask unanimous consent the pending business be set aside.

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

AMENDMENT NO. 374 TO AMENDMENT NO. 358

Mrs. CARNAHAN. I call up amendment No. 374.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. CARNAHAN] proposes an amendment numbered 374 to amendment No. 358.

Mrs. CARNAHAN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

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

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

On page 326, line 1, insert ", including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers and reduce the agency's need to hire additional teachers or construct new facilities" after "performance".

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

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

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

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

"(I) alternative programs for the education and discipline of chronically violent and disruptive students.

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

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

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

"(16) alternative programs for the education and discipline of chronically violent and disruptive students.

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

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

"(E) alternative programs for the education and discipline of chronically violent and disruptive students; and".

Mrs. CARNAHAN. Mr. President, it has been suggested that families and communities give us roots, but our schools give us wings—the wings of opportunity that come with a solid educational background.

I commend President Bush for putting education at the top of the national agenda. His goal to "leave no child behind" is one that all of us in the Congress should support. Indeed, education is a cause that all Americans can rally behind. For it is in the common interest to prepare our children for success. If we are interested in increased prosperity, higher productivity, safer streets, lower welfare rolls, and reduced need for government services, the place to start is in our public schools.

The Better Education for Students and Teachers Act that we are debating today is an important first step. It is the product of arduous and painstaking negotiations on the part of my colleagues and the Bush administration. It represents bipartisan consensus. I applaud all those involved, who have put our children ahead of politics.

The legislation will bring greater accountability to our school system. It will mean increased testing, targeted support for failing schools, and new options for parents. The core principle behind the act is that we can identify low-performing schools through rigorous testing and then give them the resources they need to turn themselves around.

The bill is based on successful models that have been developed at the state level.

In Missouri, we have a comprehensive accountability system in place called the Missouri Assessment Program, or MAP.

These tests measure student progress in math, reading, science, and social studies to see if kids are meeting what we like to call the "Show-Me Standards."

Now I am not one who feels that increased spending automatically translates into improved results. But I do believe a key element of the reform effort is to provide troubled schools with the resources they need to improve performance.

The first piece of legislation I introduced—the Quality classrooms Act—is designed to fit in the context of this overall education reform effort.

The Quality classrooms Act calls for a new investment in our schools, yet offers flexibility at the local level.

It provides school districts with the option of using funds on any of five proven programs: hiring new teachers; building more classrooms; hiring teaching specialists in core subjects such as reading, math, and science; creating alternative discipline programs; and instituting year-round school schedules.

These are commonsense provisions that meet basic needs. And I am pleased that the first two ideas—class size reduction and school construction—are already part of the education debate.

Today, I am introducing an amendment to accomplish the other three elements of the Quality Classrooms Act: specialists for core subjects; alternative discipline programs; and year round school programs.

This amendment is about flexibility, not mandates. Like the Quality Classrooms Act, this amendment recognizes that local districts area best suited to make decisions about their needs.

The amendment proposes more teaching specialists because studies show that reducing class size is more cost effective when focused on certain subjects.

A good example of this is "Success for All" a program which enlists retired teachers and other part-timers as reading instructors. The instructors are carefully trained and focus on small groups of children.

More than 700 schools have participated in this program, and have achieved impressive results. Students enjoy learning more, are more engaged, and develop closer bonds with their teachers.

I point out, too, that this amendment will allow funds to be used for alternative programs for violent and disruptive students.

Ask any teacher, and they will tell you that one or two chronically disruptive students can destroy the learning environment for the entire class.

Schools need the flexibility and authority to provide safe and effective classrooms for all.

At the same time, we must make sure that districts can provide appropriate educational resources for disruptive students.

Under Missouri law, a teenager who carries a gun to school can be expelled and prohibited from returning to the traditional public school.

In some areas of the state, there is simply no alternative program available to this student.

Turning disruptive and potentially violent students out onto the streets without an education is a recipe for disaster.

However, in some parts of the state, districts have been able to create very effective programs for these students, relying on alternative education grants under Missouri's Safe Schools Act. Often, the alternative programs provide students with their last chance to receive an education.

In the Kirkwood School District, an alternative school has helped students improve their grades, behavior and attendance.

Those participating in the program have a different learning plan tailored to their needs.

Alternative programs open the door for creativity in working with disruptive students. The Kirkwood program, for example, collaborates with the juvenile court system. police officers meet with students and lead discussions on controlling anger, on drugs and alcohol abuse, and on decision-making.

As a result, discipline problems dropped dramatically. A total of 166 referrals to school administrators were made for students in the school year before they started in the alternative program. The following year, this number dropped to 73. School officials noted that fewer referrals saved the school "at least 90 hours of administrative time."

Mr. President, the goal of my amendment is to recognize, reward, and encourage that kind of innovation and success.

And finally, the amendment will help school districts implement a year-round school schedule where it might be appropriate.

Studies have shown that a year-round school schedule increases student achievement. Teachers in traditional nine-month schools often spend

three to six weeks in the fall reviewing material that was taught during the previous year.

A year-round program can work well for at-risk or learning disabled students who may be struggling to grasp and retain information.

In addition, year-round schools can be a way to use facilities more efficiently. Some overcrowded schools stagger student attendance, so that one group is on vacation during each grading period.

In one district that grows by 1,500 kids a year, the district implemented a staggered, year-round schedule. This allows them to serve 2,000 additional children in a given academic year.

Of course, a year-round approach may not be right for some districts. For example, in rural areas, students often play a key role on family farms during the summer months. That is why this amendment allows each district to make the choice for itself.

There is no ''one-size-fits-all'' approach for our schools. Our schools and local districts need flexibility so they can make appropriate choices. My amendment will add to the flexibility that the bill already provides. I look forward to working with the manager and hope the amendment will receive widespread support.

This debate has given us an unique opportunity to improve education in America. Major progress is within our grasp. Our support for these innovative reforms will give our children the wings of opportunity needed for success.

Let us seize this opportunity and do what is right for our children.

I ask unanimous consent that the amendment be laid aside.

I yield the floor.

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

The Senator from California.

AMENDMENT NO. 392 TO AMENDMENT NO. 358

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 392 to amendment No. 358.

Mrs. FEINSTEIN. 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:

On page 327, after line 10, add the following:

(7) Carrying out programs and activities related to Master Teachers.

(2) MASTER TEACHER.—The term ''master teacher'' means a teacher who—

(A) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual's performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in subparagraph (F) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress pertaining to the utilization of funds under section 2123 for Master Teachers.

(2) CONTENTS OF REPORT.—The report shall include an analysis of:

(A)(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers;

(iv) the impact of master teachers on student achievement; and

(v) the reduction in the rate of attrition of beginning teachers; and

(B) recommendations regarding establishing activities to expand the project to additional local educational agencies and school districts.

Mrs. FEINSTEIN. Mr. President, today I am introducing an amendment to authorize school districts to use teacher training funds authorized under the bill to create master teachers.

The bill before us authorizes $3 billion for FY 2002 Title II, teacher training. Under this amendment, school districts could use some of these funds to create master teacher positions.

If, for example, $200 million were spent on master teachers, 6,600 master teacher positions could be created if each master teacher were paid $30,000 on top of the current average teacher's salary.

What is this all about? Why am I doing it? One of the things I have discovered is it is difficult to keep good teachers in the classroom. The Senator from Vermont is in the Chamber. I can't tell him how many times I have given an award to a teacher of the year, or a teacher of the month, and they accept it and say they are leaving the classroom. I ask: Why are you leaving the classroom? Because I got a better job in Silicon Valley; or I am going to become an administrator.

When you ask why they are going to become an administrator, it is because of more money. The average teacher's salary is about $40,000 a year. In California, it is $45,000 a year. So you can work 10 or 15 years for that amount of money, but you can become an administrator at $65,000 or $70,000 a year and support your family.

So the idea occurred to me, what if we were to have a master teacher program and allow teachers who have taught in the classrooms for 5 years—if they have certain credentials—to become a master teacher and receive the salary equal to that of an administrator?

What would the criteria be? Under this amendment, the teacher would be credentialed, have at least 5 years of teaching experience, and be adjudged to be an excellent teacher by administrators and teachers who are knowledgeable about this teacher's performance. The teacher would have to be currently teaching and willing to enter into a contract to teach for another 5 years.

The master teacher, then, would become a mentor teacher, would help other teachers in improving instruction and strengthening teacher skills, would mentor less-experienced teachers, help develop curriculum, and provide other professional development.

What is interesting is that 25 percent of beginning teachers do not teach more than 2 years. Nearly 40 percent leave in the first 5 years. For my State, this is a huge problem. We have 284,030 teachers currently, and in the next 10 years we have to hire an additional 300,000 teachers.

California's rate of student enrollment is three times the national average. Therefore, we have to hire 26,000 new teachers every year.

If they teach 2 years, and we lose them because they can get a better job elsewhere, or we lose a good teacher who has taught 6 or 7 or 8 or 10 years because that teacher wants to become an administrator to make a higher salary, we lose teaching skills in the classroom.

So I thought we could try to see if these excellent teachers would work in the classrooms for an additional 5 years, be willing to mentor other teachers, be credentialed teachers, and stay in the classrooms and become master teachers to help other teachers.

There are some existing mentoring programs. I worked earlier with Adam Urbanski, a teacher in Rochester, NY, who pointed out to me very clearly how mentoring programs keep teachers in the classroom. It occurred to me that master teachers could produce very good dividends.

One of the key things about all of this is that we expect so much from our teachers and we pay them so little. I think California is one of the highest cost-of-living areas in the Nation. Yet teachers earn $45,000. Their salary is limited.

I would like to say to the chairman of the committee, who is in this Chamber, it is my understanding that the amendment is acceptable on both sides. I am very pleased. I intend to follow this closely. I hope we have a whole series of master teachers one day that burgeon throughout the Nation, that lead the way in keeping good teachers in the classroom, to increase teachers' salaries, and to increase the performance of the average classroom teacher.

I thank very much the chairman of the committee for his indulgence.

I yield the floor.

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

Mr. JEFFORDS. I believe we can accept this amendment.

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

Is there any objection to the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 392) was agreed to.

Ms. MIKULSKI. 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.

Mrs. FEINSTEIN. I thank the chairman very much.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending Voinovich amendment be laid aside.

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

AMENDMENT NO. 379

Ms. MIKULSKI. Mr. President, I now call up amendment No. 379.

The PRESIDING OFFICER. The amendment is pending.

Ms. MIKULSKI. Mr. President, this amendment is very simple. It is very straightforward. It is a great public investment in getting our children ready for their future.

What this amendment does is provide for the establishment of community technology centers in the United States under the provisions of th Elementary and Secondary Education Act. It would authorize $100 million to create 1,000 community-based tech centers around the country. These centers would be created and run by community-based groups, such as the YMCA, the Urban League, or even a public library.

The Federal Government would provide competitive grants to these community-based groups. By the third year of funding at least half of the funds come from the private sector. In year one, 30 percent comes from private sector and in year two, 40 percent must come from the private sector. Again, by year three the funding would be 50–50; 50 percent from the Federal Government and 50 percent from the community-based groups. This is truly an excellent example of a public private-partnership and maximization of federal funds.

By funding community technology centers, we will be helping to build public-private partnerships around the country. I want to stress that the private, nonprofit sector is eager to form these partnerships.

Why do we need this amendment? First of all, in the President's education bill there is no provision for community technology centers. The President's budget indicates he would make it a permissible use under HUD to be taken out of community development block grant money. So why do we want this in ESEA? We want it in ESEA because essentially it takes technology education to where people learn in their communities.

What would this mean for local communities? It would mean a safe haven for children where they could learn how to use computers—use them to do homework—use them to access the Internet. It means job training for adults who could use the technology centers to either get new skills and new tools to enter the new economy or to upgrade their skills.

Also, these centers would serve all regions, races, and ethnic groups. They will be where they are needed, where there is often limited access to technology. They will be in urban, rural, and suburban areas. They will be in Appalachia and Native American reservations, and urban centers.

Why do we need those? First of all, I want to acknowledge the fantastic work that Senator JEFFORDS has done in advocating something called the 21st century learning centers. He has, indeed, been a great advocate of that, along with his colleague, Senator JUDD GREGG. They really have been excellent in establishing these learning centers.

They are excellent programs, but they are primarily in schools. Most of them are only for children. And most of them operate during very specific hours. Some are open just a few hours a day; most do not necessarily focus on technology. I want to acknowledge that the one in Vermont is open weekends and even in the summer. So Vermont is really doing a great job.

But why do we need these community tech centers in the community? In some places schools are either too worn out or too dated to be wired for the future. We have school facilities in desperate need of modernization. And the poorer the community, usually the poorer the physical condition of the school. Community Technology Centers would ensure that technology is in the community.

Second, it is multigenerational. This means it could be used during the day for adults and seniors and in the afternoons for structured afterschool activities for children, bringing them to technology. It also could be open at night and on weekends. Also, it removes barriers to learning.

In many of our communities, new immigrants are shy about coming into schools, particularly adults. There is the need to reach out to men who very often want to upgrade their skills, to be able to come into a new workforce. Certainly, in my own community of Baltimore we see that. But they can sometimes feel awkward at age 28, 38, or 48 walking into a school building. But they would walk into a community tech center. This is why we believe that in addition to the 21st century learning centers, these community technology centers are needed.

Let me cite a few examples. The Baltimore Urban League received a grant to create a community tech center. They created a computer clubhouse, an afterschool computer center for teenagers. The young people were taught computer skills. They also then teach other young people. They are engaging in desktop publishing. During the day, it is used for career development, focused on Welfare-to-Work.

In rural Odem, TX, we have another example of a community tech center that both worked with the people in the community but was also a source for distance learning. In a school district in Arizona, it helped young Native Americans enter the high-tech workforce.

I could go on with example after example. Let me tell my colleagues this: Thanks to the leadership of Senators HARKIN and SPECTER, and Labor-HHS, they funded community tech centers through appropriations. Be aware that they were never authorized. Essentially, HARKIN and SPECTER just went ahead and did it. God bless them for doing it. But they could only, because of the lack of authorization, fund very few of these programs. In 1999, over 750 community organizations applied for community technology center money. Under the great leadership of HARKIN-SPECTER, there was only enough money to give grants to 40 of these community organizations.

There is so much pent-up need, it points to why my legislation is needed. I believe we do not have a worker shortage in the United States—we have a skills shortage. Even with dot-coms now dot-bombing, there still is a great need for technology workers. In fact, in practically every field technology literacy is needed. Manufacturing in my own State has gone from smokestack to cyberstack. We must have people with the skills who are ready. We don't have a worker shortage in this country; we have a skill shortage in this country. In addition to schools and libraries, to have 1,000 community technology centers would be a welcome addition into these communities and neighborhoods for people to have the opportunity to truly enter this new world.

My legislation is endorsed by groups such as the National Council of La Raza, the NAACP headquartered in my own State, the American Library Association, the American Association of Community Colleges, and also the Computer and Communications Industry Association.

I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF COMMUNITY COLLEGES,
Washington, DC, March 1, 2001.

Hon. BARBARA MIKULSKI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MIKULSKI: The American Association of Community Colleges (AACC) endorses your amendment to the ''Better Education for Students and Teachers Act,'' to set the authorization of funding for Community Technology Centers at $100 million. AACC represents over 1,100 community colleges across the country.

This program has allowed community colleges to become stronger partners with their communities and has allowed them to help provide access to computers, the Internet, and technology to maximize participation in the digital economy. Some of the community college projects currently funded provided basic computer skills instruction, video conferencing links, after-school programs, welfare-to-work programs and educational counseling services. The programs offered at community colleges serve everyone from pre-school children to adults seeking lifelong learning opportunities.

This is a valuable program because it helps communities to jointly address their challenges. The coalitions funded through these programs secure non-federal matching contributions and also work extensively with each other to develop programs to help overcome the digital divide. The federal funds provided, which cannot exceed fifty percent of total project funds, provide critical seed money that will establish firm foundations for project activities. Community technology centers should be permanently authorized and funded at levels to provide technological opportunity to those who need it.

The American Association of Community colleges urges all Senators to support your amendment to this critical legislation. We thank you for spearheading this initiative.

Sincerely,

GEORGE R. BOGGS,
President and CEO.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, May 3, 2000.

Senator BARBARA A. MIKULSKI,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR MIKULSKI: The National Council of La Raza (NCLR) thanks you for your effort to bring the promise of computer technology to communities that currently do not have equitable access to this important educational tool. In particular, we would like to express our support for your amendment to authorize the Computer Technology Centers (CTC) program.

The transition from an industrial economy to one based on information and technology presents numerous possibilities and challenges. For Hispanics, the advent of the information superhighway provides new educational opportunities. However, it also may further widen existing educational achievement gaps between Hispanics and non-Hispanics.

Studies have shown that the use of computers at home helps improve academic achievement. Yet, Hispanic students have less access to a computer with Internet access at home as compared to White students. In fact, White households are almost twice as likely (46 percent) to own a computer than Hispanic (25 percent) households.

While there has been some success in infusing education technology in America's schools, Hispanics continue to lag behind their non-Hispanic peers in this area. Contrary to the national statistics, schools and communities serving low-income and minority students, including Hispanics, are still very far behind their peers in gaining access.

Schools with a high number of low-income or minority students have less access to computers and the Internet than do affluent schools. For example, in 1998, schools with more than 71 percent of its students receiving free or reduced-price lunches had only 39 percent of the instructional rooms connected to the internet. In comparison, schools with 11 to 30 percent of such students had Internet connections in 53 percent of their instructional rooms.

There are many programs designed to help schools to obtain computers, Internet access, and teacher training. Unfortunately, few are designed specifically to include community-based organizations (CBOs). Lacking community-controlled colleges and universities or a system of Hispanic churches, CBOs are the lifeline of the Hispanic community. They are in a more advantageous position to assess the needs of Hispanic children and families, and have proven track records in providing successful services to community members. The CTCs program creates opportunities for CBOs to participate as partners in bringing this technology to their communities and, therefore, should be supported.

NCLR believes that your amendment to authorize and sufficiently fund the CTCs can have a significant, positive impact on the lives of many low-income Hispanic families. That is why we strongly support your legislation and encourage the entire Congress to do the same.

Sincerely,

RAUL YZAGUIRRE,
President.

NAACP,
Washington, DC, May 3, 2001.

MEMBERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the National Association for the Advancement of Colored People (NAACP), I am writing to inform you of our strong support for the amendment being offered by Senator Barbara Mikulski (D–MD to S.1, the reauthorization of the Elementary and Secondary Education Act. Specifically, the Mikulski amendment would authorize $100 million for fiscal year 2002 and each of the following six years to create 1000 new Community Technology Centers. These centers would provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training. NAACP President and CEO Kweisi Mfume has personally met with Senator Mikulski to discuss this issue, and has made enactment of her legislation an NAACP legislative priority.

Access to computer technology is one of, if not the most single important keys to success in the 21st century. A 1998 report by the independent Benton Institute estimated that by the year 2000, 60% of all jobs in the United States would require some computer skills. Too many Americans, either because of their geographical location, or their lack of economic resources, or both, are being left out of the computer age. This ''digital divide'' currently affects whole communities and, in the end, threatens the continued prosperity of our nation. The digital divide is resulting in an increased concentration of poverty and a deconcentration of opportunity.

According to one recent study while 46% of white families have computers in their homes, only 23% of African Americans can make the same claim, and only 25% of Hispanic American homes are currently equipped with computers. If allowed to continue, this disparity will only increase disadvantages faced by low income Americans and Americans of color as they try to enter the work force and improve themselves and their communities. Perhaps the most frightening aspect of the numerous studies that have been done about the digital divide is that they all seem to agree that the disparities are growing.

Community Technology Centers, as proposed by the Mikulski amendment, are an important step in addressing the current technological inequities. While each center is different, and tailored to the community it serves, the primary goal by definition is to make computers, the Internet and various software packages available to children and adults who might otherwise be on the losing side of the digital divide. Community Technology Centers typically offer both classes as well as opportunities for individuals to take personal time to hone their technology skills. Classes vary from preschool and family programs to after school activities, adult education and courses in career development and job preparation.

Put simply, Community Technology Centers provide individuals and communities with the resources to help themselves and to improve their chances at becoming educated, productive Americans. I hope that you agree with me and the more than 600,000 card-carrying members of the NAACP that Community Technology Centers are a smart and much-needed investment in the future, and that you will support the Mikulski amendment. Should you have any questions, I hope you will not hesitate to contact me at the NAACP Washington Bureau, at (202) 638–2269 or Kimberly Ross in Senator Mikulski's office at (202) 224–4654 about this important amendment. Thank you in advance for your attention to this matter, and I look forward to continuing to work with you and this and other matters that will benefit our nation as a whole.

Sincerely,

HILARY O. SHELTON,
Director,
NAACP Washington Bureau.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, March 6, 2001.

Hon. BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the American Library Association, I convey our support for your Community Technology Centers amendment to the Elementary and Secondary Education Act reauthorization. This amendment would enlarge the scope of possibilities for these centers, increasing their numbers and enabling libraries to continue to do their part in trying to bridge the ''digital divide.''

In Maryland, the Wicomico County Free Library has begun a very successful outreach project to build bridges across the digital divide in that very rural county. The library currently has four centers operating in a variety of community areas that are free, staffed by volunteers and, with library supervision, provide technology training and other services to members of the community. This outreach is beginning to make a real difference and your legislation could enlarge community efforts like this and allow other libraries in rural parts of all states to bring access to technology to their communities.

Thank you for your efforts to enlarge the abilities of libraries and other community groups to serve the public by providing access to technology tools, increased skills and information,

Sincerely,

NANCY C. KRANICH,
President.

COMPUTER AND COMMUNICATIONS INDUSTRY ASSOCIATION,
Washington, DC, March 7, 2001.

Senator BARBARA A. MIKULSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the Computer and Communications Industry Association (CCIA), I am pleased to offer our support for your legislation to provide Federal finding for Community Technology Centers. This proposal would benefit not only those whom it would serve in economically distressed communities, but also the information technology industry.

Your legislation recognizes the critical need for policymakers and industry to address the growing ''digital divide'' in our country between those with ready access to computers and the Internet, and those for whom the promise of technology is beyond their grasp. Our members believe that technology can have a great leveling effect between the wealthy and the disadvantaged by providing access to information and services that have previously been unavailable to many Americans.

In addition, our industry faces a critical shortage of workers to sustain the incredible economic growth and innovation that we have experienced over recent years. Particularly by exposing disadvantaged children and young people to technology and teaching them basic technological skills, we believe that the Community Technology Centers would greatly influence these students to pursue the academic disciplines that will prepare them for high-tech careers. We recognize that only by reaching out to all Americans will we be able to fulfill our shared goals as a country and promote our general welfare.

We commend you for introducing this excellent proposal and look forward to working with you to achieve its enactment.

Sincerely,

JASON M. MAHLER,
Vice President and General Counsel.

Ms. MIKULSKI. I could elaborate on this, but I know the Senator from Alabama is waiting to speak. I urge the adoption of my amendment. Perhaps after we hear from the distinguished chairman, who has really been a leader in new ways to teach and educate children, I will subsequently ask for the yeas and nays.

Mr. JEFFORDS. I think the Senator should ask for them now.

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

AMENDMENT NO. 378

Mr. SESSIONS. Mr. President, I would like to take a minute or two to raise some concerns I have about the Murray amendment which would require schools to use Title II funding to reduce class size and would cost $2.4 billion.

Mandating class size reduction is a matter that we have to be very careful about. It may sound good, and it may seem that reducing class size is the right thing to do in America. And I suppose it polls well. I know President Clinton pushed class size reduction very hard during his administration.

I took some time to look at the numbers and to see how this would work. I visited a lot of schools in Alabama, talked to teachers and principals. I don't hear them telling me their No. 1 goal is to reduce class size.

The serious question is, Is this a public policy that we ought to mandate on the schools? We know we have reduced class size significantly in the last decade or so and have gone from an average class size of 30 in 1961 to an average class size of 23 in 1998. During the period of time that we reduced class size, there was no improvement in standardized test scores.

We also know that schools in South Korea and in Taiwan have class sizes that are nearly twice ours and they have test scores better than ours.

Another factor we must consider when talking about class size reduction is the cost. Schools would have to hire more teachers. I have supported money for teachers today. But if we hire more teachers, are we really getting a bang for our buck? And if we do, where are they going to teach? They can't teach out under the shade tree. They have to have a classroom. That classroom has to be heated and cooled. It has to have a roof over it. You have to have insurance and upkeep and maintenance. That costs money.

If you require schools to reduce their class sizes by 25 percent, you have to have 25 percent more teachers. Not only that, you have to have 25 percent more classrooms, 25 percent more equipment, 25 percent more insurance, 25 percent more maintenance. It is tremendously expensive.

All I am saying is, I reviewed an article in ''Education Week'' of September 1999. It suggested that mandating class size reduction is a bad idea. In fact, the Education Department, as late as 1988 said reducing class size would have little or no positive results and would, in effect, be a waste of money. In fact, it would be a waste of a lot of money.

The numbers I have seen do not indicate that class size is a critical factor in student education. In fact, as many studies show, smaller class size seems to correspond more with lower test scores more than showing an increase. One reason is that a good teacher is critical to learning. If you are bringing on more teachers, you are more likely to bring on less qualified teachers than you have had and you could actually show a decline in learning.

I won't go on about that tonight. I know there is a strong feeling that this is the right direction in which to go, but I would be very reluctant—and I think the Senate should be reluctant—to mandate at the Federal level State school systems to undertake major class size reduction when we can't say with any certainty that it is worth that expense, that it is going to get the kind of bang for our buck that we want to get.

I believe that there are other things schools can do with this $2.4 billion that and could produce more of an improvement in education. We should leave that decision to the schools and not mandate a ''Washington-Knows-Best'' fix.

I urge my colleagues to be cautious about a commitment to requiring schools to reduce class size, because we do not need to require our constituents and our school systems to expend extraordinary sums of money if we can't be certain that it is going to receive a benefit commensurate with that cost.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to thank our colleagues for remaining on the floor tonight and presenting their amendments. I think these are amendments that strengthen the legislation.

I might mention, first of all, Senator FEINSTEIN's amendment, which has been accepted. I think it adds an additional dimension to making sure the mentoring system would work well between senior teachers and newer teachers and will help all teachers be more effective in the classroom. The mentoring system has been enormously important, not only in enhancing education for children, but also in terms of retaining teachers. In many instances, the youngest, least experienced teachers teach in the most challenging classrooms, and 50% of those teachers leave teaching in the first five years.

What we have also seen—and the statistics demonstrate—that when teachers have a mentor—pairing new teachers with a more senior teacher—those younger teachers develop teaching skills. They become better teachers. They feel more confident about their teaching, and their interest in staying in teaching is enhanced, and the students are the beneficiaries. That is certainly something that we want to encourage in this legislation, and I think the Feinstein amendment strengthens that particular proposal.

I know when Senator CARNAHAN talked with us earlier about the amendment on professional development and about year-round schools and providing teaching specialists in reading in more schools, we saw—and I have referenced this earlier during the discussion and debate—the value of improved reading instruction in enhancing academic achievement. Today in the Washington Post, we read about the Prince Georges County Schools where the young children are reading for close to 90 minutes to 2 hours, and then spending a concentrated period of additional time on math. There is no question that spending more time reading has had a very positive impact.

I have seen it in a number of other situations myself, and I think the Carnahan amendment gives important options on how to use resources in terms of hiring specialists in reading, and enhancing professional development.

Then, there is also some allowable use in terms of the year-round schools. Experiments in year-round schools are being conducted in a number of different communities. Again, this legislation provides additional flexibility in the use of funds, while adding more accountability. I think Senator CARNAHAN has increased that kind of flexibility but still maintained the focus in terms of professional development. I think that is a very worthwhile use.

Finally, I am a strong supporter and cosponsor of the Mikulski amendment. I have admired Senator MIKULSKI as the leader in the Senate on the issue of the digital divide. I think all of us are very mindful—it is one of the reasons that we are here—about the digital divide in our country. Senator MIKULSKI, from the beginning, has identified new technology as being as significant as an education tool, in terms of the numbers of opportunities that it opens up, or the numbers of opportunities that are closed down if children are not exposed to the Internet and to newer technologies.

She has developed a very effective concept of these technology centers, which she has outlined. I visited the Computer Clubhouse in Boston last fall, which is one of the community technology centers in Boston. I met high school students who had attended the center for 3 years. They told me that coming to the Clubhouse had changed their lives. Because they had the positive experiences at the Center, they are planning to go to college and study math, science, or engineering. With the very small investment this amendment would provide, we could begin to put a technology center in every needy community in this country.

Information technology is changing how we learn at an incredible rate. New resources are added to the Internet every day. Web pages are as common as fax machines and cell phones. We cannot wait for needy individuals to find their own way to get access to modern resources. We have a responsibility to get the necessary tools to the high poverty urban and rural communities, and community technology centers are one way to fulfill that responsibility. So I urge my colleagues to support the amendment.

Finally, Massachusetts was, just several years ago, 48th out of 50 in terms of the Internet accessibility. It was really extraordinary, Mr. President. We have responded to the concept of a fellow named John Gage from Sun Systems in California, who developed this idea of ''Net Days''—that is, to challenge the new industries to donate computers to schools and challenge labor to put wire down in these areas and in schools.

We did a number of these in my State on four different Net Days. On Net Day, we would announce the progress made in the last 6 months. We went from 48th to the top 20 percent of states with Internet access in the country. Boston is the first urban center that had complete Internet accessing and training of teachers—it is very impressive.

I must say the generosity of the high-tech community was incredibly impressive to me. They were enormously responsive. So many of these companies are headed by young professionals and it was the first time they had been asked to do something. They welcomed the opportunity to be involved in their communities.

Then we challenged labor. In the city of Boston, on a voluntary basis, we got 350 miles of cable laid by the IBEW in Boston. Many of their children are going to these schools. It was an incredible sight to see so many different workers volunteering on Saturdays to wire the schools. It was an incredible coming together, and there was a great sense of pride in the achievement.

So, Mr. President, I think the Mikulski amendment will be an enormous force in helping to make sure that the access to the Internet, the technology, the curriculum, and the training of professional personnel will be effective. I know the Senator well; she will pursue this to make sure no child is left behind in the technology area. She is serious about closing the digital divide.

I thank our colleagues here today. We have made some important progress. We are strongly committed to starting early tomorrow and working late tomorrow night. We want to have a full opportunity to address education issues, but we want to try to also move this process forward. I am very grateful for the patience and courtesy of our colleagues today in helping us to move the legislation forward.

I yield the floor.

Mr. JEFFORDS. Mr. President, I thank my colleague from Massachusetts. We are working really well together on both sides. I praise all our Members. We are beginning to make real progress on this bill and, hopefully, we will have it finished well within the time allotted to us.

AMENDMENT NO. 388, AS MODIFIED

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator SPECTER's second-degree amendment be modified with the changes that are at the desk, and I state that this is just a drafting change and makes no substantive changes in the language.

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

The amendment (No. 388), as modified, reads as follows:

Strike all after the 1st word and insert the following:

. CLASS SIZE REDUCTION.

''(a) ALLOTMENT.—Notwithstanding any other provision of this law, from $1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

''(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

''(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

''(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

''(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

''(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

''(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

''(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

''(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

''(c) USES.—

''(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

''(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

''(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the

State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

''(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

''(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

''(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

''(1) to make further class size reductions in kindergarten through grade 3;

''(2) to reduce class size in other grades;

''(3) to carry out activities to improve teacher quality, including professional development; and

''(4) to carry out other activities authorized under title V.

''(e) REPORTS.—

''(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

''(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

''(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

''(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

''(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

''(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

''(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

VOTE EXPLANATION

Mr. WELLSTONE. Mr. President, I was necessarily absent during the vote on the Warner amendment regarding tax relief for teachers. The amendment was No. 383 to S. 1, the elementary and secondary education bill. I would like the RECORD to show that if present I would have voted aye.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

GAO ZHAN'S BIRTHDAY

Mr. ALLEN. Mr. President, I rise to note what should be a happy occasion but is instead a somber, worrisome, troubling and disconcerting situation.

Today is the 39th birthday of Gao Zhan, a woman of Chinese descent who on her 38th birthday lived in Northern Virginia with her husband Dong Hua Xue and her 5-year-old son Andrew.

Far from spending this 39th birthday in the day in the warm embrace of her loving family, maybe opening a present that her son Andrew made for her, or blowing out candles, she is somewhere else—enduring her 87th day of detention by the officials of the People's Republic of China, some 7,000 miles away from home in an unknown location and in unknown condition, with no contact whatsoever with her husband and her son.

Gao Zhan, who has permanent resident status in the United States, is a scholar at American University studying women's and family issues, especially as they relate to China and Taiwan. She was held for 43 days before she was even charged with a crime. At that time, the Chinese officials alleged that she was a spy for a foreign government but presented no evidence, aside from asserting that she had supposedly confessed.

Also very troubling was the fact that when she and her husband and son were attempting to leave Beijing after spending the Chinese New Year with her family, her husband and 5-year-old son were also detained and held separately from her for 26 days before being released. In fact, the 5-year-old son was held separately.

Indeed, the coerced separation of young Andrew, who is a U.S. citizen by birth, violated consular agreements with China. But according to Andrew's father, this detention has also traumatized this youngster psychologically. This once outgoing, talkative little boy has turned inward. He literally clings to his father's leg almost constantly, and he continues to suffer nightmares, emotional withdrawal, and other adverse effects. Sometimes he will be eating supper and he will ask his father, ''Where is my mother?''

It is often said that we fear what we do not know. For 87 days, Gao Zhan's family and friends have known precious little about her situation, and they are afraid. They don't know her location. They do not know her physical condition. They do not know the basis for the charges against her. No one has been permitted to see her—not our consular officials, who have lodged more than a dozen official protests with the Chinese, not the lawyers in Beijing or New York, who are authorized to practice law in China, whom her husband hired. This denial is even a violation of Chinese law. They have not even allowed international humanitarian organizations, such as the Red Cross, to see Gao Zhan.

On April 5, I introduced legislation, S. 702, which would grant Gao Zhan her desire to become a U.S. citizen. Her son, as I mentioned previously, is also a U.S. citizen. Her husband recently completed his oath in the naturalization process—he took the oath 2 months ago—and is a U.S. citizen.

Gao Zhan has met all of the requirements necessary to become a citizen, except for one—raising her hand and taking the oath of allegiance to the United States. She has established residency for at least 5 years prior to her application. In fact, she has lived in the United States since 1989. She passed the INS test on U.S. history, government, and language. And she passed the FBI background investigation.

Gao Zhan has clearly demonstrated her intent and desire to become a U.S. citizen. S. 702 would help effectuate her desire in her absence. At the same time, I believe taking this unprecedented action might help afford her the full range of protections that are accorded to U.S. citizens all around the world.

The Immigration and Naturalization Service has notified the Senate that Gao Zhan meets the requirements for naturalization, including good moral character. I therefore urge my colleagues, both on the Judiciary Committee and in the full Senate, to move this bill to make Gao Zhan a citizen as quickly as possible. While this legislation may not guarantee that China will begin respecting human rights of its own citizens and visitors, it might help reunite a wife and mother with her husband and child.

Gao Zhan's detention is part of a larger and disturbing pattern of arrests, of which Senator JEFFORDS is well aware, in China and the pattern of arrests of United States-based academics and residents that predates the incident involving detention of our 24 Navy crew members. Over the past several months, we have become aware of the detention of two American citizens of Chinese descent and three Chinese-born holders of American green cards,

including Gao Zhan and another scholar who is a resident of Hong Kong.

I have been made aware that one of these permanent U.S. residents, Liu Yaping, a businessman whom the Chinese have accused of fraud and tax evasion, is reportedly suffering from an aneurysm and his life could be in serious jeopardy. In addition, Gao Zhan also suffers from a chronic heart condition, and her family is understandably concerned about her health.

A number of my colleagues and I have already petitioned the Chinese Embassy for Gao Zhan's release on humanitarian grounds, to no avail. At the very least, Gao Zhan and others being held in China deserve humane treatment, contact with our consular officials, their families, and legal representation.

This sort of treatment of U.S. citizens and residents over the course of the past several months is clearly not the way to mend the frayed and unsettling relations between China and the United States.

I call on our administration to continue doing everything in its power to seek Gao Zhan's return. I ask my colleagues to support this legislation granting her citizenship, and I call on the Chinese Government to release Gao Zhan and return her to her family.

Knowing that the Chinese authorities do not allow any communications—even an e-mail, not even allowing a birthday card—wouldn't it be nice to just get a birthday card signed by her 5-year-old son and her husband, to know that they are OK. Knowing that is not going to be allowed, on behalf of the freedom-loving people of this country and all around the world, I still express our happy birthday wishes and hope our thoughts and prayers and actions will result in Gao Zhan spending her 40th birthday back home with her friends and family, and especially her 5-year-old son who needs his mother.

I thank the Chair and yield the floor.

Mr. JEFFORDS. Mr. President, I thank the Senator from Virginia for raising this issue. The person he is referring to is the mother of a 5-year-old. I also have taken as a cause Ngawang Choephel, who is a young man from Tibet who attended college and then went back to Tibet to work on trying to make a history of the language and the culture there and was arrested and, without any trial at all, imprisoned and still is in prison.

I finally had to go to the Chinese just to get the mother to see her son, which she was guaranteed to do under Chinese law. We finally did succeed in getting the two together, but he remains incarcerated in Tibet.

These are just a few, I am sure, of many such incidents. We should always keep these in mind when we decide what kind of relationship we are going to have with China.

Mr. President, I yield the floor.

RECOGNITION OF LIEUTENANT COLONEL STEVE PENN

Mr. LOTT. Mr. President, I would like to recognize Lieutenant Colonel Steve Penn for his meritorious service to the U.S. Senate both as a Legislative Fellow and as the Deputy Director of the Marine Corps Liaison Office from July 19, 1996 to April 24, 2001. Lieutenant Colonel Penn's uncompromising professionalism and interpersonal skills provided an immense contribution to the mission of communicating the Commandant's message in the United States Senate. As a fellow, he expertly advised Senator ROBERTS and his staff on matters of national security. In the Senate Liaison Office, he led scores of congressional and staff delegations on fact-finding trips to all corners of the globe with unparalleled ease. Additionally, he routinely prepared and delivered briefs to Senators often involving very complex military and Marine Corps issues, always with diplomacy and candor. Lieutenant Colonel Penn consistently maintained uncompromising standards for dedication and accuracy in his work. His personal pride and loyalty to the Marine Corps guided his work and deeds, and resulted in superior results. His unselfish devotion to duty, exceptional performance, and outstanding professionalism have served the Members of Congress and the professional staff well, and provided a priceless contribution to the Marine Corps. My colleagues join me in wishing Lieutenant Colonel Penn all the very best in his next assignment as a member of the Inspector and Instructor Staff, 2nd Battalion, 23rd Marines in Encino, California.

HONORING THE AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL AWARD WINNERS

Mr. DASCHLE. Mr. President, I am proud to announce to the Senate today the names of the young men and women who have been selected to receive special awards from the American Automobile Association. Three safety patrollers will receive the 2000 AAA School Safety Patrol Lifesaving Medal Award. This award is the highest honor given to members of the school safety patrol.

There are roughly 500,000 members of the school safety patrol in this country, helping in over 50,000 schools. Every day, these young people ensure that their peers arrive safely at school in the morning, and back home in the afternoon.

Most of the time, they accomplish their jobs uneventfully. But, on occasion, these volunteers must make split-second decisions, placing themselves in harm's way to save the lives of others. The heroic actions of this year's recipients exemplify this selflessness, and richly deserve recognition.

The first AAA Lifesaving Medal recipient comes from South San Francisco, CA.

On September 28, 2000, just as children were leaving Our Lady of Mercy School for the day, a car hit another car, veered out of control and plowed into the school parking lot. Safety patroller Dustin Ramirez helped maintain control until rescue and police officials arrived. His quick thinking and courage helped prevent any students from being hurt.

This year's second AAA Lifesaving Medal honoree comes from Brooklyn Center, MN.

On January 4, 2001, safety patroller Stefani Egnell was preventing students at Willow Lane Elementary School from crossing the street until she could determine if a speeding car was going to stop. Stefani prevented one 8-year-old girl from stepping in front of the car. She also pulled a boy who hadn't heard her warning back out of harm's way.

The third AAA Lifesaving Medal winner comes from Manassas, VA.

In March 2000, quick action by safety patroller Jonathan Waldron stopped a third grade student from being hit by a bus that had begun pulling away from the curb. Since the youngster was in the blind spot of the bus, the driver did not see him. Jonathan pulled him out of the path of the bus and prevented what could have been a tragedy.

In addition to honoring safety patrollers with the Lifesaving Medal Award, AAA also recognizes the School Safety Patroller of the year. This award is presented to patrollers who have performed their duties above and beyond their normal responsibilities and demonstrate outstanding leadership, dependability, and academic strength.

Courtney Graf Bernet has been named School Safety Patroller of the Year by AAA Mid-Atlantic. Courtney is a sixth-grader at Lee's Corner Elementary School in Fairfax, VA. In November, 2000, Courtney was on patrol duty when a fellow student alerted her that he was having a seizure. Courtney instinctively knew what to do to make the student safe and comfortable. She helped him sit down on a soft, grassy area, took off his backpack so he wouldn't hurt himself, and sent his sister for help. After the crisis was over, she also made sure the other students at the stop safely got on their bus.

Courtney's friends and teachers describe her as courageous and responsible. She excels at using computers, and when she is faced with a challenge, she perseveres until she succeeds. She and all of the other AAA winners deserve our thanks and applause.

On behalf of the Senate, I extend congratulations and thanks to these young women and men who are visiting the Capitol today. They are an asset to their communities, and their families and neighbors should be very proud of their courage and dedication.

I would also like to recognize the American Automobile Association for providing the supplies and training necessary to keep the safety patrol on duty nationwide.

Since the 1920's, AAA clubs across the country have been sponsoring student safety patrols to guide and protect younger classmates against traffic accidents. Easily recognizable by their fluorescent orange safety belt and shoulder strap, safety patrol members represent the very best of their schools and communities. Experts credit school safety patrol programs with helping to lower the number of traffic accidents and fatalities involving young children.

We owe AAA our gratitude for their tireless efforts to ensure that our Nation's children arrive to and from school safe and sound.

And we owe our thanks to these exceptional young men and women for their selfless actions. The discipline and courage they displayed deserves the praise and recognition of their schools, their communities and the Nation.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

Today, I would like to detail a heinous crime that occurred August 8, 2000 in Providence, Rhode Island. Two young men said they were severely beaten and kicked by two strangers. The two victims were walking down a street when a car slowed and passed them. Minutes later the car drove by again, and the occupants began shouting vulgarities, anti-gay slurs and said, ''We're going to kill you.'' The victims yelled back; the perpetrators allegedly got out of the car, shouted more anti-gay slurs and vulgarities, threw a beer can at them and then proceeded to beat and punch the victims in the head and body until one of them almost lost consciousness. The perpetrators eventually got in their car and fled, and witnesses called for help.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE 20TH ANNIVERSARY OF THE NUCLEAR CONTROL INSTITUTE

Mr. LEVIN. Mr. President, the Nuclear Control Institute, NCI, this year celebrates its 20th anniversary. For 20 years the NCI has worked to prevent the further spread of nuclear weapons to nations or to groups. In honor of their achievements and contributions, I ask unanimous consent that a letter of congratulations to NCI by our former colleague, Senator John Glenn, adn the remarks of the founder and president of NCI, Paul Leventhal, at NCI's 20th anniversary conference on April 9, 2001, be printed in the RECORD.

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

THE JOHN GLENN INSTITUTE,
PUBLIC SERVICE & PUBLIC POLICY,
Columbus, Ohio, April 9, 2001.

Mr. PAUL LEVENTHAL,
c/o Mr. Len Bickwit,
Miller & Chevalier, Chartered,
Washington, DC.

DEAR PAUL: I want to extend to you personally my most sincere congratulations on the occasion of the twentieth anniversary of the Nuclear Control Institute. Your contribution to the debate on nuclear proliferation has been invaluable over the years and undoubtedly has helped make the world a safer one in which to live. I will always appreciate your & Senator Ribicoff's role in initially involving me in the nonproliferation issue during my early days in the Senate. While we have not always agreed on the specific measures to be taken in support of nonproliferation, we have always shared the objective that the control of nuclear weaponry must rank high on the list of the nation's public policy priorities. Your tireless work in support of that objective well deserves the commemoration it is receiving today.

Best regards,
Sincerely,

JOHN GLENN.

NUCLEAR POWER AND THE SPREAD OF NUCLEAR WEAPONS: CAN WE HAVE ONE WITHOUT THE OTHER?

Good morning, I am Paul Leventhal, president of the Nuclear Control Institute, and I want to welcome you to NCI's 20th anniversary conference, ''Nuclear Power and the Spread of Nuclear Weapons—Can We Have One Without the Other?''

NCI got started 20 years ago on a spring day like today when I landed a $7,500 contribution from an anonymous member of the Rockefeller family. Wade Greene, the Rockefeller program officer who has been so helpful to a number of non-profit organizations represented here today, called it a ''stimulative grant'' to encourage giving by other foundations. But I had just lost my job on Capitol Hill, when the majority of the Senate switched to the party other than the one my boss and subcommittee chairman, Gary Hart, belonged to. So, I wasted no time and applied the Rockefeller check to renting a desk in the corridor of a small law firm located in a town house a block away from here, on N Street. With the desk came a posh conference room, suitable for holding meetings with other NGOs with an interest in plutonium and proliferation, and NCI was born.

In those days, NCI stood for The Nuclear Club Inc. The name was too clever by 5/8ths. But we used it anyway in a full-page New York Times ad, on Sunday, June 21, 1981, to launch our fledgling organization. The ad, which you will find in your folders, posed the question, ''Will Tomorrow's Terrorist Have an Atom Bomb?''—a question, unfortunately, still highly relevant today, as is the answer. NCI's name has changed, but our mission—to prevent the further spread of nuclear weapons to nations, or to groups—remains the same.

The ad's creator was Julian Koenig, an original member and still a member of our Board. He is a Madison Avenue legend, now retired, whose credits included Volkswagen's original ''Think Small'' campaign and the naming of ''Earth Day.''

At first, Mr. Koenig expressed reluctance about joining our board, but I assured him that NCI would have to solve the plutonium problem in five years, or he and I probably wouldn't survive to talk about it anyway. I was wrong on both counts. We haven't solved the problem. We are still around to talk about it. To paraphrase Faulkner, NCI has endured, if not prevailed. We are all still here to talk about the role of nuclear power, plutonium and other associated proliferation risks—that is the purpose of our meeting today.

Those of you familiar with NCI's work probably detect something different about today's program. When we planned this conference—and here I wish to acknowledge the contribution of Marvin Miller of MIT, a longtime technical adviser and all-around shmoozer for NCI—we discussed whether we should look at nuclear power in a broader context: Do we need nuclear power? How essential is it? This is a policy area that Nuclear Control Institute has not ventured into before. Although some in industry and bureaucracy conclude that our opposition to civilian use of plutonium and the other nuclear weapons material, highly enriched uranium (HEU), means that we are opposed to nuclear power, we are in fact not an anti-nuclear organization. We have maintained a policy of neutrality on nuclear power and steer clear of efforts to shut the industry down. We are anti-plutonium and anti-HEU, not anti-nuclear.

Our purpose today in examining the need for nuclear power, and the possible alternatives to it, is the current push by industry and apparently by the Bush Administration to revive nuclear power and to expand it in response to growing concerns about electricity-supply shortages and global warming.

To underscore this point, today's Washington Post quotes Vice President Cheney as saying, ''We need to build 65 new power plants for the next 20 years, and my own view is that some of those ought to be nuclear, and that's the environmentally sound way to go.''

We strongly believe that such an initiative should not go forward without first examining whether there is an irreducible proliferation risk associated with nuclear power, and whether this risk is serious enough to change current commitments to nuclear power.

If the nuclear industry refuses to end its love affair with plutonium, especially now that it is widely acknowledged that plutonium is not an essential fuel because of the abundance of cheap, non-weapons usable uranium, then the world may well be better off without nuclear power. In that case, we should look to alternative sources of energy and to energy conservation and efficiency measures. Even if industry gives up plutonium, there are still severe proliferation dangers associated with the prospect of cheap, efficient enrichment technology and with potentially limitless sources of uranium.

So, we will be examining two sets of questions today:

Are there viable alternatives to nuclear power?

Are the proliferation risks associated with nuclear power so great as to make these alternative approaches imperative?

We have called on a world-class set of experts to address these questions, and we also have an expert audience representing a full range of views that should keep the speakers on their toes. NCI has always sought to be inclusive and to invite opposing viewpoints to be represented at its conferences. This approach sometimes generates heat, but also light. We ask the speakers to keep to their time limits and the questioners to be succinct and to the point. We have a number of

issues to cover in one day and can only do so if concision is king.

I want to highlight some of NCI's concerns about the proliferation and security risks of nuclear power and about the way these risks are now being addressed. I hope these points help to inform and to stimulate the discussions that follow.

It is important to recognize the central role of fissile materials as the driving force behind proliferation. Granted, any decision to go nuclear is a political one, but the capability to execute that decision is technical. It is impossible to build nuclear weapons without plutonium or HEU. Thus, it should be straightforward that the nuclear power industry imposes a menace on the world if its insists on utilizing these explosive nuclear fuels when it is possible to run nuclear power and research reactors without them. As will be discussed by the luncheon speakers and the afternoon non-proliferation panel, nuclear power programs have provided cover for actual or attempted weapons-making in a number of countries. In each case, closing the fuel cycle to extract plutonium enriching uranium to weapons grade, or importing weapons-grade uranium to run research reactors were the quintessential elements of those programs.

Seeking to restrict and eliminate use of these fuels was the objective of the Congressional non-proliferation initiatives of the 1970s and of the Ford and Carter administrations. But these initiatives ran into political trouble because of the fierce opposition of our European and Japanese allies, who refused to follow the U.S. example. Today, the plutonium and breeder programs in these countries are in desperate financial straits, and this situation presents the United States an opportunity to reopen these issues and to seek cooperative approaches for disposal of excess fissile materials without introducing them as fuels.

Even the pro-plutonium British Nuclear Industrial Forum, in a recent analysis of prospects for the industry, made this statement: ''Proliferation is a major issue in the nuclear fuel cycle. Nuclear Power may become more acceptable to the public if reprocessing is shut down.'' Clearly, the plutonium program in Britain, as in Germany and Japan, is encountering great difficulties. I have been privileged to be the only American invited to participate in a stakeholders' dialogue with British Nuclear Fuels Ltd., the government-owned fuel cycle company, on its plutonium program. As a result of this dialogue, BNFL has now agreed to undertake a formal assessment of immobilizing Britain's 60-plus ton stockpile of civilian plutonium as an alternative to fabricating it into MOX fuel.

However, despite this and other opportunities for the United States to revisit the plutonium component of U.S. non-proliferation policy, ''transparency'' and ''gradualism'' still dominate U.S. policy today. But achieving transparency of the world's plutonium stockpiles is no substitute for getting rid of them, while gradualism can be an excuse for not doing anything effective. The rapid growth of stocks of plutonium serves to illustrate this point. The growth has not been as rapid as we projected in 1983 when NCI commissioned David Albright to do his first study of this project. At that time, we projected 600 tons of separated civilian plutonium by the year 2000. Today, because of large-scale cancellations of new nuclear power and fuel-cycle plant orders, and of the demise of the breeder reactor, the actual amount of separated, civilian plutonium is about 200 tons—still an awesome figure that approximates the amount of military plutonium in the world.

But, by way of contrast, it should be noted that stocks of civilian highly enriched uranium exported by the United States have gone down dramatically—the result of the RERTR (Reduced Enrichment for Research and Test Reactors) program, run by the U.S. Argonne National Laboratory, with relatively strong support by the Executive Branch. In this case, there is a law in effect (the Schumer Amendment) which applies a sanctions approach and bars exports of HEU except to research reactors whose operators have agreed to convert to high-density, low-enriched uranium that cannot be used in bombs. The result: HEU exports by the United States are now virtually nil, limited to relatively small amounts to support continued operation of reactors while they are in the process of conversion.

Plutonium is a different story, however, Provisions in the Nuclear Non-Proliferation Act 1978, which were intended to restrict commerce in plutonium derived from U.S.-supplied nuclear fuel, have been circumvented by the Executive Branch.

It is important to note the pivotal role of Japan in all of this. Those of you familiar with the activities of NCI know that we focus attention on the Japanese plutonium program. We are sometimes criticized for doing so. Questions have been raised as to why we are so concerned about plutonium in Japan, given Japan's adherence to the Nuclear Non-Proliferation Treaty and to IAEA safeguards.

The answer is that Japan strongly resisted U.S. efforts to avoid commercial use of plutonium and is now the lynchpin for world plutonium commerce. Japan is the most important customer today of the European reprocessing and MOX industries. Without Japan, these industries might well be forced to shut down.

The Japanese plutonium program is losing domestic public acceptance as a consequence of a succession of nuclear accidents in Japan, as well as a scandal that developed when BNFL workers deliberately falsified quality-control data for plutonium-uranium, mixed oxide (MOX) fuel that was shipped to Japan for use in light-water reactors. Outside Japan, there is a considerable suspicion in the East Asian region as to why Japan wants to accumulate so much weapons-usable plutonium when there is a clear alternative in the form of low-enriched uranium fuel. NCI has pointed out in a detailed economic analysis that Japan could ensure its energy security by building a strategic reserve of non-weapons-usable uranium at a fraction of the cost of its plutonium and breeder programs.

NCI regards Japan as a special case, too, because, of all the civil plutonium-consuming countries, Japan refuses to acknowledge the weapons utility of reactor-grade plutonium despite many briefings on the subject by the U.S. Government. NCI commissioned the late Carson Mark, former head of weapons design at Los Alamos National Laboratory, to do an analysis of the weapons utility of reactor grade plutonium. This study eventually convinced the IAEA that reactor-grade plutonium was suitable for073 weapons, but unfortunately the Japanese government and industry continue to refuse to do so.

The Japanese plutonium program has also prompted strong protests from many states that are alarmed by the regular transports of MOX fuel and highly radioactive reprocessing waste that now pass close to their coastlines, en route from Europe to Japan. Japan has not been responsive to the safety and security concerns about these shipments that have been raised by the en-route states, or to their demands for environmental impact assessments, advance consultation on emergency planning, and guarantees of salvage of lost cargoes and indemnification against catastrophic consequences of accidents or attacks.

The consequence of all this is that the Japanese plutonium program is mired in controversy, both domestically and internationally. In NCI's view, it should be regarded as a special case and of special concern. If Japan should eventually decide against further use of plutonium fuel and the European plutonium industry collapsed as a result, it might then be possible to build an international consensus to eliminate commerce in plutonium as well as bomb-grade uranium.

We think Japan and the other big plutonium-producing and—consuming countries do count because they set an example and a standard for the rest of the world. I will return to this subject this afternoon during the non-proliferation panel.

I also want to highlight NCI's concerns about the possibility of reactors as radiological weapons—that is, the risk of sabotage of nuclear power plants. This is not just a Russian problem. It is an American problem, as well. Half the nuclear power plants in the United States have failed to repel mock attacks—so-called force-on-force exercises supervised by the Nuclear Regulatory Commission. The NRC refuses to take enforcement action in response to the failures, and is in the process of weakening the rules of the game in response to industry complaints. The agency even refuses to officially acknowledge the pass-fail nature of the exercises when the mock attackers reach and ''destory'' a complete set of redundant core cooling systems. Perhaps the NRC is right. It's not pass-fail. It's pass-melt.

NCI's Scientific Director, Edwin Lyman, will have more to say on this subject at this afternoon's technical fixes panel.

There is a curious historical context to this issue. It goes back to 1913, when H.G. Wells wrote a book entitled The World Set Free. In 1933, the Hungarian physicist, Leo Szilard, was thinking about this book, which he had read the year before, at the historic moment when, as he crossed Southhampton Row in the Bloomsbury section of London, he figured out the nuclear chain reaction. Wells, in this book, depicted a future nuclear war that began after atomic energy had been harnessed for peaceful purposes. But it was warfare that involved not exploding atomic bombs, but machines that spewed forth radiological poisons—the equivalent of a modern reactor meltdown.

My concern is that sobotage of nuclear power plants may be the greatest domestic vulnerability in the United States today. Many plants are not protected adequately, industry operators seem not prepared to pay the cost of doing so, and the NRC seems ill-disposed to require them to do so. It is not even certain that security of nuclear power plants against attack and sabotage can be assured by conventional, private means. This is a subject worth taking a hard look at.

It also raises the larger question of the adequacy of nuclear regulation today. It is essential to maintain strong, independent nuclear regulation free of undue industry influence. When I got into this business as a U.S. Senate staffer more than 25 years ago, my first responsibility was to handle the Energy Reorganization Act of 1974. This act ''fissioned'' the Atomic Energy Commission into separate regulatory and promotional agencies, and thus transformed a weak regulatory division of the AEC into a strong, independent NRC. As I observe the NRC today, I am concerned that it is looking more and more like the old AEC regulatory division, subject to undue influence by industry and particularly by industry's powerful friends on Capitol Hill. This is also a matter deserving of close scrutiny.

When I started out, I was very much influenced by the thinking of two leading nuclear contrarians. One was David Lilienthal, who

had served as both the first head of the Tennessee Valley Authority and the first chairman of the Atomic Energy Commission. His Congressional testimony in 1976 in opposition to U.S. nuclear exports and in support of non-proliferation legislation caused a furor among his former colleagues. He once said to me, ''If we assume nuclear proliferation to be inevitable, of course it will be.'' That made a lot of sense to me then, and still does today.

Ted Taylor, America's most creative fission bomb designer and a member of NCI's Board, also made a concise and compelling point: ''Nuclear is different,'' he said. And to illustrate the point, he noted that the bomb that destroyed Nagasaki set off an instant of explosive energy equivalent to a pile of dynamite as big as the White House that was contained in a sphere of plutonium no bigger than a baseball. That was a first-generation bomb, a technological feat now within the grasp of terrorists or radical states if they manage to get their hands on the material.

Ultimately it comes down to a test of reasonableness. Is it reasonable to assume, over time, that millions of kilograms of plutonium can be sequestered down to the less than 8 kilograms needed for such a bomb? This question, in my view, must be answered before giving any further comfort to and support of an industry that remains officially committed to utilizing plutonium as a fuel—and surely before supporting an extension and expansion of that industry in response to electricity-supply shortages and global warming.

I close with a reminder from one of NCI's original Board members, the historian Barbara Tuchman, who in her book of the same title gave a sobering description of the ''march of folly'' that drives nations to destruction. She identified this phenomenon, one repeated throughout recorded history, as ''pervasive persistence in a policy demonstrably unworkable or counterproductive.'' To qualify as folly, she said, it ''must have been perceived as counter-productive in its own time, not merely by hindsight, . . . (and) a feasible alternative course of action must have been available.''

MOTHER'S DAY

Mr. DURBIN. Mr. President, it is with great pleasure that I rise today to honor America's mothers. On Sunday, May 13th, families across America will celebrate Mother's Day. This is a special time of year, when we pay tribute to our mothers for playing an important role in our lives.

Mother's Day is a time to thank mothers for their patience, compassion, and devotion. Mothers have taught us to be who we are today and who we will be in the future. They instill values of respect and honor in our lives. On this day, we acknowledge the role mothers play in shaping our nation's future, one child at a time.

Our mothers were first honored in this way in 1907, when Anna Jarvis petitioned influential political and religious leaders to adopt a formal holiday honoring mothers. She hoped that such an observance would increase respect for parents and strengthen family bonds. Thanks to her efforts, in 1914, President Woodrow Wilson proclaimed the second Sunday in May as Mother's Day. He declared that on this day, the U.S. flag is to be displayed in government buildings and at people's homes ''as a public expression of our love and reverence for the mothers of our country.''

This year, as we celebrate Mother's Day, we are reminded of the changing role of mothers in our society. Today, mothers are not only homemakers and volunteers. They are lawyers and doctors, teachers and nurses, Senators and CEOs. In fact, half of American women with children under the age of eighteen now work full time, outside the home. Whether our mothers work inside or outside the home, they are our caretakers and nurturers. They are the cornerstone of our country. Their role in our society is priceless.

With all of our mothers' hard-work and devotion, it is no wonder that each year families search for the perfect gift to give for Mothers' Day. We purchase flowers, candy, and cards. Yet, America's mothers deserve more. Mothers want to know that their children are safe in school, receiving the best possible education, and protected from dangers in the community. This is where we, as lawmakers, have a role to play. We can do more to help mothers. We can help give them something they want and deserve for Mother's Day by passing legislation that reduces the number of guns on our streets, improves our schools, and protect our neighborhoods.

One year ago I joined over 900,000 mothers, fathers and children across the country in the Million Mom March. We came out on Mother's Day to renew our commitment to our children—we will continue to work tirelessly to prevent the senseless gun related deaths of our children. We want to raise our children, not bury them.

We joined together to talk about the need for gun safety and sensible gun control. Yet this body has turned a deaf ear to the calls.

While some downplay the fact that guns are more rampant in America than in any other country, more and more children are killed by guns. Every day, 10 mothers are told that their child has been killed by gunfire. That is 10 too many. Last Congress, I introduced bipartisan legislation with eight other Senators, known as the Child Access Prevention, CAP, bill, in an effort to hold gun owners accountable when they fail to safely store their firearms. Gun owners need to assume responsibility for safely storing their firearms in a way that is not accessible to children. Unfortunately, the Congress did not pass my bill. I plan to reintroduce this legislation during this Congress and I urge my colleagues to join me in this effort.

Here we are, two years after Columbine, one year after the Million Mom March, and two months after Santana High, and this Senate still has not acted on any gun legislation. How many more mothers will have to celebrate Mother's Day without their children at their side before we begin helping law enforcement and school officials end the violence in our schools? Our mothers should not have to fear sending their children to school. We must pass sensible gun laws—for our nation, for our children, for our mothers.

This year, for Mother's Day, let us also assure mothers that their children are receiving a quality education. Too many school children face challenges that inhibit their ability to learn. Student-to-teacher ratios are too large, teachers are not properly trained, and the best technology is not made available. Mothers count on our schools to provide their children with the best possible education. Yet, our schools are not meeting the standards. While Congress debates funding priorities, our children are leaving school unprepared for their futures.

We must increase Federal support for education to ensure that all our children have the skills and knowledge they will need in the future. Our goal must be to make every child a success story. Allocated funding will allow schools to reduce class sizes and increase professional development programs for teachers. It will help local schools invest in and integrate new technology in classrooms and help expand school counseling, school safety, and substance abuse programs. By helping our schools, we will assure mothers that their children are ready for the future.

As a gift for Mother's Day, we can also give children a place to go after school hours. With one half of American mothers working full time outside the home, many children come home from school to an empty house. It is during this time when many unsupervised children find trouble. A study released by the YMCA of the USA designated the hours between 3 p.m. and 6 p.m. as the ''danger zone.'' Teenagers are more likely to drink, smoke, or engage in sexual activity because they are unsupervised. But this time could and should be used for productive activities.

The hours after school should be a time to learn and grow, not invite trouble. We need to expand funding for programs like Chicago's Lighthouse after school program, so that children have access to tutoring and mentoring programs, recreational activities, and literacy education after the school day ends. When children participate in these programs, working mothers can be reassured that their children are not only safe, but thriving, while they are at work.

In conclusion, Sunday is our special opportunity to recognize the role of mothers and to thank them for their nurture, care, and love. On Sunday, when we salute our mothers for the role they have played in our lives, let's recommit ourselves to give them a gift in return, a gift they will treasure. Let's pass sensible gun laws, increase funding to our schools, and protect our communities. That is what our mothers want, on Mother's Day and every day. And that is what we should give them.

MEDICARE INPATIENT HOSPITAL SERVICES

Mrs. CLINTON. Mr. President, today, I am so pleased to join my good friends, Senator HUTCHISON from Texas and Senator BAYH from Indiana, in supporting this legislation to help Medicare payments keep pace with the rising costs of hospital care, and to halt further Medicare reductions to teaching hospitals.

Our hospitals are under tremendous strain. They face soaring costs from nearly every direction: The growing number of uninsured individuals coupled with the devastating shortages of skilled health care workers. The struggle to afford skyrocketing pharmaceuticals prices, while simultaneously investing in emerging needs, such as information technology. At the same time, reductions in Medicare payments have hindered hospitals' ability to respond to these increased demands. How can we expect patients to receive quality health care when we're asking our hospitals to do more with so much less?

As you know, this week we are focusing on the crisis around the shortage of nurses. Ninety-one percent of hospitals in New York State report shortages of registered nurses, RNs. But this is really just the tip of the iceberg. The shortages in the health care workforce permeate the entire health care system, especially our hospitals. There are shortages in pharmacists, technicians, nurse aides, billing staff, and housekeepers that have all negatively impacted the quality of care New Yorkers are able to receive.

As a representative of the State of New York, I am especially troubled by the growing strains that our hospitals have been forced to contend with on top of the devastating cuts that have resulted from the balanced budget agreement of 1997, BBA. I have heard numerous firsthand accounts of the adverse impact on New York hospitals and the facts speak for themselves: In the 2 years following the BBA, New York hospitals' financial health ranked worst in the Nation. In fact, almost two-thirds of New York hospitals had negative operating margins last year. And in addition to the workforce shortage affecting health providers nationwide, New York providers are also confronting labor costs increases of 5–7 percent a year, while the Medicare rates for inpatient hospital rates, even with the full market basket update we are seeking in today's legislation, expected to rise only around 3.1 percent.

In recent years, Congress has successfully provided some short-term relief to address areas where the cuts enacted in the BBA of 1997 went much further than intended. However, much of the relief merely postponed scheduled cuts in Medicare payments and that is why the legislation that we are introducing today is so important.

This legislation today would eliminate some of those previously delayed cuts. First, it would restore the market basket update for inpatient hospital rates to the full level, rather than market-basket minus 0.55 percent, as scheduled for fiscal year 2002 and 2003. This important step will help hospitals nationwide keep up with the rising costs of inpatient care for Medicare beneficiaries. This provision helps all hospitals in New York State by increasing inpatient hospital payments across the board.

I am especially pleased that this legislation would also address the cuts faced by teaching hospitals to their Medicare indirect medical education payments. Teaching hospitals are the crown jewels of our Nation's health care system and play a vital role in making our system one of the finest in the world.

We rely on them to train physicians and nurses, care for the sickest of the sick and the poorest of the poor, and engage in research and clinical trials. Thanks to the research, for example, at Memorial Sloan-Kettering, cancer patients will suffer less while receiving chemotherapy because of a drug that was developed there.

As my predecessor and friend, Senator Daniel Patrick Moynihan, in whose footsteps I am so honored to be following, put it so well a few years ago, ''We are in the midst of a great era of discovery in the medical science. It is certainly not a time to close medical schools. This great era of medical discovery is occurring right here in the United States . . . And it is centered in New York City.''

This legislation that we are introducing today would address the cuts faced by teaching hospitals to their Medicare indirect medical education payments. Last year's Medicare, Medicaid, and SCHIP Benefits Improvement Act of 2000, BIPA, provided some relief by delaying the cuts to help teaching hospitals cover the costs of caring for sicker, more complicated patients. Today's provision would make that relief permanent by freezing the indirect medical education adjustments percentage at 6.5 percent.

In addition, teaching hospitals throughout the State would benefit, including rural hospitals such as Kingston Hospital, Benedictine Hospital, Champlain Valley Physicians Hospital Medical Center, Olean General Hospital, and Hepburn Medical Center in Ogdensburgh, NY.

Today's legislation is essential to ensuring that our Nation's older and disabled patients can continue to receive the high quality of care that they deserve. I look forward to working with my colleagues and the administration to address this and other important health care priorities.

REMEMBERING ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. DAYTON. Mr. President, I rise today to recognize that May is Asian Pacific American Heritage Month, and I want to acknowledge the many accomplishments and contributions that people of Asian and Pacific Island descent have made to Minnesota and to our country.

Their many different talents, cultures, and histories have played important roles in building and strengthening our country, and they have exemplified the important traditions of hard work, respect for family and elders, and the value of a quality education.

Since their arrival in this country, they have believed strongly in the American Dream and in better opportunities for those who seek them. These qualities have enabled them to overcome adversity and discrimination, and allowed them to achieve enormous successes in virtually every field.

The complexion of my home state of Minnesota is changing dramatically. We have seen a sharp increase in the number of Asian Americans and Pacific Islanders who reside in our state, and we welcome the opportunity to continue to work with them to create a better Minnesota.

In one of my first meetings as a new Senator, I had the opportunity to visit with the Council on Asian Pacific Minnesotans, and I learned of the many important contributions which this community makes to my home state. They shared with me not only their successes, but also their continuing struggles to ensure that Minnesotans of Asian and Pacific Island descent have the best education, housing, health care, and job opportunities possible.

I would like to acknowledge just a few of the Minnesotans of Asian or Pacific Island descent whose efforts have made Minnesota a better place to live and work. In the political arena, the Honorable Satveer Chaudhary became the first Asian American to be elected to the Minnesota state legislature and now serves as the highest-ranking elected official of Indian descent in the nation. Ms. Zarina Baber helped establish the volunteer based clinic in Fridley known as Al'Shifa, which provides culturally specific health care free of charge to needy or uninsured patients. Ms. Baber volunteers as the director of this clinic and has developed partnerships with area hospitals and clinics. Mr. Lee Pao Xiong recently became the first non-African American President of Minneapolis' Urban Coalition. He has served on President Clinton's Commission on Asian and Pacific Islanders, and has been a leader in helping the Hmong community to make the transition to mainstream America while preserving the integrity of their own culture. Wai Lee, a devoted mother of four, as well as an active member of the Faribault community, has skillfully combined motherhood with activism. She has volunteered in the Faribault community for many years, taught English as a Second Language, and developed a mentor program to involve children and help them with their English skills. Venture

Crew 6, a community organization made up of Asian youth leaders, is working to make Minnesota a better place to live and train young people to be future leaders. The group's mission is to help Minnesota youth grow, develop, and foster leadership skills while serving their communities. The members, made up of traditional and ''at risk'' youth, lend a hand to the state's elderly, and provide a variety of other volunteer services in several Minnesota communities.

There are many other women and men who belong on this ''Honor Role'' of outstanding Minnesotans. During this month, we should all take time to remind ourselves of the important contributions made to our society by those of Asian American and Pacific Island descent, who bring with them rich cultures, desire for growth and opportunity, and the chance to achieve the American dream.

EXPORT PROMOTION PROGRAMS

Mr. BINGAMAN. Mr. President, I rise today to address the issue of U.S. trade policy, in particular the funds directed toward export promotion in the Bush administration fiscal year 2002 budget.

Until only recently, the United States had been experiencing the largest period of sustained economic growth in our history, with over 20 million jobs created, the lowest unemployment rate in 30 years, the lowest poverty rate in 20 years, and substantial increases in gross domestic product and productivity. According to nearly every analyst, there is a direct correlation between increased international trade and these statistics, with exporting firms and workers contributing as much as 30 percent to our economic growth. Exports in U.S. goods and services have risen by almost 50 percent over the last eight years. This translates into increased international sales for business of all sizes, increased opportunities for high-wage employment, and enhanced economic security for Americans.

Significantly, our trade policy over the last 8 years has included tangible resources directed toward export promotion initiatives, the primary goal being to ensure that exporters, large, medium, and small, could take advantage of market opportunities occurring as a result of international trade negotiations and market liberalization. Included in this trade strategy were a range of policy programs, from trade promotion and financing, to market monitoring and compliance, to database creation and business counseling, all of which were specifically designed to ensure that U.S. firms of all sizes had the information they needed, that they were positioned to take advantage of foreign markets, and, in this manner, that we could unlock the full potential of our national economy.

As I examine the current budget I am concerned that this commitment to export promotion has weakened significantly under the new administration. Given the rapid changes occurring in the international political economy, I am concerned that the administration is ignoring the challenges U.S. firms now face with their competition. Given the emphasis placed on these programs by foreign governments at this time, I am concerned about the effect this change will have on the level of our exports. Given the state of our economy at this time, I am concerned this will simply be another factor contributing to a decline in economic growth.

Let me give some specific examples of the budget cuts I am referring to. Based on the budget numbers provided by President Bush: Funding for the Trade Development Program, which performs trade investment analyses, works with firms to identify and capitalize on overseas trade opportunities, and conducts export promotion programs, will decrease from $66 million last year to $52 million this year. Funding for the Market Access and Compliance Program, which monitors foreign country compliance with multilateral and bilateral trade agreements, will decrease from $33 million last year to $28 million this year. Funding for the U.S. Foreign and Commercial Services, which maintains databases on markets overseas and counsels U.S. firms on export opportunities, will decrease from $199 million last year to $194 million this year. Funding for the Export-Import Bank, which provides export financing for U.S. companies, will decrease from $865 million last year to $633 million this year. Funding for the International Trade Administration, whose primary goal is to expand opportunities for sales by U.S. firms in foreign markets, falls from $364 million last year to $361 million this year.

From where I stand, we should not be cutting back on funding for these programs. On the contrary, we should increase funds for programs designed to translate American productivity, vitality, and ingenuity into sales overseas. Unfortunately, what we see here is a policy that runs contrary to the needs of our own country, and, significantly, the policies of most countries in the global trading system. The Bush administration trade policy incorrectly assumes that market imperfections do not exist, and that assistance to firms represents interference in the way the market works. If you look around the world and examine the trade and export policies of other countries, you will see this policy is an anomaly.

If you go down the list of our trading partners anywhere in the world—be it Japan, France, Canada, Mexico, or Brazil—all consider the exports of their goods and services to be a top government priority, and, according to the U.S. Commerce Department, contribute substantial resources, both human and financial, to this goal. The most recent data available shows that the United States ranks dead last among a group of our trading partners, measured in terms of spending on export promotion as a percentage of GDP. And these data were calculated prior to the fiscal year 2002 budget cuts by the Bush Administration. All of these countries—France, Canada, Germany, Italy, Japan, the UK, Korea, Spain, Sweden, and the Netherlands—understand that trade is not an end in and of itself, but one of the tools by which governments can raise the living standards of its people.

In his nomination testimony before the Finance Committee in January, U.S. Trade Representative Robert Zoellick stated that President Bush assigned a high priority to trade policy as part of his domestic and international agenda. He argued at that time that trade policy is important not only because it incrementally improves the economic welfare of all Americans, but also because it shapes the basic framework of the international system. Through international trade we not only export goods and services, we also export democratic values and stability.

I agree with this statement. But my concern is that the Bush Administration is committed to this kind of trade policy in rhetoric alone. Their budget for export promotion activities suggests that they are unwilling to back up their words with substance—in this case, real funding for the programs that do the work needed to help U.S. firms. From where I sit, it is essential that the United States fund these programs so American business can continue to act as an engine of growth for the country. I am convinced that there is a national economic interest, tangible and beneficial, that needs to be pursued in an effective manner by the United States. While I accept the notion of free markets, I believe there are imperfections and biases in the international trading system that necessitate a commitment of resources to trade and export policy.

President Bush has argued that he has focused on the people's priorities in his budget and put first things first. I would argue that his trade policy—the resources directed toward export promotion policy in particular—are simply another example of the fundamental flaws in his strategic goals for the country. There is still time to make a change in direction. There is still time to fund the programs that have done so much for American businesses and the American people. I urge the Administration to reconsider the funding levels for these programs, and bring them back to the appropriate level.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 7, 2001, the Federal debt stood at $5,643,605,408,260.92, Five trillion, six hundred forty-three billion, six hundred five million, four hundred eight thousand, two hundred sixty dollars and ninety-two cents.

Five years ago, May 7, 1996, the Federal debt stood at $5,093,910,000,000, Five trillion, ninety-three billion, nine hundred ten million.

Ten years ago, May 7, 1991, the Federal debt stood at $3,437,531,000,000, Three trillion, four hundred thirty-seven billion, five hundred thirty-one million.

Fifteen years ago, May 7, 1986, the Federal debt stood at $2,018,050,000,000, Two trillion, eighteen billion, fifty million.

Twenty-five years ago, May 7, 1976, the Federal debt stood at $598,331,000,000, Five hundred ninety-eight billion, three hundred thirty-one million, which reflects a debt increase of more than $5 trillion, $5,045,274,408,260.92, Five trillion, forty-five billion, two hundred seventy-four million, four hundred eight thousand, two hundred sixty dollars and ninety-two cents during the past 25 years.

ADDITIONAL STATEMENTS

LIEUTENANT GENERAL DANIEL W. CHRISTMAN

• Mrs. CLINTON. Mr. President, I rise today to honor the career of an outstanding soldier and a good friend, Lieutenant General Daniel W. Christman, who is retiring after more than thirty-six years of active military service. General Christman's exemplary military career, culminating in five years as the Commanding General and Superintendent of the United States Military Academy at West Point, exemplifies the professionalism and seriousness of purpose that have helped make the U.S. military the best in the world.

Prior to his service at the United States Military Academy, General Christman had a remarkable military career for over 30 years. General Christman graduated first in his class from West Point and later taught in the Department of Social Sciences as an Assistant Professor of Economics. He has held several senior executive positions in the Army, all of which have taken advantage of his unique talents for creative leadership and strategic vision. Using his training in civil engineering, he has commanded a major U.S. Army Corps of Engineer District in Savannah Georgia and headed the Army's Engineer School in the early 1990s.

Throughout his distinguished career, General Christman has played a vital role in development and implementation of some of the most important security policy issues of the last several decades. He served in the Ford Administration as a member of the National Security Council Staff. During the Gulf War, he directed a strategic planning group which advised the Army's Chief of Staff on war prosecution policies. He represented the U.S. in Brussels, Belgium as a member of NATO's Military Committee where he had active involvement in the historic expansion of NATO, pursuing peace in the Balkans and military dialogue with Russia. Immediately before arriving at West Point, General Christman served for two years as Assistant to the Chairman of the Joint Chiefs of Staff in the Pentagon. In that position he advised the Secretary of State on a broad range of issues, including arms control with Russia and Middle East peace negotiations between Israel and Syria.

General Christman's tenure as the 55th Superintendent of the U.S. Military Academy has been marked by a forward thinking strategic vision and the development of a more cooperative and positive environment at the Academy. I met with General Christman soon after I was sworn in as Senator and have been greatly impressed by his leadership at West Point. His success at obtaining critical funding support has enabled West Point to continue to attract high quality young cadets willing to embark on Army careers. He helped to raise funds for the Center for the Professional Military Ethic, as well as endowments for several academic department chairs and improved athletic facilities. He helped to inspire the creation of a dynamic and forward-looking Strategic Vision for the U.S. Military Academy 2010.

General Christman's exemplary service and devotion to duty, honor and country have left a lasting impact on the U.S. Military Academy, and indeed the U.S. Army. His numerous awards reflect the respect and admiration of those who have had the privilege to serve with him. I join my fellow Senators in wishing General Christman the best of luck in his future endeavors and my sincerest gratitude for his distinguished service to his country.•

TRIBUTE TO LIEUTENANT GENERAL DANIEL W. CHRISTMAN

• Mr. REED. Mr. President, I rise to recognize the outstanding service to our nation of Lieutenant General Daniel William Christman, the 55th Superintendent of the United States Military Academy. On June 30, 2001, General Christman will retire from the United States Army after an outstanding career of more than 36 years of service in peace and in war to the Army and the Nation.

General Christman is a modern model of the soldier-scholar. After graduating first in his class from West Point in 1965, then young second Lieutenant Christman traveled to Fort Benning to undertake the Ranger Course. He then served as a Platoon Leader and later as a Commander in the 2d Infantry Division, Korea. In 1969, he commanded a company in the 101st Airborne Division in Vietnam.

Returning from combat, General Christman went on to distinguish himself in numerous command and staff positions with U.S. Forces, both overseas and in the Continental United States. In Europe, his assignments included serving as the 19th U.S. Representative to the NATO Military Committee in Brussels, Belgium, and Commander of the 54th Engineer Battalion in Wildflecken, Germany.

General Christman's key command positions included service as the Commanding General of the U.S. Army Engineer Center and Commandant of the U.S. Army Engineer School at Fort Leonard Wood, Missouri, and Commander of the Savannah District, U.S. Army Corps of Engineers in Savannah, Georgia.

General Christman occupied senior executive positions in Washington, D.C. which required creative leadership and strategic vision. He served as a Staff Assistant with the National Security Council during the Ford Administration, and as Assistant to the U.S. Attorney General for National Security Affairs in the Reagan Administration. General Christman was the Director of Strategy, Plans and Policy at the Department of Army Headquarters. In this capacity, he supported negotiations relating to the Conventional Forces in Europe arms control talks between NATO and the Warsaw Pact on behalf of the Chief of Staff of the Army and the Chairman of the Joint Chiefs of Staff. He also served as Assistant to General Shalikashvili, Chairman of the Joint Chiefs of Staff advising the Secretary of State on a broad range of military and national security issues such as arms control with the Russian Federation and the Middle East peace negotiations between Israel and Syria.

Over the years, General Christman also found time to continue his own education. He earned a Masters Degree in Civil Engineering and a Masters Degree in Public Administration from Princeton University, and holds a Law Degree from George Washington University.

For his service, General Christman has received, among others, the Defense Distinguished Service Medal, the Army Distinguished Service Medal, the Defense Superior Service Medal, Legion of Merit, Bronze Star Medal, Merit Service Medal and the Air Medal.

General Christman has made many valuable contributions to our nation and the Army, but I believe that he has left his most indelible mark on the United States Military Academy, the institution where he began, and will soon end his Army career. After his graduation, General Christman first returned to his alma mater in 1970 as an Instructor, and later Assistant Professor in the Department of Social Sciences. Then in 1996, General Christman undertook his last assignment as Superintendent. For the past five years, he charted the course for officer education into the new century.

Under his guidance, the Academy crafted a new mission statement, strategic vision, and a new public funding paradigm to enable the institution to compete and excel in an era of transformation. His assessment of current needs and insight of future possibilities

has resulted in a revised academic curriculum and an increased focus on the profession of officership. From the outset, General Christman sought the insight of Academy graduates and the neighboring community, where appropriate, to give these groups a closer identification with his decisions.

A consummate professional, General Christman's dedication to excellence and his unsurpassed devotion to duty, honor, and country have marked his distinguished service over the last 36 years. His service reflects a deep commitment to West Point, the Army, and our nation. I ask my colleagues to join me in thanking General Christman for his honorable service to the citizens of the United States of America. I wish him, his wife Susan, and their children, continued success and happiness in all their future endeavors.●

RETIREMENT OF RONALD CARL CASNER OF MCVEYTOWN, PA

● Mr. SANTORUM. Mr. President, I rise today to recognize Mr. Ronald Carl Casner of McVeytown, PA, as he retires as Vice-President from Omega National Bank after 42 years. He has given a great deal of time and energy to his profession, and has ensured a trustworthy banking service to his customers for many years. On June 30, 2001, he will bring his lengthy and accomplished career to a close, and I commend him for the many years of service he has provided to his community.

Mr. Casner was born February 7, 1936 in Lewistown, PA. After he graduated from high school, he served in the United States Marine Corps from 1954–1958. Upon his return to the United States from his military service, Ronald became employed at the former Penn Central National Bank, located in Mount Union and Huntington, PA. When Mr. Casner retires in June, he will retire as Vice-President of what is now Omega National Bank.

Mr. Casner is a member of the McVeytown United Methodist Church, serves on the Church's Board of Trustees, is an avid sportsman, and is a member of the Loyal Order of the Moose. His involvment in these civic organizations displays Mr. Casner's dedication both as a professional and in the community. Ronald and his wife, Anna, have two daughters, one grandson and one granddaughter.

I ask my colleagues to join with me in recognizing Mr. Ronald Casner for the many years he has given to his community. May his retirement be filled with health, happiness and memorable times with family and friends for many years to come.●

LEON HIGH SCHOOL BAND

● Mr. GRAHAM. Mr. President, I am pleased to have this opportunity to honor the outstanding history of the Leon High School Band in Tallahassee, Florida. Now in its 61st year, Leon High School Band's tradition of distinction is second only to the academic and personal integrity of its members.

Officially organized in 1940, Leon Band and its colorful history remain a source of great pride for everyone involved with the program. During those early years, the ''Marching Redcoats'' took the field at the 1946 Orange Bowl in Miami, Florida, attended the Cherry Blossom Festival in Washington, D.C. and was proclaimed the official band of the State of Florida. The honors, acclaim and achievements, however, did not stop there; the band visited Mexico in 1974 to enter the Festival of Bands and toured Austria for the International Music Festival in 1977.

More recently, under the direction of Timothy Paul, the Leon High Band has continued its quest for excellence. Not only have they won the Sudler Order of Merit for Historical Bands, but in December, 2000, the band was presented with the prestigious Sulder Flag of Honor, an international award honoring musical expertise. Individually, band members consistently attain superior ratings in district and state competition. The grand tradition of the Leon High School Band continues and richly deserves our commendation and recognition.●

SEARCHING FOR SEQUOYAH

● Mr. INHOFE. Mr. President, today I would like to recognize a family that has dedicated much time and energy into preserving its Cherokee heritage. Dr. Charles Rogers of Brownsville, TX, his wife Sheron, his son, George Charles Sherson, and his mother, Mary Layton Rogers, have traveled to Mexico in search of the grave of the famous Cherokee, Sequoyah.

Sequoyah is credited with inventing a writing system for the Cherokees by making symbols which form words. As a result of this syllabary, thousands of Cherokees became literate. In recognition of his monumental contribution, the Cherokee Nation awarded him a silver medal, along with a lifetime literary pension.

Sequoyah was born in Tennessee, in 1776, to Nathaniel Gist, a Virginia fur trader, and Wut-teh, the daughter of a Cherokee Chief. He also lived in Georgia, Alabama and Arkansas before moving to Oklahoma, where he lived until 1842. He then set out to find the Chickamauga Cherokees, who had moved to Mexico. He died the following year in Mexico, but the exact location of his grave has remained unknown.

Dr. Rogers and his family, who come from a long line of Cherokees themselves, have searched extensively for Sequoyah's grave. Their efforts may have paid-off as they believe they have found the burial site in a rock-covered cave near the ''lost-village'' of Sequoyah. Epic and Gloria Rodriguez of Mexico, whose ancestors helped Sequoyah and other Cherokees, directed the Rogers to the location. The Rogers' intent is not to return the remains of Sequoyah to Oklahoma, but to recognize his grave in order to preserve the richness of the Cherokee heritage.

I hope you will join me today in honoring Sequoyah, for his contribution to the Cherokee people, as well as the Rogers family, for their work to preserve the legacy of this Cherokee hero.●

TRIBUTE TO PAGE GROTON

● Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life and legacy of Page Groton. He was a native of Baltimore who served his country with pride.

Page Groton spent his career working to improve the lives of working men and women. He played an important role in America's labor movement. He understood why unions are so important. He put his values into action.

Page enjoyed a long career as a trade union member, leader and lobbyist. He began working in Baltimore as a member of the Civilian Conservation Corps before becoming an electrician at a shipyard in Pennsylvania. Page answered his country's call to duty by joining the Navy in the Pacific during World War II.

After returning to the shipyard when the war ended, Page was elected union president of his boilermakers local. In 1962, Page Groton moved to Washington and became vice president of the International Brotherhood of Boilermakers Union. Once in Washington, Page found the time to share his knowledge of labor issues with students from the University of Wisconsin School for workers. He finished his career as a lobbyist for the Metal Trades Department of the AFL–CIO.

I am so grateful for Page's friendship and support. In 1986, I found myself in a tough Senate primary campaign against two good friends of mine: Congressman Mike Barnes of Montgomery County, and Governor Harry Hughes of Maryland. Page was instrumental in helping the statewide AFL–CIO to know me.

Page Groton's life is an example of dedication to a cause higher than oneself. His legacy is his family, as well as an ethic of service that Americans and Marylanders may follow with pride. His beloved wife Mayrene Williams Groton and their two children, seven grandchildren, and five great grandchildren are in my thoughts and prayers.●

RETIREMENT OF A. REID LEOPOLD, JR., MD, OF LEWISTOWN, PA

● Mr. SANTORUM. Mr. President, today I would like to recognize A. Reid Leopold, Jr., MD, an accomplished physician from the great Commonwealth of Pennsylvania who will be retiring on June 30, 2001. Dr. Leopold has dedicated his entire professional life to improving the health and well-being of others in our communities.

Dr. Leopold was born October 7, 1931 in Lewistown, PA. A graduate of Lewistown High School, he studied for four years at Bucknell University in Lewisburg, PA before moving on to study medicine at Pittsburgh Medical School. In addition to practicing medicine for 43 years, Dr. Leopold served his country in the United States Navy for two years and served as Mifflin County Coroner from 1964 to 1996.

A member of St. John's Lutheran Church in Lewistown, Dr. Leopold is married to the former Karen Doyle, and has two daughters, three sons, two step-daughters and eight grandchildren. Also a sports enthusiast, Dr. Leopold can often be found spending his free time boating and fishing in Lake Raystown.

Dr. Leopold has been an outstanding member of the Lewistown community, and has provided his friends and neighbors with quality healthcare for many, many years. I congratulate him on his retirement and hope that he is blessed with many years of relaxation and enjoyment with friends and family.

I ask my Senate colleagues to join with me in recognizing the contributions that Dr. Leopold has made to the medical profession and to improving the lives of others. May his retirement be filled with health, happiness and memorable times with family and friends for many years to come.●

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 nomination received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1751. A communication from the Acting President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000 and the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1752. A communication from the Chairwoman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Budget Reguest and Annual Performance Plan for Fiscal Year 2002; the Annual Performance Plan for Fiscal Year 2001; the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1753. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Ozone; Beaumont/Port Arthur Ozone Nonattainment Area'' (FRL6976–1) received on May 3, 2001; to the Committee on Environment and Public Works.

EC–1754. A communication from the Acting Administrator of the General Service Administration, transmitting, a report relative to an alteration prospectus for the Federal Trade Commission building in Washington, DC; to the Committee on Environment and Public Works.

EC–1755. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma Regulatory Program'' (OK–025–FOR) received on May 7, 2001; to the Committee on Energy and Natural Resources.

EC–1756. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Missouri Regulatory Program'' (MO–033–FOR) received on May 7, 2001; to the Committee on Energy and Natural Resources.

EC–1757. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Application of sections 23A and 23B of the Federal Reserve Act to Derivative Transactions with Affiliates and Intraday Extensions of Credit to Affiliates'' (R–1104) received on May 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1758. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment, articles, and services sold commercially under a contract in the amount of $14,000,000 or more to Spain; to the Committee on Foreign Relations.

EC–1759. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–1760. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–1761. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Not. 2001–32) received on April 28, 2001; to the Committee on Finance.

EC–1762. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''BLS–LIFO Department Store Indexes—March 2001'' (Rev. Rul. 2001–23) received on April 28, 2001; to the Committee on Finance.

EC–1763. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Forward Triangular Merger Followed by a Stock Drop Down'' (Rev. Rul. 2001–24, –22) received on May 3, 2001; to the Committee on Finance.

EC–1764. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Reverse Triangular Merger Followed by an Asset Sale'' (Rev. Rul. 2001–25, –22) received on May 7, 2001; to the Committee on Finance.

EC–1765. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Germany, Italy, and Spain because of BSE'' (Doc. No. 01–008–1) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1766. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2000–2001 Crop Year for Tart Cherries'' (Doc. No. FV01–930–2) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1767. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Honey Research, Promotion, and Consumer Information Order'' (RIN0581–AB84) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1768. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Suspension of Provisions under the Federal Marketing Order for Tart Cherries'' (Doc. No. FV00–930–6) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1769. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones; Final Rule'' ((RIN2120–AG74)(2001–0003)) received on April 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1770. A communication from the Attorney-Advisor of the General and International Law Division, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Audit Appeals; Policy and Procedure'' (RIN2133–AB42) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1771. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (25)'' ((RIN2120–AA65)(2001–0027)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1772. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled ''Commuter Operations and

General Certification and Operations Requirements; technical amdt.'' (RIN2120–ZZ34) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1773. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled ''Service Difficulty Reports; Delay of Effective Date'' ((RIN2120–AF71)(2001–0001)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1774. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled ''Emergency Exits'' (RIN2120–ZZ33) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1775. 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: Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes'' ((RIN2120–AA64)(2001–0188)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1776. 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: Cessna Model 750 Airplanes'' ((RIN2120–AA64)(2001–0189)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1777. 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 767 Series Airplanes Powered by GE or P&W Engines'' ((RIN2120–AA64)(2001–0190)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1778. 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: Saab 2000 Series Airplanes'' ((RIN2120–AA64)(2001–0191)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1779. 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 737–600, –700, –800, and –700C Series Engines'' ((RIN2120–AA64)(2001–0192)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1780. 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 MD–11 Series Airplanes Equipped with P&W Model PW4400 Series Engines'' ((RIN2120–AA64)(2001–0193)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1781. 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; Bassett, NE; Correction and Confirmation of Effective Date'' ((RIN2120–AA66)(2001–0078)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1782. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Molokai, HI'' ((RIN2120–AA66)(2001–0079)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1783. 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 328–100'' ((RIN2120–AA64)(2001–0187)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1784. 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 A319 and A320 Series Airplanes Equipped with Elevator and Aileron Computer L80 Standards'' ((RIN2120–AA64)(2001–0186)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1785. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled ''Emergency Medical Equipment'' (RIN2120–AG89) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1786. A communication from the Associate Bureau Chief, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Access Charge Reform, Seventh Report and Order'' ((FCC01–146)(Doc. No. 96–262)) received on May 7, 2001; to the Committee on Commerce, Science, and Transportation.

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. BIDEN (for himself and Mr. MCCONNELL):

S. 840. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 841. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Finance.

By Mr. FEINGOLD:

S. 842. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 843. A bill to provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING:

S. 844. A bill 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; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS):

S. 845. A bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource; to the Committee on Finance.

By Mr. DURBIN:

S. 846. A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN:

S. Res. 83. A resolution referring S. 846 entitled ''A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois'' to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 84. A resolution to authorize representation by the Senate Legal Counsel in Timothy A. Holt v. Phil Gramm; considered and agreed to.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 381

At the request of Mr. ALLARD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 394

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 394, a bill to make an urgent supplemental appropriation for fiscal year 2001 for the Department of Defense for the Defense Health Program.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas (Mr. HUTCHINSON) 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. 488

At the request of Mr. ALLEN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable education opportunity tax credit.

S. 500

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

S. 540

At the request of Mr. DEWINE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

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

S. 549

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 677

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 681

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. SMITH, of Oregon) was added as a cosponsor of S. 681, a bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land.

S. 697

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. ALLEN) 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.

At the request of Mr. BAUCUS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Nevada (Mr. REID) were added as a cosponsors of S. 697, supra.

S. 772

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 772, a bill to permit the reimbursement of the expenses incurred by an affected State and units of local government for security at an additional non-governmental property to be secured by the Secret Service for protection of the President for a period of not to exceed 60 days each fiscal years.

S. 778

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 797

At the request of Mr. GRAMM, the name of the Senator from Florida (Mr. NELSON, of Florida) was added as a cosponsor of S. 797, a bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for associations which prepare for or mitigate the effects of natural disasters.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) 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. 830

At the request of Mr. CHAFEE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 837

At the request of Mr. BOND, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 837, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. RES. 75

At the request of Mr. HUTCHINSON, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 75, a resolution designating the week begining May 13, 2001, as ''National Biotechnology Week.''

AMENDMENT NO. 356

At the request of Mr. CORZINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 356 intendent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 378

At the request of Mrs. MURRAY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of amendment No. 378, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. MCCONNELL):

S. 840. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, in ''The Federalist No. 3,'' John Jay wrote that ''[a]mong the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first.'' Such is the importance that our nation historically has placed on the maintenance of law and order. And our law enforcement officers, whom our country has charged with carrying out this primary responsibility, shoulder a weighty, and often times dangerous, burden. In 1999 alone, one hundred and thirty-four law enforcement officers fell in the line of

duty, making the ultimate sacrifice to protect our communities.

While most Americans are aware that their police officers work in a dangerous environment, many Americans do not know that in enforcing the laws that exist to protect us all, these officers, themselves, often are denied basic legal protections in internal investigations and administrative hearings and are penalized for exercising their free speech and associational rights. They live in fear of being investigated without notice, interrogated without an attorney, and dismissed without a hearing, often times at the behest of some recently arrested criminal looking for a payback. In short, many officers do not enjoy the same basic due process and First Amendment rights as does the criminal element from which they are trying to protect us.

According to the National Association of Police Organizations, Inc., NAPO, ''[i]n roughly half of the states in this country, officers enjoy some legal protections against false accusations and abusive conduct, but hundreds of thousands of officers have very limited due process and First Amendment rights and confront limitations on their exercise of those and other rights.'' And according to the Fraternal Order of Police, FOP, ''[i]n a startling number of jurisdictions throughout this country, law enforcement officers have no procedural or administrative protections whatsoever; in fact, they can be, and frequently are, summarily dismissed from their jobs without explanation. Officers who lose their careers due to administrative or political expediency almost always find it impossible to find new employment in public safety. An officer's reputation, once tarnished by accusation, is almost impossible to restore.'' In short, a trumped-up charge against a police officer can result in a lifetime sentence of a damaged career and reputation.

It is time for our Nation to end this sorry situation. We must make sure that every member of law enforcement, in every jurisdiction in the country, is able to participate in the political process without fear of retaliation and is able to do his or her job without wondering whether they can defend themselves if their performance is scrutinized. To this end, I am proud to rise today with Senator BIDEN to introduce the ''Law Enforcement Discipline, Accountability, and Due Process Act of 2001.'' This bill would guarantee due process rights to every police officer who is subject to investigation for non-criminal disciplinary action, and it would protect them from retribution on the job for participating in the political process while off the job. Some of these protections are: the right to be informed of administrative charges prior to being questioned; the right to be advised of the results of an investigation; the right to a hearing, as well as an opportunity to respond; and the right to be represented by counsel or another representative.

While this bill would protect the men and women who serve on the front lines of our nation's war against crime, it would not do so at the cost of citizen accountability. Just the opposite. It would strengthen the ability of individual citizens to hold accountable those few officers who misuse their authority. Specifically, as NAPO notes, ''[o]ften police departments lack any guidelines and procedures for handling and investigating complaints, thus raising doubts about officer accountability.'' This bill will fill that void and thereby go a long way to dispelling such doubts. By establishing, as the FOP observes, ''an effective means for the receipt, review and investigation of public complaints against law enforcement officers that is fair and equitable to all parties,'' this bill ensures that legitimate citizen complaints against police officers will be actively investigated and that citizens will be informed of the progress and outcome of those investigations. It thus strikes an appropriate balance: the bill makes sure that every police officer has basic fundamental procedural rights, while at the same time ensuring that citizens have the opportunity to raise legitimate complaints and concerns about police officer conduct.

This legislation is the product of much hard work and continual refinements by leading law enforcement groups, most notably the FOP and the NAPO. They have both strongly endorsed it, and, like Senator BIDEN and me, will work hard for its enactment. Over the years, Senator BIDEN and I, in conjunction with these groups, have made similar efforts to protect the men and women who protect us. While we have not yet been successful, we remain undeterred and will continue working toward our goal. The time has come to give our law enforcement officers the basic and fundamental rights that they desperately deserve. We urge our colleagues to join us in this very worthy effort.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 841. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Mental Illness Non-Discrimination Act with my colleague on the Finance Committee, Senator JOHN KERRY.

In brief, my bill would a correct a serious disparity in payment for treatment of mental disorders under Medicare law. Medicare beneficiaries typically pay 20 percent coinsurance for most outpatient services, including doctor's visits. Medicare pays the remaining 80 percent. But for treatment of mental disorders, Medicare law requires patients pay 50-percent coinsurance. Under my bill, patients seeking outpatient treatment for mental illness would pay the same 20 percent coinsurance required of Medicare patients seeking treatment for any other illnesses.

Let's look at this issue in another way. If a Medicare patient has an office visit for treatment for cancer or heart disease, the patient is responsible for 20 percent of the doctor's fee. But if a Medicare patient has an office visit with a psychiatrist, psychologist, social worker, or other professional for treatment for depression, schizophrenia, or any other condition diagnosed as a mental illness, the co-insurance for the outpatient visit for treatment of the mental illness is 50 percent. What sense does this make?

Indeed, my bill has a larger purpose, to help end an outdated distinction between physical and mental disorders, and ensure that Medicare beneficiaries have equal access to treatment for all conditions.

Perhaps this disparity would matter less if mental disorders were not so prevalent. But the Surgeon General has told us otherwise. The importance of access to treatment for mental disorders is emphasized in a landmark report on mental health released by the Surgeon General in 1999. The Surgeon General reported mental illness was second only to cardiovascular diseases in years of healthy life lost to either premature death or disability. And the occurrence of mental illness among older adults is widespread. Upwards of 20 percent of older adults in the community and an even higher percentage in primary care settings experience symptoms of depression. Older Americans have the highest rate of suicide in the country, and the risk of suicide increases will age. Untreated depression among the elderly substantially increases the risk of death by suicide.

There is another sad irony. While Medicare is often viewed as health insurance for people over age 65, Medicare also provides health insurance coverage for people with severe disabilities. The single most frequent cause of disability for Social Security and Medicare benefits is mental disorders—affecting almost 1.4 million of 6 million Americans who receive Social Security disability benefits. Yet, at the same time, Medicare pays less for critical mental health services needed by these beneficiaries than if they had a non-mental disorder.

But there is also the very good news that there are increasingly effective treatments for mental illnesses. With proper treatment, the majority of people with a mental illness can lead productive lives. Yet because of fears of stigma and a lack of understanding of mental disorders, too often mental disorders go untreated. Our payment policies should not provide another barrier to access to care.

I urge my colleagues to join with me to bring Medicare payment policy for mental disorders into the 21st century.

Mr. KERRY. Mr. President, I am pleased to join my colleague Senator

SNOWE in introducing the Medicare Mental Illness Non-Discrimination Act. This legislation will establish mental health care parity in the Medicare program.

Medicare currently requires patients to pay a 20 percent co-payment for all Part B services except mental health care services, for which patients are assessed a 50 percent co-payment. Thus, under the current system, if a Medicare patient sees an endocrinologist for diabetes treatment, an oncologist for cancer treatment, a cardiologist for heart disease treatment or an internist for treatment of the flu, the co-payment is 20 percent of the cost of the visit. If, however, a Medicare patient visits a psychiatrist for treatment of mental illness, the co-payment is 50 percent of the cost of the visit. This disparity in outpatient co-payment represents blatant discrimination against Medicare beneficiaries with mental illness.

The prevalence of mental illness in older adults is considerable. According to the U.S. Surgeon General, 20 percent of older adults in the community and 40 percent of older adults in primary care settings experience symptoms of depression, while as many as one out of every two residents in nursing homes are at risk of depression. The elderly have the highest rate of suicide in the United States, and there is a clear correlation between major depression and suicide: 60 to 70 percent of suicides among patients 75 and older have diagnosable depression. In addition to our seniors, 400,000 non-elderly disabled Medicare beneficiaries become Medicare-eligible by virtue of severe and persistent mental disorders. To subject the mentally disabled to discriminatory costs in coverage for the very conditions for which they became Medicare eligible is illogical and unfair.

There is ample evidence that mental illness can be treated. Unfortunately, among the general population, those in need for treatment often do not seek it because they are ashamed of their condition. Among our Medicare population, the mentally ill face a double burden: not only must they overcome the stigma about their illness, but once they seek treatment they must pay one-half of the cost of care out of their own pocket. The Medicare Mental Illness Non-Discrimination Act will eliminate the 50 percent co-payment for mental health care services. By applying the same 20 percent co-payment rate to mental health services to which all other outpatient services are subjected, the Medicare Mental Illness Non-Discrimination Act will bring parity to the Medicare program and improve access to care for our senior and disabled beneficiaries who are living with mental illness.

By Mr. FEINGOLD:

S. 842. Bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Public Safety Act. This bill will prohibit the placement of Federal prisoners in facilities run by private companies and deny specified Federal funds to State and local governments that contract with private companies to manage their prisons. Incarceration, or the deprivation of a person's liberty, is the penultimate control a State exercises over its citizens. That authority should not be delegated to any private, for-profit entity. We must restore responsibility for public safety and security to our Federal, state and local governments.

As our nation has confronted prison overcrowding in recent years, private companies have stepped in to help communities address this issue by claiming they could alleviate bed shortages and manage prisons more cost effectively than governments. But private companies and governments do not share the same goals with respect to corrections. Federal, State and local governments are motivated by public safety and justice, while private companies are motivated by a desire to cut costs and make a profit. Today, some 120,000 of our nation's 2 million total jail and prison beds are provided by private for-profit companies. As reports of escapes, riots, prisoner violence, lack of adequate medical care and abuse by staff in private prisons abound, many have begun to question the wisdom and propriety of delegating this essential government function to private companies.

At a prison in Youngstown, OH run by a private company, 20 inmates were stabbed, two fatally, within a ten month period shortly after the prison opened in May 1997. After the company claimed it had addressed the problem, six inmates, four of them murderers, cut a hole in a fence during recreation time and escaped in broad daylight. A report released in 1998 by the U.S. Department of Justice cited inexperienced and poorly trained officers and resulting excessive use of force at this Youngstown facility. The Justice Department also noted that the company failed to recognize its responsibilities as a correctional service provider and its reluctance to accept blame for the unconstitutional conditions of confinement at the prison. In 1999, the prison company paid $1.65 million to settle a class action lawsuit brought by inmates who complained that, among other things, the prison provided inadequate medical care and that guards were abusive.

Unfortunately, the problems that plague the Youngstown facility are not unique. A private prison in Whiteville, TN, which houses many inmates from my home state of Wisconsin, has experienced a hostage situation, an assault of a guard, and a coverup to hide physical abuse of inmates by guards. A security inspection found that this facility, run by a private prison corporation, had unsecured razors, obstructed views into individual cells, and an unsupervised inmate using a computer lab labeled ''staff only.''

Proponents of prison privatization claim that private prison operators save taxpayers money. But this has never been confirmed. In fact, two government studies raise significant doubt about whether private prisons save money. One study conducted by the GAO stated that there is a lack of ''substantial evidence that savings have occurred'' due to prison privatization. A second study completed by the Federal Bureau of Prisons arrived at the same result: there is no strong evidence to show that States save money by using private prisons.

Private prison companies are guided by the same business principles as other corporations. Their goal is to make a profit and, in turn, please officers and shareholders. This profit motive is inappropriate when the safety and security of guards and our communities are threatened by prison violence and escapees.

Unfortunately, we have seen this cost-cutting turn into cutting corners on public safety. Cutting corners means hiring unqualified and untrained corrections personnel, as well as understaffing facilities. Furthermore, when prison riots break out or inmates escape, these costs are not cut but instead are shifted to the taxpayers, who must foot the bill for U.S. Marshals, sheriffs or local police or other officials to step in and clean up the mess.

Private prison corporations make money when they house more inmates and provide fewer services. The result is that prisoners are deprived of the rehabilitation, education, and training that make it less likely that they will commit more crimes after they have served their time. This drive to keep ''beds filled'' is especially troubling because it adversely affects our nation's African American community, which is already over-represented in the prison system.

The legislation I introduce today, The Public Safety Act, addresses these concerns. It prohibits the Federal government from delegating responsibility for incarceration of inmates to private entities. The bill also conditions Federal prison funds to states upon their agreement to retain responsibility for the incarceration of inmates and not contract out this solemn responsibility to private companies. Governments may contract with private vendors to provide auxiliary services such as food or clothing, but governments would be prohibited from contracting out the core correctional responsibility of housing, safeguarding, protecting or disciplining inmates.

Correctional officers have joined together with other government employee groups and criminal justice activists to support this legislation. The bill's supporters include the American Federation of State, County and Municipal Employees, AFSCME, the

American Federation of Government Employees, AFGE, the International Union of Police Associations, the Fraternal Order of Police and the American Civil Liberties Union.

Let us restore safety and security to the many Americans who work in prisons. Let us protect the communities that support prisons. And let us ensure the rehabilitation and safety of the individuals housed there so that they may return to society as productive law-abiding citizens. I urge my colleagues to join me in support of the Public Safety Act.

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. 842

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 ''Public Safety Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The issues of safety, liability, accountability, and cost are the paramount issues in running corrections facilities.

(2) In recent years, the privatization of facilities for persons previously incarcerated by governmental entities has resulted in frequent escapes by violent criminals, riots resulting in extensive damage, prisoner violence, and incidents of prisoner abuse by staff.

(3) In some instances, the courts have prohibited the transfer of additional convicts to private prisons because of the danger to prisoners and the community.

(4) Frequent escapes and riots at private facilities result in expensive law enforcement costs for State and local governments.

(5) The need to make profits creates incentives for private contractors to underfund mechanisms that provide for the security of the facility and the safety of the inmates, corrections staff, and neighboring community.

(6) The 1997 Supreme Court ruling in Richardson v. McKnight that the qualified immunity that shields State and local correctional officers does not apply to private prison personnel, and therefore exposes State and local governments to liability for the actions of private corporations.

(7) Additional liability issues arise when inmates are transferred outside the jurisdiction of the contracting State.

(8) Studies on private correctional facilities have been unable to demonstrate any significant cost savings in the privatization of corrections facilities.

(9) The imposition of punishment on errant citizens through incarceration requires State and local governments to exercise their coercive police powers over individuals. These powers, including the authority to use force over a private citizen, should not be delegated to another private party.

SEC. 3. ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—To be eligible to receive a grant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994, an applicant shall provide assurances to the Attorney General that if selected to receive funds under such subtitle the applicant shall not contract with a private contractor or vendor to provide core correctional services related to the incarceration of an inmate.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to grant funds received after the date of enactment of this Act.

(c) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall not apply to a contract in effect on the date of the enactment of this Act between a grantee and a private contractor or vendor to provide core correctional services related to correctional facilities or the incarceration of inmates.

(2) RENEWALS AND EXTENSIONS.—Subsection (a) shall apply to renewals or extensions of an existing contract entered into after the date of the enactment of this Act.

(d) DEFINITION.—For purposes of this section, the term ''core correctional service'' means the housing, safeguarding, protecting, and disciplining of persons charged or convicted of an offense.

SEC. 4. ENHANCING PUBLIC SAFETY AND SECURITY IN THE DUTIES OF THE BUREAU OF PRISONS.

Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7);

(2) by striking ''and'' at the end of paragraph (4); and

(3) by inserting after paragraph (4) the following:

''(5) provide that any penal or correctional facility or institution except for nonprofit community correctional confinement, such as halfway houses, confining any person convicted of offenses against the United States, shall be under the direction of the Director of the Bureau of Prisons and shall be managed and maintained by employees of Federal, State, or local governments;

''(6) provide that the housing, safeguarding, protection, and disciplining of any person charged with or convicted of any offense against the United States, except such persons in community correctional confinement such as halfway houses, will be conducted and carried out by individuals who are employees of Federal, State, or local governments; and''.

By Mrs. BOXER:

S. 843. A bill to provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse; to the committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I am introducing the Treatment on Demand Assistance Act to help ensure that substance abuse treatment is available to all substance abusers who seek it.

According to the Department of Health and Human Services, each year drug and alcohol related abuse kills more than 120,000 Americans. In 1999, an estimated 14.8 million Americans were illicit drug users, with nearly 5 million of them addicted to drugs.

Drugs and alcohol abuse costs taxpayers nearly $276 billion annually in preventable health care costs, extra law enforcement, auto crashes, crime and lost productivity.

Additionally, the detrimental effect of substance abuse manifests itself in numerous ways. For instance, substance abuse is often the root behind family violence and other criminal activity.

Even more devastating is that according to the Centers for Disease Control and Prevention, CDC, drug injections are one of the most common modes of transmission of the AIDS virus.

In an effort to combat this problem, before stepping down as America's Drug Czar, General Barry McCaffrey outlined in his final report that the prescription for solving America's drug problem was: ''prevention coupled with treatment accompanied by research.''

Despite the recognition that substance abuse treatment should be on the Nation's agenda, there is still a large gap between those in need of drug treatment and the availability of treatment programs. Thus, when substance abusers finally do seek treatment, they are often turned away because of long waiting lists.

The numbers are shocking. While some substance abusers are not seeking treatment, many are, and are being turned away. In California, for example, 60 percent of all facilities that maintain a waiting list have an average of 23 people on their list on any given day.

Nationwide, there are over 5 million substance abusers, yet less than half are receiving treatment for their drug problems, leaving over 2.8 million people in need of treatment. This is unacceptable.

In order to address this problem, I strongly believe that along with increased funding for law enforcement, especially those proven programs run in jails and prisons, it is also necessary to provide additional funding for treatment programs. Indeed, I believe that enforcement and treatment are critical elements of an effective comprehensive drug control policy.

To meet that goal, however, will require additional investment. Through the Substance Abuse Mental Health Services Administration, SAMHSA, the Federal Government currently provides over $2 billion to states and local entities for drug treatment programs, and total Federal spending in this area is just over $3 billion. Yet, this is not enough to get people the help they need when they need it.

For this reason, I am introducing the Treatment on Demand Assistance Act. Congressman Cal Dooley will introduce a companion measure in the House.

My bill would double the Federal government's funding for drug treatment over five years, to $6 billion in fiscal year 2006.

Current treatment on demand programs focus on the specific drug abuse needs of the local community. For instance, in San Francisco and California's Central Valley, methamphetamine abuse is especially problematic and continues to be on the rise. In other cities, cocaine abuse or marijuana is the drug of choice. Treatment programs should be targeted to address these local epidemics.

That is why the additional funding in this bill is provided through SAMHSA's Center for Substance Abuse Treatment and gives the Center the flexibility to

target funds where they are needed most. Of the $3 billion in additional funding set aside, 50 percent is provided in the form of formula grants to States, and 50 percent is reserved for direct grants to treatment centers.

The Treatment on Demand Assistance Act would also reward states that have instituted a policy of providing substance abuse treatment to non-violent drug offenders as an alternative to prison, as California recently did with the enactment of Proposition 36. The bill authorizes $250 million per year for five years to provide matching grants to states. These funds could be used to help pay for treatment as well as to provide other elements of a comprehensive anti-drug abuse program for non-violent offenders, including drug testing, drug courts and probation services.

In order to ensure that the funding is being effectively distributed, the bill would require the General Accounting Office to monitor the program during the 2nd and 4th year of the grant programs.

Already, there is a groundswell of interest in this bill, with over 100 organizations from both the treatment and law enforcement community actively supporting it. If groups as diverse as the California Sheriff's Association, the California Public Defenders Association and the National Association of Social Workers can come together, then surely we can find the funding necessary to invest in substance abuse treatment. Recent studies indicate that for every additional dollar invested in substance abuse treatment taxpayers would save $7.46 in societal costs. Clearly, such an investment is worthwhile, and I urge my colleagues to support treatment on demand.

I ask unanimous consent that the text of the bill and the list of endorsers be printed in the RECORD.

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

S. 843

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 ''Treatment on Demand Assistance Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Department of Health and Human Services, each year drug and alcohol related abuse kills more than 120,000 Americans.

(2) In 1999, an estimated 14,800,000 Americans were current illicit drug users.

(3) States across the country are faced with increasing demands for drug treatment programs.

(4) In addition, methamphetamine abuse continues to be on the rise. Methamphetamine abuse accounts for 5.1 percent of all treatment admissions, which was the fourth highest percentage after cocaine, heroin, and marijuana.

(5) Current statistics show that methamphetamine use is increasing rapidly especially among the nation's youth.

(6) There are over 2,800,000 substance abusers in America in need of treatment.

(7) This number exceeds the 2,137,100 persons receiving treatment.

(8) Recent reports indicate that every additional dollar invested in substance abuse treatment saves taxpayers $7.46 in societal costs.

(9) In California, the average cost to taxpayers per inmate, per year, is $23,406 versus the national average cost of $4,300 for a full treatment program.

(10) Drugs and alcohol cost taxpayers nearly $276,000,000,000 annually in preventable health care costs, extra law enforcement, auto crashes, crime and lost productivity versus $3,100,000,000 appropriated for substance abuse-related activities in fiscal year 2000.

(11) Nationwide, 59 percent of police chiefs believe that drug offenders are served better by participation in treatment programs versus prisons only.

(12) Current treatment on demand programs such as those in San Francisco and Baltimore focus on the specific drug abuse needs of the local community and should be encouraged.

(13) Many States have developed programs designed to treat non-violent drug offenders and this should be encouraged.

(14) Drug treatment prevention programs must be increased in order to effectively address the needs of those actively seeking treatment before they commit a crime.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) assist individuals who seek the services of drug abuse treatment programs by providing them with treatment on demand;

(2) provide assistance to help eliminate the backlog of individuals on waiting lists to obtain drug treatment for their addictions;

(3) enhance public safety by reducing drug-related crimes and preserving jails and prison cells for serious and violent criminal offenders;

(4) complement the efforts of law enforcement by providing additional funding to expand current community-based treatment efforts and prevent the recidivism of those currently in the correctional system; and

(5) assist States in the implementation of alternative drug treatment programs that divert non-violent drug offenders to treatment programs that are more suited for the rehabilitation of drug offenders.

SEC. 4. DEFINITIONS.

In this Act:

(1) NON-VIOLENT.—The term ''non-violent'' with respect to a criminal offense means an offense that is not a crime of violence as defined under the applicable State law.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) STATE.—The term ''State'' means each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

SEC. 5. GRANTS FOR THE EXPANSION OF CAPACITY FOR PROVIDING TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.), as amended by sections 3104 and 3632 of the Youth Drug and Mental Health Services Act (Public Law 106-310), is amended—

(1) by redesignating the section 514 relating to the methamphetamine and amphetamine treatment initiative as section 514B and inserting such section after section 514A; and

(2) and by adding at the end the following:

''SEC. 514C. TREATMENT ON DEMAND.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, shall—

''(1) award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations; and

''(2) award block grants to States;

for the purpose of providing substance abuse treatment services.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a) an entity or a State shall provide assurances to the Secretary that amounts received under such grant, contract, or agreement will only be used for substance abuse treatment programs that have been certified by the State as using licensed or certified providers.

''(2) APPLICATION.—An entity or State desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(3) PRIORITY.—In awarding grants, contracts, or cooperative agreements to entities under subsection (a)(1), the Secretary shall give priority to applicants who propose to eliminate the waiting lists for substance abuse treatment on demand programs in local communities with high incidences of drug use.

''(c) AMOUNT.—

''(1) PUBLIC AND PRIVATE NONPROFIT ENTITIES.—The amount of each grant, contract, or cooperative agreement awarded to a public or private nonprofit entity under subsection (a)(1) shall be determined by the Secretary based on the application submitted by such an entity.

''(2) STATES.—The amount of a block grant awarded to a State under subsection (a)(2) shall be determined by the Secretary based on the formula contained in section 1933.

''(d) DURATION OF GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

''(e) REQUIREMENT OF MATCHING FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (3), the Director may not make a grant, contract or cooperative agreement under subsection (a) unless the entity or State involved agrees, with respect to the costs of the program to be carried out by the entity or State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is—

''(A) for the first fiscal year for which the entity or State receives such a grant, contract or cooperative agreement, not less than $1 for each $9 of Federal funds provided in the grant, contract or cooperative agreement;

''(B) for any second or third such fiscal year, not less than $1 for each $5 of Federal funds provided in the grant, contract or cooperative agreement; and

''(C) for any subsequent such fiscal year, not less than $1 for each $3 of Federal funds provided in the grant, contract or cooperative agreement.

''(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(3) WAIVER.—The Director may waive the requirement established in paragraph (1) if the Director determines—

''(A) that extraordinary economic conditions in the area to be served by the entity or State involved justify the waiver; or

''(B) that other circumstances exist with respect to the entity or State that justify the waiver, including the limited size of the entity or State or the ability of the entity or State to raise funds.

''(f) EVALUATION.—An entity or State that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity or State shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

''(g) USE FOR CONSTRUCTION.—A grantee under this section may use up to 25 percent of the amount awarded under the grant, contract or cooperative agreement under this section for the costs of construction or major renovation of facilities to be used to provide substance abuse treatment services and for facility maintenance.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $600,000,000 for fiscal year 2002;

''(B) $1,200,000,000 for fiscal year 2003;

''(C) $1,800,000,000 for fiscal year 2004;

''(D) $2,400,000,000 for fiscal year 2005; and

''(E) $3,000,000,000 for fiscal year 2006.

''(2) ALLOCATION OF FUNDS.—From the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall allocate—

''(A) 50 percent of such amount to award grants, contracts, or cooperative agreements to public or nonprofit private entities under subsection (a)(1); and

''(B) 50 percent of such amount to award grants to States under subsection (a)(2).''.

SEC. 6. ALTERNATIVE TREATMENT PROGRAMS.

(a) GRANTS.—The Attorney General, in consultation with the Secretary, shall award grants to eligible States to enable such States, either directly or through the provision of assistance to counties or local municipalities, to provide drug treatment services to individuals who have been convicted of non-violent drug possession offenses and diverted from incarceration because of the enrollment of such individuals into community-based drug treatment programs.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State shall—

(1) be implementing an alternative drug treatment program under which any individual in the State who has been convicted of a non-violent drug possession offense may be enrolled in an appropriate drug treatment program as an alternative to incarceration; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts provided to a State under a grant under this section may be used by the State (or by State or local entities that receive funding from the State under this section) to pay expenses associated with—

(1) the construction of treatment facilities;

(2) payments to related drug treatment services providers that are necessary for the effectiveness of the program, including aftercare supervision, vocational training, education, and job placement;

(3) drug testing;

(4) probation services;

(5) counseling, including mental health services; and

(6) the operation of drug courts.

(d) MATCHING REQUIREMENT.—Funds may not be provided to a State under this section unless the State agrees that, with respect to the costs to be incurred by the State in carrying out the drug treatment program involved, the State will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is at least equal to the amount of Federal funds provided to the State under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section, $250,000,000 for each of fiscal years 2002 through 2006.

SEC. 7. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall conduct a study of the use of funds under this Act and the amendments made by this Act. In conducting such study, the Office shall make determinations as to whether such funding meets, exceeds, or falls short of the level of funding needed to provide substance abuse treatment to those in need.

(b) REPORTS.—The General Accounting Office shall prepare and submit to the appropriate committees of Congress an interim and final report concerning the study conducted under subsection (a). The reports required under this subsection shall be submitted—

(1) with respect to the interim report, not later than 2 years after the date of enactment of this Act; and

(2) with respect to the final report, not later than 4 years after the date of enactment of this Act.

SUPPORTERS OF THE TREATMENT ON DEMAND ASSISTANCE ACT

CHIEFS OF POLICE

Ron Ace, Chief of Police, Concord.

Robert J. Brennan, Chief of Police, Atherton.

Kenneth L. Becknell, Chief of Police, Barstow.

James T. Butts, Jr., Chief of Police, Santa Monica.

Craig H. Calhoun, Chief of Police, Hayward.

William E. Eldridge, Chief of Police, Livingston.

Robert S. Gonzales, Chief of Police, Santa Paula.

Tim Grimmond, Chief of Police, El Segundo.

Thomas R. Hitchock, Chief of Police, Brisbane.

J. Michael Klein, Chief of Police, Sand City.

Fred H. Lau, Chief of Police, San Francisco.

Joseph A. Santoro, Chief of Police, Fontana.

Frank J. Scialdone, Chief of Police, Fontana.

Tom Tunson, Chief of Police, Calexico.

Arturo Venegas, Jr., Chief of Police, Sacramento.

Paul M. Walters, Chief of Police, Santa Ana.

Roy W. Wasden, Chief of Police, Modesto.

Richard L. Word, Chief of Police, Oakland.

John Zapalac, Chief of Police, Woodlake.

SHERIFFS

California State Sheriff's Association.

Lee Baca, Sheriff, Los Angeles County.

Harold D. Carter, Sheriff, Imperial County.

Michael Hennessey, Sheriff, City and County of San Francisco.

Don Horsley, Sheriff, San Mateo County.

Dennis Lewis, Sheriff, Humboldt County.

Gary S. Penrod, Sheriff, San Bernardino County.

Charles C. Plummer, Sheriff, Alameda County.

E.G. Prieto, Sheriff-Coroner, Yolo County.

Tom Sawyer, Sheriff-Corner, Merced County.

Larry D. Smith, Sheriff, Riverside County.

DISTRICT ATTORNEYS

Terry R. Farmer, District Attorney, Humboldt County.

Terence Hallinan, District Attorney, City and County of San Francisco.

George W. Kennedy, District Attorney, Santa Clara County.

Pete Knoll, District Attorney, Siskiyou County.

ELECTED AND APPOINTED OFFICIALS

Jane Brunner, Vice Mayor, Oakland.

Patricia A. Campbell, Chair, Mendocino County Board of Supervisors.

Ann K. Capela, County Executive Officer, Imperial County.

Illa Collin, Supervisor, Sacramento County.

Rosemary Corbin, Mayor, Richmond.

Kelly F. Cox, Administrative Officer, Lake County.

Shirley Dean, Mayor, Berkeley.

Heather Fargo, Mayor, Sacramento.

Donna Gerber, Supervisor, Contra Costa County.

Steven Gutierrez, Supervisor, San Joaquin County.

James H. Harmon, Presiding Judge, Imperial County Superior Court, Drug Court.

Anthony J. Intintoli, Jr., Mayor, Vallejo.

Dave Jones, Councilmember, City of Sacramento.

Sandra Kellams, Mayor, City of Colfax.

Marin County Board of Supervisors, Marin County.

Bonnie Pannell, Vice-Mayor, City of Sacramento.

Bill Simmons, Supervisor, County of Yuba.

Sonoma County Board of Supervisors, Sonoma County.

John Woolley, Chair, Humboldt County Board of Supervisors.

Christopher W. Yeager, Presiding Judge, Imperial County Superior Court.

HEALTH AGENCIES

Beverly K. Abbott, Director, Mental Health Services, San Mateo Health Services.

Gene Coleman, Chairperson, City-Wide Alcoholism Advisory Board, San Francisco.

Beverly R. Craig, R.N., J.D., Deputy Director of Community Health Services, Yuba County.

Cheryl S. Davis, Director, Sacramento County Department of Human Assistance.

Ed Fisher, Assistant Director, Sutter County Human Services Department.

Yvonne Frazier, Director, Alcohol and Drug Services, San Mateo Health Services.

Patricia Harrison, Community Chair, Treatment on Demand Planning Council, San Francisco.

John Hoss, Assistant Director of Human Services, Sutter-Yuba Mental Health Services.

James W. Hunt, Director, Sacramento County Department of Health and Human Services.

Dr. Mitchell Katz, Director of Health, City and County of San Francisco.

Terry Longoria, Director, Napa County Health and Human Services.

Donald R. Rowe, Director, Solano County Health and Social Services Department.

Warren T. Sherlock, Deputy Director, Alcohol & Drug Services, Imperial County.

Randy F. Snowden, Alcohol and Drug Program Administrator, Health & Human Services, Napa.

William B. Walker, Director, Contra Costa Health Services, Martinez.

Matonia Williams, President, Drug Abuse Advisory Board, San Francisco.

Donald L. Williamson, Vice Chair to the Board, Indian Valley Services District, Greenville.

PUBLIC DEFENDERS

Shane A. Gusman, Legislative Advocate, California Public Defenders Association.

Barry Melton, Public Defender, Yolo County.

Eluid M. Romero, Supervising Assistant Public Defender, Sacramento County.

PROBATION OFFICERS

David L. Lehman, Chief Probation Officer, Humboldt County.

Steven H. Lyman, Chief Probation Officer, Siskiyou County Probation Department.

Christine Odom, Chief Probation Officer, Sutter County Probation Department.

Joseph S. Warchol II, Chief Probation Officer, El Dorado County Probation Department.

ORGANIZATIONS AND CLINICS

Another Choice, Another Chance (ACAC), Sacramento.

Asian American Drug Abuse Program, Inc., Los Angeles.

Asian Pacific Community Counseling, Sacramento.

Associated Students, Los Rios Community College District.

Associated Student Government, Sacramento City College.

Associated Students of UC Davis, University of California, Davis.

Boyle Heights Recovery Center, Behavioral Health Services, Los Angeles.

Building & Construction Trades Council, Humboldt & Del Norte Counties.

California Association of Alcohol and Drug Program Executives, Sacramento.

Central Valley Health Network, Sacramento.

Community Coalition, Los Angeles.

Community Service Programs, Santa Ana.

County Alcohol and Drug Program Administrators Association of California, Sacramento.

Detention Ministry and Inside Out Network, Napa.

The Effort, Inc., Sacramento.

Fair Oaks Recovery Center, Fair Oaks.

FamiliesFirst, Davis.

First A.M.E. Church (FAME), Los Angeles.

Galt Community Concilio, Inc., Galt.

Gay & Lesbian Center, Los Angeles.

Korean Youth & Community Center, Los Angeles.

Lambda Letters Project, Carmichael.

Lincoln Heights Recovery Center, Los Angeles.

Los Angeles Centers for Alcohol & Drug Abuse, Santa Fe Springs.

Mental Health Association in California, Sacramento.

Morrisania West, San Francisco.

Napa Valley Coalition of Non-profit Agencies, Napa.

National Advocacy on Addictions, Los Angeles.

National Asian Women's Health Organization, San Francisco.

National Association of Social Workers, Washington, D.C.

National Council on Alcoholism and Drug Dependence, Sacramento Affiliate.

National Council on Alcoholism and Drug Dependence, San Fernando Valley Affiliate.

New Dawn Recovery Center, Sacramento.

Ohlhoff Recovery Programs, San Francisco.

Organization of Chinese Americans, Inc., Sacramento.

People in Progress, Los Angeles.

Phoenix House, Lake View Terrace.

Ready Willing & Able, New York.

Recovery Theatre, San Francisco.

SHIELDS for Families, Los Angeles.

Southeast Asian Assistance Center, Sacramento.

Swords to Plowshares, San Francisco.

Tarzana Treatment Centers, Tarzana.

By Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS):

S. 845. A bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource; to the committee on Finance.

Mr. CRAPO. Mr. President, I rise to introduce legislation that will encourage the expansion of an often overlooked domestic energy resource that offers a source of revenue for our rural communities and an avenue for cleanup of agricultural waste. I am pleased to be joined by co-sponsors Senator HUTCHINSON and Senator HELMS.

It has been well-publicized that our country faces mounting uncertainty in meeting our energy demands. After years of getting little attention, we are now in a period where the development of domestic energy resources has reached a crucial point. I support our efforts to diversify our energy supply resources to ensure our nation's energy security, support our business and agricultural economies, and protect our individual consumers. This time of challenge also offers great opportunities. One of those is the opportunity to encourage a largely untapped resource to provide domestic energy, while also promoting the protection of the environment and rural development. I am speaking about energy derived from agricultural and animal waste sources.

Electricity from biomass and waste sources using modern technology is a renewable resource that can add to our domestic energy supply. The process uses manure and waste products that are heated and converted into biogas that is burned to generate electricity, which is sold into the power grid. This technology is widely accepted in Europe where over 600 systems are in operation today. In this country, the technology is gaining acceptance following numerous successful case studies. This process offers farmers an option for cleaning agricultural waste that is a known source of groundwater contamination and air pollution. The revenue generated from the sale of electricity provides a source of income to offset the cleanup costs, while providing important kilowatts to the power grid.

The bill I am introducing today would extend the 1.5 cent per kilowatt hour production tax credit that is currently available to wind, closed-loop biomass, and poultry waste by making it available to all agricultural and animal waste sources.

There have been other bills introduced that would extend the tax credit to additional renewable sources such as solar energy. I encourage efforts to broaden the definition of renewable sources and, for that reason, I am also proposing an amendment to S. 388, the comprehensive national energy bill introduced by Senator MURKOWSKI. The amendment would add agricultural and animal waste as a renewable energy resource listed under that bill.

The use of modern technology to generate electricity from waste should not be overlooked. The tax credit is a important incentive to encourage its wider use. I encourage my colleagues to join me in this important initiative. I ask unanimous consent that the text of the bill and the amendment be printed in the RECORD.

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

S. 845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES AND EXTENSION TO WASTE ENERGY.

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking subparagraph (C) and inserting the following:

''(C) agricultural and animal waste sources.''.

(2) DEFINITIONS.—Section 45(c) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

''(5) AGRICULTURAL AND ANIMAL WASTE SOURCES.—The term 'agricultural and animal waste sources' means all waste heat, steam, and fuels produced from the conversion of agricultural and animal wastes, including by-products, packaging, and any materials associated with the processing, feeding, selling, transporting, and disposal of agricultural and animal products or wastes (such as wood shavings, straw, rice hulls, and other bedding material for the disposition of manure).''.

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Section 45(c)(3) of the Internal Revenue Code of 1986 (defining qualified facility) is amended by striking subparagraph (C) and inserting the following:

''(C) AGRICULTURAL AND ANIMAL WASTE FACILITY.—In the case of a facility using agricultural and animal waste to produce electricity, the term 'qualified facility' means any facility of the taxpayer which is originally placed in service—

''(i) in the case of a facility using poultry waste, after December 31, 1999, and before January 1, 2002, and

''(ii) in the case of any other facility, after the date of the enactment of this subparagraph and before July 1, 2011.

''(D) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term 'qualified facility' shall include a facility using agricultural and animal waste to produce electricity and other biobased products such as chemicals and fuels from renewable resources.

''(E) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (C)—

''(i) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

''(ii) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 45 of the Internal Revenue Code of 1986 is amended by inserting ''and waste energy'' after ''renewable''.

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 of such Code is

amended by inserting ''and waste energy'' after ''renewable''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 83—REFERRING S. 846 ENTITLED ''A BILL FOR THE RELIEF OF J.L. SIMMONS COMPANY, INC., OF CHAMPAIGN, ILLINOIS'' TO THE CHIEF JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A REPORT THEREON

Mr. DURBIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 83

Resolved,

SECTION 1. REFERRAL.

S. ____ entitled ''A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois'', now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

SEC. 2. PROCEEDING AND REPORT.

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions as are sufficient to inform Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States, or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to J.L. Simmons Company, Inc., of Champaign, Illinois.

SENATE RESOLUTION 84—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN TIMOTHY A. HOLT V. PHIL GRAMM

Mr. LOTT (for himself, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas, Senator Phil Gramm has been named as a defendant in the case of Timothy A. Holt v. Phil Gramm, Case No. JC00–541, now pending in the Small Claims and Justice Court of Dallas County, Texas;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978 (2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Phil Gramm in the case of Timothy A. Holt v. Phil Gramm.

AMENDMENTS SUBMITTED AND PROPOSED

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 385. Mrs. CARNAHAN (for herself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 386. Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 387. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 388. Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 389. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. HAGEL) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 390. Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill S. 388, to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; which was referred to the Committee on Energy and Natural Resources.

SA 391. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUYE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

SA 392. Mrs. FEINSTEIN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 393. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 394. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 395. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately $40,582.

(2) The average starting salary for teachers in the United States is $26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average $408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) 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.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the end, add the following:

TITLE ____—TEACHER PROTECTION

SEC. ___1. TEACHER PROTECTION.

The Act (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

''TITLE ____—TEACHER PROTECTION

''SEC. ___1. SHORT TITLE.

''This title may be cited as the 'Paul D. Coverdell Teacher Protection Act of 2001'.

''SEC. ___2. FINDINGS AND PURPOSE.

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

''(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

''(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

''(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

''(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities, which are critical for the continued economic development of the United States.

''(5) Frivolous lawsuits against teachers maintaining order in the classroom impose significant financial burdens on local educational agencies, and deprive the agencies of funds that would best be used for educating students.

''(6) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

''(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

''(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

''(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

''SEC. ___3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

''(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

''(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

''(1) citing the authority of this subsection;

''(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

''(3) containing no other provisions.

''SEC. ___4. LIMITATION ON LIABILITY FOR TEACHERS.

''(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

''(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

''(2) the actions of the teacher were carried out in conformity with local, State, and Federal laws, rules and regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

''(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

''(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

''(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

''(A) possess an operator's license; or

''(B) maintain insurance.

''(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

''(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

''(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

''(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

''(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

''(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

''(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action or omission of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

''(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

''(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

''(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

''(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

''(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

''(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

''(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

''(2) HIRING.—The limitations on the liability of a teacher under this title shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

''SEC. ___5. LIABILITY FOR NONECONOMIC LOSS.

''(a) GENERAL RULE.—In any civil action against a teacher, based on an action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

''(b) AMOUNT OF LIABILITY.—

''(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

''(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

''SEC. ___6. DEFINITIONS.

''For purposes of this title:

''(1) ECONOMIC LOSS.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

''(2) HARM.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(3) NONECONOMIC LOSSES.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

''(4) SCHOOL.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

''(5) 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, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

''(6) TEACHER.—The term 'teacher' means a teacher, instructor, principal, administrator, other educational professional that works in a school, or an individual member of a school board (as distinct from the board itself).

''SEC. ___7. EFFECTIVE DATE.

''(a) IN GENERAL.—This title shall take effect 90 days after the date of the enactment of the Paul D. Coverdell Teacher Protection Act of 2001.

''(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the Paul D. Coverdell Teacher Protection Act of 2001, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.''.

SA 385. Mrs. CARNAHAN (for herself, and Mr. NELSON of Nebraska) submitted an amendment intended to be

proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, which was ordered to lie on the table; as follows:

On page 51, between lines 15 and 16, insert the following:

''(4) ASSESSMENTS NOT REQUIRED.—

''(A) IN GENERAL.—A State shall not be required to conduct any assessments under paragraph (3) in any school year if—

''(i) the assessments are not otherwise required under Federal law on the day preceding the date of enactment of the Better Education for Students and Teachers Act; and

''(ii) the amount made available to the State under section 6403(a) for use in the school year involved for such assessments is less than 100 percent of the costs to the State of administering such assessments in the previous school year, or if such assessments were not administered in the previous school year (in accordance with this subparagraph), in the most recent school year in which such assessments were administered.

''(B) DETERMINATION OF TOTAL COSTS.—For purposes of making the determination required under subparagraph (A)(ii), the Secretary shall, not later than March 15 of each year, publish in the Federal Register a description of the total costs of developing and implementing the assessments required under the amendments made by the Better Education for Students and Teachers Act for the school year involved based on information submitted by the States, as required by the Secretary. Such total costs may include costs related to field testing, administration (including the printing of testing materials and reporting processes), and staff time. The Secretary shall include in any such publication a justification with respect to any category of costs submitted by a State that is excluded by the Secretary from the estimated total cost.

''(C) 2005–2006 SCHOOL YEAR.—Not later than March 15, 2005, the Secretary shall make the publication required under subparagraph (B) with respect to the 2005–2006 school year.

''(D) REPORT.—The Secretary annually report the information published under subparagraph (B) to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and Committee on Appropriations of the House of Representatives.

On page 59, line 21, after the period add the following: ''No funds shall be withheld under this subsection for any school year in which the Secretary determines that a State has received, under section 6403(a), less than 100 percent of the costs to the State of designing standards and developing and administering assessments for measuring and monitoring adequate yearly progress under this section. The Secretary shall determine the reasonable costs of designing, developing, and administering standards and assessments based on information submitted by the States, as required by the Secretary, except that the Secretary shall provide a written explanation of any category of costs that excluded from the Secretary's calculations.''.

On page 778, after line 21, add the following:

''(d) MISCELLANEOUS PROVISION.—Notwithstanding subsection (a)(3), there is authorized to be appropriated to carry out subsection (a)(1), such sums as may be necessary for fiscal year 2002 and for each of the 6 succeeding fiscal years.''.

SA. 386. Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS 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. ___. SCHOOL RESOURCE OFFICER PROJECTS.

(a) COPS PROGRAM.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting ''school officials,'' after ''enforcement officers''; and

(2) by striking paragraph (8) and inserting the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;''.

(b) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

''(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;''; and

(3) by adding at the end the following:

''(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

''(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

''(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

''(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

''(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and 1709(4), to remain available until expended $180,000,000 for each of fiscal year 2002 through 2007.''.

SA 387. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 794, after line 7, insert the following:

SEC. 902. LOAN FORGIVENESS FOR TEACHERS.

(a) SHORT TITLE.—This section may be cited as the ''Rural Teacher Recruitment Act of 2001''.

(b) FEDERAL FAMILY EDUCATION LOAN PROGRAM.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in subsection (b)(1)(A), by inserting '', or in a school served by a local educational agency eligible for a grant under section 5232(b) of the Elementary and Secondary Education Act of 1965'' after ''such schools''; and

(2) in subsection (c)(1), by striking ''$5000'' and inserting ''$17,000''.

(c) WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in subsection (b)(1)(A)(i), by inserting '', or in a school served by a local educational agency eligible for a grant under section 5232(b) of the Elementary and Secondary Education Act of 1965'' after ''such schools''; and

(2) in subsection (c)(1), by striking ''$5000'' and inserting ''$17,000''.

SA 388. Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

In lieu of the matter proposed to be inserted, insert the following:

''SEC. ___. CLASS SIZE REDUCTION.

''(a) ALLOTMENT.—Notwithstanding any other provision of this law, from $1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

''(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

''(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

''(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

''(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data

are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

''(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

''(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

''(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

''(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

''(c) USES.—

''(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

''(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

''(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

''(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

''(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

''(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

''(1) to make further class size reductions in kindergarten through grade 3;

''(2) to reduce class size in other grades;

''(3) to carry out activities to improve teacher quality, including professional development; and

''(4) to carry out other activities authorized under title V.

''(e) REPORTS.—

''(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

''(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

''(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

''(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

''(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

''(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

''(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

SA 389. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. HAGEL) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 7, line 21, add ''and the Governor'' after ''agency''.

On page 8, line 1, insert ''and the Governor'' after ''agency''.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

''(c) STATE PLAN.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.''.

On page 35, line 20, insert '', that is jointly prepared and signed by the Governor and the chief State school official,'' after ''a plan''.

On page 706, line 8, insert ''Governor and the'' after ''which a''.

On page 706, line 16, insert ''Governor and the'' after ''A''.

On page 707, line 2, insert ''Governor and the'' after ''A''.

SA 390. Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill S. 388, to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; which was referred to the Committee on Energy and Natural Resources; as follows:

On page 124, line 7 insert ''or agricultural or animal waste'' after ''biomass''.

On page 127, line 15, insert ''agricultural or animal waste,'' after ''biomass,''.

SA 391. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUYE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENIOR OPPORTUNITIES.

(a) TWENTY-FIRST CENTURY COMMUNITY LEARNING CENTERS.—Section 1609(a)(2) (as amended in section 151) is further amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) if the organization plans to use seniors as volunteers in activities carried out through the center, a description of how the organization will encourage and use appropriately qualified seniors to serve as the volunteers.''.

(b) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; GOVERNOR'S PROGRAMS.—Section 4114(d) (as amended in section 401) is further amended—

(1) in paragraph (14), by striking ''and'' after the semicolon;

(2) in paragraph (15), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(15) drug and violence prevention activities that use the services of appropriately qualified seniors for activities that include mentoring, tutoring, and volunteering.''.

(c) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.—Section 4116(b) (as amended in section 401) is further amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ''(including mentoring by appropriately qualified seniors)'' after ''mentoring''; and

(B) in subparagraph (C)—

(i) in clause (i), by striking ''and'' after the semicolon;

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) drug and violence prevention activities that use the services of appropriately qualified seniors for such activities as mentoring, tutoring, and volunteering;'';

(2) in paragraph (4)(C), by inserting ''(including mentoring by appropriately qualified seniors)'' after ''mentoring programs''; and

(3) in paragraph (8), by inserting '', which may involve appropriately qualified seniors working with students'' after ''settings''.

(d) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; FEDERAL ACTIVITIES.—Section 4121(a) (as amended in section 401) is further amended—

(1) in paragraph (10), by inserting '', including projects and activities that promote the interaction of youth and appropriately qualified seniors'' after ''responsibility''; and

(2) in paragraph (13), by inserting '', including activities that integrate appropriately qualified seniors in activities, such as mentoring, tutoring, and volunteering'' after ''title''.

(e) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; FORMULA GRANTS.—Section 7115(b) (as amended in section 701) is further amended—

(1) in paragraph (10), by striking ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.''.

(f) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; SPECIAL PROGRAMS AND PROJECTS.—Section 7121(c)(1) (as amended in section 701) is further amended—

(1) in subparagraph (K), by striking ''or'' after the semicolon;

(2) in subparagraph (L), by striking ''(L)'' and inserting ''(M)''; and

(3) by inserting after subparagraph (K) the following:

''(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or''.

(g) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; PROFESSIONAL DEVELOPMENT.—The second sentence of section 7122(d)(1) (as amended in section 701) is further amended by striking the period and inserting '', and may include programs designed to train tribal elders and seniors.''.

(h) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; NATIVE HAWAIIAN PROGRAMS.—Section 7205(a)(3)(H) (as amended in section 701) is further amended—

(1) in clause (ii), by striking ''and'' after the semicolon;

(2) in clause (iii), by inserting ''and'' at the end; and

(3) by adding at the end the following:

''(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;''.

(i) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; ALASKA NATIVE PROGRAMS.—Section 7304(a)(2)(F) (as amended in section 701) is further amended—

(1) in clause (i), by striking ''and'' after the semicolon;

(2) in clause (ii), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(iii) may include activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors;''.

SA 392. Mrs. FEINSTEIN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 327, after line 10, add the following:

(7) Carrying our programs and activities related to Master Teachers.

(2) MASTER TEACHER.—The term ''master teacher'' means a teacher who—

(A) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual's performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in subparagraph (F) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress pertaining to the utilization of funds under section 2123 for Master Teachers.

(2) CONTENTS OF REPORT.—The report shall include an analysis of:

(A)(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers;

(iv) the impact of master teachers on student achievement; and

(v) the reduction in the rate of attrition of beginning teachers; and

(B) recommendations regarding—

(ii) establishing activities to expand the project to additional local educational agencies and school districts.

SA 393. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 152, beginning with line 17, strike all through page 153, line 12, and insert the following:

''(3) POPULATION UPDATES.—

''(A) IN GENERAL.—In fiscal year 2001 and each subsequent year, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable.

''(B) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall—

''(i) publicly disclose their reasons;

''(ii) provide an opportunity for States to submit updated data on the number of children described in subparagraph (A); and

''(iii) review the data and, if the data are appropriate and reliable, use the data, for the purposes of this section, to determine the number of children described in subparagraph (A).

''(C) CRITERIA OF POVERTY.—In determining the families that are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for each fiscal year such sums as may be necessary to update the data described in subparagraph (A).

SA 394. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

At the end, add the following:

"PART B—HIGH GROWTH GRANT PROGRAM

"SEC. 9201. HIGH GROWTH GRANT PROGRAM.

''(a) STATE GRANTS.—From funds appropriated under subsection (e) for a fiscal year the Secretary shall award a grant to each State that has an increase in the number of children aged 5 through 17 who are from poor families, from the preceding fiscal year to the fiscal year for which the determination is made, in an amount that bears the same relation to such funds as the increase for the State bears to the increases for all States having such an increase.

''(b) LOCAL GRANTS.—Each State that receives a grant under subsection (a) shall use the grant funds to award grants to those local educational agencies in the State that have the highest increases, from the preceding fiscal year to the fiscal year for which the determination is made, in the number of children aged 5 through 17 who are from poor families.

''(c) USE OF FUNDS.—Each local educational agency receiving a grant under subsection (b) shall use the grant funds to carry out any activity authorized under part A of title I.

''(d) DATA.—The Secretary shall base the determinations described in subsection (a) on the most recent annual estimates available from the Secretary of Commerce regarding each State's total number of children aged 5 through 17 who are from poor families.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.''.

SA 395. Mr. ENSIGN submitted an amendment intended to be proposed by

him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

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

SEC. ___. ARTS IN EDUCATION.

Title IX (as added by section 901) is amended by adding at the end the following:

"PART B—ARTS IN EDUCATION

"SEC. 9201. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress finds that—

''(1) there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level;

''(2) the arts promote progress in academic subjects as shown by research conducted by the National Assessment of Education Progress, the Arts Education Partnership, the President's Committee on the Arts and Humanities, and other entities;

''(3) children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction;

''(4) learning in the arts and humanities promotes progress in other academic subjects, and generates positive self-esteem and a greater sense of accomplishment in young people;

''(5) school-university and school-cultural institution partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children;

''(6) museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth;

''(7) local, State, and national resources support the integration of the arts and humanities into the regular curriculum and school day for all children; and

''(8) while all children benefit from instruction in the arts and the humanities, at-risk children and youth have a special, additional need for arts and cultural programs both in school and after school;

''(b) PURPOSE.—The purpose of this subpart is to make grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

"SEC. 9202. SUPPORT FOR ARTS EDUCATION.

''(a) FINDINGS.—Congress finds that—

''(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

''(2) the arts are important to excellent education and to effective school reform;

''(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

''(4) such transformation is best realized in the context of comprehensive, systemic education reform;

''(5) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings;

''(6) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities;

''(7) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

''(8) arts education should be an integral part of the elementary school and secondary school curriculum.

''(b) PURPOSES.—The purposes of this section are to—

''(1) support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum;

''(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

''(3) support the national effort to enable all students to demonstrate competence in the arts.

''(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this section, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

''(1) State educational agencies;

''(2) local educational agencies;

''(3) institutions of higher education;

''(4) museums and other cultural institutions; and

''(5) other public and private agencies, institutions, and organizations.

''(d) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

''(1) research on arts education;

''(2) the development of, and dissemination of information about, model arts education programs;

''(3) the development of model arts education assessments based on high standards;

''(4) the development and implementation of curriculum frameworks for arts education;

''(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

''(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art;

''(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

''(8) supporting model projects and programs by VSA Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities;

''(9) supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curriculum; and

''(10) other activities that further the purposes of this section.

''(e) COORDINATION.—

''(1) IN GENERAL.—A recipient of funds under this section shall, to the extent possible, coordinate projects assisted under this section with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

''(2) SPECIAL RULE.—In carrying out this section, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $28,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

''(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $15,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).''.

NOTICES OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on May 9, 2001, in SR–328A at 9:30 a.m. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on May 16, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to review the credit title of the upcoming farm bill.

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 hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 15, 2001, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider national energy policy with respect to Federal, State, and local impediments to the siting of energy infrastructure.

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, 212 Hart Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–7932.

AUTHORITY FOR COMMITTEES TO MEET

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 Tuesday, May 8, 2001, at 9:30 a.m., on election reform.

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 Tuesday, May 8, at 2:30 p.m., to conduct an oversight hearing. The committee will receive testimony on the President's proposed budget for FY2002 for the Forest Service.

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 Tuesday, May 8, at 9:30 a.m., to conduct an oversight hearing. The committee will receive testimony on the President's proposed budget for FY2002 for the Department of the Interior.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Better Pharmaceuticals for Children: Assessment and Opportunities during the session of the Senate on Tuesday, May 8, 2001, at 9:30 a.m.

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee Clean Air, Wetlands, Private Property and Nuclear Safety be authorized to meet on Tuesday, May 8, at 9:30 a.m., to conduct an oversight hearing on the Nuclear Regulatory Commission.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 8, 2001, to conduct a hearing on ''Oversight of the Mission of the Office of Federal Housing Enterprise Oversight, OFHEO, and the Financial Safety and Soundness of Fannie Mae and Freddie Mac.''

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

PRIVILEGES OF THE FLOOR

Mr. REID. I ask unanimous consent Meghan McGowan, a fellow in my office, be granted the privilege of the floor during consideration of the education bill when it is on the floor.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations, to the Board of Visitors of the U.S. Naval Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the Senator from Idaho (Mr. CRAIG), from the Committee on Appropriations, to the Board of Visitors of the U.S. Air Force Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Ohio (Mr. DEWINE), from the Committee on Appropriations, to the Board of Visitors of the U.S. Military Academy.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 84, submitted by Senators LOTT and DASCHLE.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 84) to authorize representation by the Senate Legal Counsel in Timothy A. Holt v. Phil Gramm.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a pro se plaintiff has commenced a civil action in Texas state court seeking damages against Senator GRAMM based on the Senator's acts of voting and introducing legislation regarding the labor of foreign nationals. The action makes Senator GRAMM a defendant solely because of acts of voting and introducing legislation taken in his official capacity as United States Senator. As such, the action is barred by the speech or debate clause of the Constitution. As Senators, we answer to our constituents, not to the courts, for our legislative activity.

This resolution would authorize the Senate Legal Counsel to represent Senator GRAMM to seek dismissal of the matter.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 41 and 50.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Richard Nathan Haass, of Maryland, for the rank of Ambassador during his tenure of Service as Director, Policy Planning Staff, Department of State.

DEPARTMENT OF DEFENSE

Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY MAY 9, 2001

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 9. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Mikulski amendment regarding community technology centers as under the previous order.

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

PROGRAM

Mr. JEFFORDS. Mr. President, tomorrow morning the Senate will have 5 minutes for closing remarks on the Mikulski amendment, with a vote to occur at approximately 9:35 a.m. There are numerous amendments currently pending to the education bill and others expected to be offered during tomorrow's session. The Senate will continue consideration of the education bill until the budget resolution conference report is received from the House. It is hoped the papers will arrive no later than tomorrow afternoon so the Senate can attempt to complete action on the conference report prior to tomorrow's adjournment. As a reminder, all first-degree amendments to the education bill must be filed no later than 5 p.m. tomorrow, as under a previous order.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous

consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Wednesday, May 9, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 8, 2001:

CONSUMER PRODUCT SAFETY COMMISSION

MARY SHEILA GALL, OF VIRGINIA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE ANN BROWN.

DEPARTMENT OF COMMERCE

WILLIAM HENRY LASH, III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PATRICK A. MULLOY, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GARY A. QUICK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. LENNOX JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WALLACE C. GREGSON JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN J. MCCARTHY JR., 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHARLES R. BARNES, 0000
ANDREW W. GOODWIN III, 0000
JOSEPH WELLS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate May 8, 2001:

DEPARTMENT OF STATE

JOHN ROBERT BOLTON, OF MARYLAND, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

RICHARD NATHAN HAASS, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DIRECTOR, POLICY PLANNING STAFF, DEPARTMENT OF STATE.

DEPARTMENT OF DEFENSE

EDWARD C. ALDRIDGE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

HONORING BOB BRUNNER

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. HASTERT. Mr. Speaker, I rise today to commend Robert E. Brunner of Illinois Tool Works in Elgin, Illinois, who recently was recognized by the Industrial Fasteners Institute with its first-ever Leadership Award for his tireless efforts on behalf of the fastener industry.

As many in this House know, the fastener industry is a vital part of our economy and fasteners are a basic building block of manufacturing. Billions of fasteners are used annually in the U.S. in automobiles, airplanes, tanks, ships, bridges, heavy equipment, and virtually every other manufactured product. Thousands of Americans are employed in hundreds of fastener manufacturing facilities throughout the nation, including my own district in Illinois.

In 1999, the industry and many of its key customers, guided by the leadership of Bob Brunner, came together to support innovative, dynamic legislation governing the regulation of fastener quality, H.R. 1183 of the 106th Congress. This legislation, which became P.L. 106–34, is the culmination of nearly ten years of efforts to regulate fastener quality without unduly hampering the industry's efforts to remain competitive and innovative.

As the IFI noted in the proclamation announcing Mr. Brunner's honor, this award ''honors outstanding contributions by an individual who has provided direction, vision, and focus toward the timely resolution of strategic issues challenging the mechanical fastener industry and the many markets it serves.''

Bob Brunner's leadership excellence in marshalling industry resources to focus on this critical issues helped ensure a successful, comprehensive, inclusive resolution to the matter. The fastener industry, Illinois Tool Works, the State of Illinois and the Nation have benefited from his energy and enthusiasm. This award and the recognition of this House are richly deserved.

TRIBUTE TO PRESIDENT CHEN OF TAIWAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. RADANOVICH. Mr. Speaker, May 20th will mark President Chen Shui-bian's first anniversary in office. Since his election the voters in Taiwan have continually given President Chen high marks for his performance. President Chen has continued to maintain a proactive stance on Taiwan's economy. He has ensured steady economic growth while minimizing the impact of the worldwide economic slowdown. Furthermore, President Chen has been busy strengthening relations with allies and gaining new friends around the world. He has made it very clear that Taiwan genuinely desires a meaningful dialogue with the People's Republic of China—a dialogue to ensure peace in the Taiwan Strait.

President Chen has made great strides to solidify Taiwan's relations with the U.S.—a relationship that subscribes to the principles of freedom, democracy, human rights, peace, and prosperity. Through his efforts, the future of bilateral relations between Taiwan and the United States is bright.

I send my personal congratulations to the people of the Republic of China on Taiwan on this festive occasion.

CONGRATULATIONS TO THE CITY OF WALLA WALLA, WA

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. NETHERCUTT. Mr. Speaker, I rise today to congratulate and commend the City of Walla Walla, Washington, which recently received the 2001 Great American Main Street Award. Walla Walla is surrounded by onion fields and wineries within the 5th Congressional District in southeastern Washington State. Over the past several years, the city has improved itself, with such undertakings as the recent renovation of the historic Whitman Towers Building and the construction of the new airport terminal. However, no improvement is as evident as the revitalized downtown area.

The improvements to the downtown area could not have been made without the leadership of the Downtown Walla Walla Foundation which was founded in 1984. Under the leadership of Executive Director Timothy Bishop, Mayor Jerry Cummins, and the Board of Directors, as well as the tireless and determined efforts of the numerous volunteers, the Foundation brought a declining downtown back to life. Because of their efforts, 125 businesses opened or expanded, 800 jobs were created and storefront vacancies were reduced to 4 percent. This hard work was recognized and rewarded by the National Trust for Historic Preservation as it issued Walla Walla one of only five Great American Main Street Awards for 2001.

The City of Walla Walla has a prestigious history that is worthy of preservation for future generations to embrace, and because of this preservation, a vibrant future will be enjoyed. I am proud of Walla Walla and am honored to represent this community.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE THAT ANCESTORS AND LINEAL DESCENDANTS OF PAST OR PRESENT MEMBERS OF THE ARMED FORCES SHALL BE TAKEN INTO ACCOUNT IN DETERMINING WHETHER A VETERANS' ORGANIZATION IS EXEMPT FROM TAX

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from New York, Mr. RANGEL, together with a number of other colleagues, in introducing our bill to fix a current problem in the Internal Revenue Code regarding use of American Legion Post facilities by members and their families. That is, who qualifies as a ''member'' versus a guest, for purposes of unrelated business income and the exempt status of the Legion Posts. We do not believe Congress intended or contemplated that use of the facilities by families of the member would result in unrelated business income, or worse yet, the possibility of losing the Post's tax exemption under Section 501(c)(19).

By Congressional charter, only veterans who served during specifically designated wars may become ''members'' of the American Legion. Section 501(c)(19) requires only that 75% of the members be current or former members of the Armed Forces, and substantially all the other members are cadets, spouses, widows or widowers of past or present members. The IRS says substantially all is 90 percent. The Legion has many programs, such as the Sons of the American Legion (SAL), as well as programs involving youth and family support groups. All are designed to further the purposes for which the exemption was granted.

The Post is a family gathering place for many social and patriotic activities. As a result, many family members of numerous generations attend these events. Some relatives are specifically treated as members, others are not. Also questions arise as to the status of the members in the SAL, as well as relatives not specifically covered in regulations, i.e. great grandparents, great grandchildren, etc., and whether they are perhaps ''associate or social members, and if they count for the 90% test. The answers could determine the extent of unrelated business taxable income as well as exempt status. This is not an issue regarding true guests, i.e. unrelated individuals who are, and must be, accompanied by a member. Nor is any substantive change contemplated regarding the sale of life and health insurance to members as provided in Section 512(a)(4). That section would be amended to conform the definition to Congressional charter members and their dependents.

Our bill would eliminate these potential issues by providing that the definition of

''member'' for purposes of the exemption status and unrelated business income would be expanded to include ''ancestors or lineal descendants of the member'' (i.e. past or present member of the Armed Services meeting the Congressional charter definition).

We believe this change is not only fair, but recognizes the original intent of Congress, and the fact that more distant relatives of the member will come into existence over time. We hope our colleagues will join us in cosponsoring this legislation. Thank you.

HONORING KENTUCKY NURSES

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mrs. NORTHUP. Mr. Speaker, I rise today to honor the thousands of men and women in Kentucky who have dedicated themselves to that most noble of endeavors: nursing. Every day, nurses—both in Kentucky and across the nation—sacrifice themselves to the causes of caring, of healing, and of loving. By tending to the sick and easing suffering, nurses play a tremendously vital role in the medical profession and our society at large.

We can all recall a time when a nurse became a crucial figure in our lives. When any one of us has been ill or trying to care for a sick loved one, nurses have always been there to provide help. Whether in a strictly medical capacity—mending a bone or administering medicines—or to offer reassurance, a shoulder to cry on, or an anchor of calm in the chaos and upheaval that we all know illness can cause, it seems that nurses perform a thousand and one duties to ensure that pain and suffering are washed away.

Since time immemorial, nurses have been on the front lines of the fight against sickness, but today that fight grows harder. Newly discovered illnesses, an increasing population, and an explosion in the demand for emergency care have all come together to force nurses to assume more and more responsibilities, while, at the same time, they must continue to strive to gain ground in the war against suffering. I understand these issues, and want to give my thanks to nurses across America for maintaining the same unflagging generosity that has characterized the profession in the past. During National Nurses Week this May, I want to especially recognize Kentucky Nurses, those men and women who, day after day, give of themselves to so many people in the Bluegrass State. I hope you will join me in honoring nurses for their commitment to helping others feel better.

TRIBUTE TO RETIRING HOMER MAYOR MARY ALICE BELLARDINI

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. WALSH. Mr. Speaker, today I rise to recognize the work of a tireless village mayor in New York's 25th Congressional District, Mayor Mary Alice Bellardini of the Village of Homer. Mayor Bellardini retired as Mayor on March 31st after fourteen years at the village's helm. Prior to her initial election as mayor in March 1987, she served as a Cortland County Legislator for almost seven years.

During her tenure, the Village of Homer prospered. She is credited with renewing the village's historical preservation and planning efforts, improving its public water system, expanding economic development efforts and beautifying the Main Street corridor, establishing weekly summer band concerts on the village green, improving public safety operations, and reopening the Water Street bridge as a pedestrian walkway.

I have always regarded Mayor Bellardini as a strong partner in my work in Cortland County. Married to Harry Bellardini, the former Cortland County Republican Party Chairman, Mayor Bellardini is a proud Republican though always anxious to work in a bipartisan manner on behalf of her constituents. She has worked especially close with Democratic Village Trustee Virginia ''Ginny'' Swartwout—a twenty-six year veteran of village government, who also deserves special recognition for service to her community as she retires from her post this year.

Besides her work on behalf or the people of Homer, Mayor Bellardini is committed to community service. She served as President of the New York State Conference of Mayors from 1995 through 1996. She still holds positions on the Boards of Directors for numerous organizations, including Alliance Bank, Central New York Blue Cross/Blue Shield, Excellus, Inc., the Home Store, and the Cortland County Business Development Corporation. Last year, Governor George Pataki named Mayor Bellardini to serve on a select Advisory Committee to the Quality Communities Interagency Task Force for New York State.

A lifelong Cortland County area resident, Mayor Bellardini has three children and five grandchildren. Though Mary Alice believes that it's time for ''a fresh face and new blood'' in the village Mayor's Office, I am certain that her accomplishments and dedication as Mayor of Homer will live on for generations to come.

I congratulate her on her retirement from public life, thank her for her over twenty years of service as an elected official, and wish her well in all of life's future pursuits. Her daily presence and involvement at village offices will certainly be missed.

THE SOCIETY OF PROFESSIONAL COMMUNICATORS (SPC)

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. McGOVERN. Mr. Speaker, today I am pleased to recognize and honor the 50th anniversary of the Society of Professional Communicators (SPC).

The Society of Professional Communicators began in 1951 as the Worcester County Editor's Council. The original purpose of this group was to improve their internal publications by sharing ideas with one another. They also intended to promote the benefits of the free enterprise system. As the media, technology, and the roles of its members began to change, so did the organization's name. Today SPC consists of a variety of professionals including photographers, freelance writers, graphic designers, and web managers. This energetic and dynamic organization joins together to exchange ideas and information while keeping pace with new trends. The organization has also expanded its role through community service projects, which include book collections for homeless children, food drives for the community pantry, and journal-writing workshops for women in recovery.

As the SPC celebrates its anniversary on May 8, this organization will be looking forward to the next 50 years of energy and growth both personally and professionally. Mr. Speaker, the Society of Professional Communicators should be celebrated for its years of dedication to improve society and its communities.

HONORING JAN DOETS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Jan Doets for his lifetime commitment to the tourism industry and his role as a goodwill ambassador for America.

Jan Doets has been a leader and innovator in the tourism industry throughout his 40 year career, making him an invaluable resource to his colleagues and a strong force in the tourism community. Jan has a wide variety of talents, but has specialized exclusively in American travel arrangements for the last 20 years. He has been responsible for sending over 150,000 people to California to appreciate the beauty of our state.

Jan Doets is truly the epitome of an entrepreneur. Already a successful member of the tourism community in the Netherlands, he was the first direct seller of tours from the Netherlands to the United States. It comes as no surprise then that after the American component of his business was founded, he and his wife Sietske watched their business flourish. Jan was so successful that in 1983 he was known as Mr. America #1 in the tourism community.

In 1990, Jan renamed his business Jan Doets American Tours and it has continued to grow as he constantly adds new services and tours of the United States. Jan and his daughter Elske have traveled thousands of miles experiencing the country so that he might share his knowledge with others who wish to explore America. He has sent over a quarter billion dollars to the United States in business, and has been a frequent visitor to Mariposa County and Yosemite National Park. Throughout Jan's career he has shown deep ties, commitment and partnership with our country, communities and individual county visitor bureaus. He has made it his lifetime goal to share the best that America has to offer with his fellow citizens of the Netherlands. Jan has truly been a significant force in bringing the United States and the Netherlands closer together.

As Jan Doets retires we not only honor his lifetime commitment to the tourism industry, but also his unparalleled generosity, strength and dedication to his work and loved ones. Jan Doets has truly left his mark on our community forever.

HONORING RABBI LEONARD S. CAHAN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mrs. MORELLA. Mr. Speaker, I rise to honor and celebrate Rabbi Leonard Cahan, Senior Rabbi of Congregation Har Shalom of Potomac, Maryland who is retiring the summer after 27 years of service. Rabbi Cahan and his wife Elizabeth have lived in Potomac during this time, and raised their four children in this community.

Under Rabbi Cahan's leadership, Har Shalom has grown four-fold, to become a leading congregation in Montgomery County, Maryland and in the Conservative movement nationwide. He has guided Har Shalom to the forefront of egalitarianism, family, and adult education, participatory worship, community service, and interfaith activities. Har Shalom's worship services have been a model for the creation of a new conservative prayer book, Siddur Sim Shalom. Har Shalom was honored to have Rabbi Cahan serve as the senior editor of this prayer book, which has now been adopted by much of the Conservative Jewish movement.

Several years ago, the Good Morning America television program chose Rabbi Cahan as one of the nation's outstanding clergy. He appeared on the show, along with a minister and priest, discussing the religious, spiritual, and communal nature of their lives as clergymen, and their role in their communities.

Rabbi Cahan has deeply touched the lives of many members of Har Shalom, as well as others in the community. He has officiated numerous life cycle events such as baby namings, funerals, Bar and Bat Mitzvahs, marriages, and other times of family joy and sorrow. He has taught numerous courses to Har Shalom's congregants of all ages, as well as in interfaith settings in the community. Rabbi Cahan has no doubt been the inspiration to a growing number of Har Shalom's youth, who are or will become the rabbis of the next generation.

Rabbi Cahan will continue to serve as Rabbi Emeritus at Congregation Har Shalom following his retirement. He will continue to teach, officiate at High Holy Day services, and serve the spiritual needs of the Jewish community of Montgomery County.

ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. McNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide.

From 1915 to 1923, the world witnessed the first genocide of the 20th Century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, ''Ketse azat ankakh Hayastan''—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

CELEBRATING SAUK PRAIRIE MEMORIAL HOSPITAL AS ONE OF THE 100 TOP HOSPITALS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of the Sauk Prairie Memorial Hospital and Clinics of Praire due Sac, Wisconsin, being selected as one of the 100 Top Hospitals in the nation by the 100 Top Hospitals™: Benchmarks for Success study. This outstanding achievement is marked by the Sauk Prairie Memorial Hospital's excellent quality of care, efficiency of operations, and sustainability of overall performance.

The extraordinary dedication of hospital staff and the superior performance of the management team have earned Sauk Prairie Memorial Hospital this first-time award. In a time when rural hospitals are facing special challenges, this achievement is particularly noteworthy. The hospital's ability to perform well under adverse conditions and to face trials in the health care system today do indeed set a benchmark for success.

The quality health care that Sauk Prairie Memorial Hospital provides can be attributed not only to its doctors and nurses, but to all of the employees, board members, volunteers and medical staff. Without the generosity of those who have worked countless hours and donated hard-earned dollars, this accomplishment may not have been possible.

I applaud the Sauk Prairie Memorial Hospital for this truly prestigious award and I look forward to hearing about future accomplishments.

TRIBUTE TO JOHN R. GARRISON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to John R. Garrison, Chief Executive Officer of the American Lung Association. This July, Mr. Garrison is retiring after eleven years of leading the American Lung Association, this nation's oldest voluntary health agency.

Over the last two decades, Mr. Garrison's work has made a vital contribution to public health and a significant difference in shaping national policy. Millions of Americans live in a safer, cleaner, and healthier world because of his work. He has been a national leader in the battle against the tobacco industry, the efforts to eliminate tuberculosis, the quest to curb asthma, and the continuing fight for cleaner air.

Throughout his career, Mr. Garrison has been in the vanguard of public health efforts. When the tobacco industry proposed a weak tobacco settlement with state attorneys general in 1997, Mr. Garrison was the first leader of a major health organization to step forward and oppose giving the tobacco industry immunity. Mr. Garrison also served on a tobacco advisory commission chaired by former Surgeon General C. Everett Koop and former FDA Commissioner David Kessler, playing a pivotal role in crafting the commission's final report, which remains a visionary blueprint of the policy changes needed to protect the public health from tobacco.

Under Mr. Garrison's leadership, the American Lung Association led the recent battle for tougher ozone and particulate matter standards under the Clean Air Act. In addition, he expanded the American Lung Association's commitment to lung disease research. These efforts led to the development of the Asthma Clinical Research Center program, a nationwide network of 19 clinical research centers designed to conduct a broad range of clinical studies on asthma.

From building a formal alliance with the Canadian Lung Association to assuming a leadership role in the International Union Against Tuberculosis and Lung Disease, Mr. Garrison has worked tirelessly to reduce the impact of lung disease around the world. This work continues with the American Lung Association's advocacy for a strong, enforceable global tobacco control treaty, the World Health Organization's Framework Convention on Tobacco Control.

From asthma to air pollution, from tobacco control to the elimination of tuberculosis, Mr. Garrison has been a leader. Millions of people around the globe breathe easier because of his efforts. It is my distinct pleasure to ask my colleagues to join me in saluting John Garrison for his outstanding achievements and thank him for his service to the American Lung Association and the nation in fighting lung disease and promoting lung health.

TRIBUTE TO EMS PERSONNEL

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. LUTHER. Mr. Speaker, in 1997 alone there were almost 960 million ambulance trips made to health care providers in the United States, an overall rate of 3.6 visits for every American. While ambulatory care makes up a relatively small part of the federal budget for health care, paramedics and EMS personnel are providing vital services to our communities. These are the men and women who form an important safety net of emergency care for millions of Americans every year.

Too often we do not take the time to recognize individuals for their outstanding accomplishments serving others. I want to take a moment to recognize the EMS personnel who are there when we need them most.

Every year, those men and women who go beyond what is expected of them and perform truly outstanding acts of service are recognized with the Stars of Life award from the American Ambulance Association. Chosen by their peers, these professionals are selected to represent them in Washington, DC as part of the National EMS Week activities.

This year, 109 individuals from across the United States, including my home state of Minnesota, are honored as Stars of Life for their exceptional service and selfless courage.

Mr. Speaker, I submit the names of the 2001 American Ambulance Association Stars of Life honorees to be printed in the RECORD.

2001 ''Stars of Life''

STATES AND STAR'S NAME; AMBULANCE SERVICE, AND CITY

ARKANSAS—1

Julia Key, Columbia County Ambulance Service, Magnolia

ARIZONA—1

Randy Perkins, Rural/Metro, Scottsdale

CALIFORNIA—11

Timothy Beverlin, American Medical Response, Palm Springs
Adrienne Bosel, American Medical Response, Burlingame
Erin Hughes, American Medical Response, Garden Grove
Lisa LaRusso, American Medical Response, Riverside
Randy Lyman, American Medical Response, Santa Rosa
Joe Matthews, American Medical Response, Cerritos
Steve Prater, Hall Ambulance Service, Bakersfield
Jeff Tanner, American Medical Response, Riverside
Sloane Valentino, Medix Ambulance Service, Mission Viejo
John Van Aalst, American Medical Response, Cerritos
Karen Wright, American Medical Response, Concord

COLORADO—1

Christian Weber, American Medical Response, Denver

CONNECTICUT—4

Sue Bednarik, American Medical Response, Waterbury
Robert Phelan, American Medical Response, New Haven
Lynn Vergnetti, Hunter's Ambulance Service, Meriden
John Worobel, Hunter's Ambulance Service, Meriden

FLORIDA—3

Mary Jo Strosnider, Rural/Metro, Orlando
Armando Toledo, American Medical Response, Miami
Jeff Young, American Medical Response, Largo

GEORGIA—3

Kevin Harralson, Mid Georgia Ambulance Service, Macon
Cedric Scott, Mid Georgia Ambulance Service, Macon
Valerie Spratin, Rural/Metro, Augusta

HAWAII—1

Chris Gilbert, American Medical Response, Kahului-Maui

IOWA—6

David Edgar, Jr., West Des Moines EMS/IEMSA, West Des Moines Kelly
Freeman, Monroe County Ambulance, Albia
Keith Gilman, Lee County EMS Ambulance, Donnellson
James Lange, Medic EMS, Davenport
Max Maes, Medic EMS, Davenport
Nadine Tice, American Medical Response, Charles City

INDIANA—1

Lisa Christen, American Medical Response, Fort Wayne

LOUISIANA—5

Richard Billiot, Priority Mobile Health, New Orleans Anthony
Cramer, Jr., Acadian Ambulance & Air Med Services, Lafayette
Shannon Jones, Med Express Ambulance Service, Pineville
Carl Theriot, American Medical Response, New Orleans
Michelle Wiggins, Med Express Ambulance Service, Pineville

MASSACHUSETTS—16

Teresa Anyon, American Medical Response, Worcester
William Barry, Armstrong Ambulance Service, Arlington
Frank Carabello, Lyons Ambulance Service, Danvers
Rollie Citroni, Lyons Ambulance Service, Danvers
Paul Dalton, Action Ambulance Service, Stoneham
Davin Fors, Armstrong Ambulance Service, Arlington
John Haley, Cataldo Ambulance Service, Somerville
Scott Jones, Action Ambulance Service, Stoneham
John Kulis, Armstrong Ambulance Service, Arlington
Vaughan Mason, Action Ambulance Service, Stoneham
Arthur Melvin, Action Ambulance Service, Stoneham
Mark Miller, Action Ambulance Service, Stoneham
Kevin Moore, Lyons Ambulance Service, Danvers
Richard Raymond, Action Ambulance Service, Stoneham
Kenneth Reynolds, American Medical Response, Natick
Peter Viele, Action Ambulance Service, Stoneham

MICHIGAN—5

Jules Baumer, Medstar Ambulance, Mt. Clemens
Brian Beckwith, LifeCare Ambulance Service, Battle Creek
Chad Crook, Life EMS, Grand Rapids
Tom Mackey, Huron Valley Ambulance, Ann Arbor
Danial Sanchez, Medstar Ambulance, Mt. Clemens

MINNESOTA—3

Gary Olson, LifeLink III, St. Paul
J. Todd Rather, Mayo Medical Transport, Gold Cross Ambulance, Rochester
Michele Sundberg, Allina Medical Transportation, St. Paul

MISSOURI—3

Randall Bennett, Metropolitan Ambulance Services Trust, Kansas City
Steven Harris, Taney County Ambulance District, Branson
Scott Wolf, Emergency Providers, Kansas City

MISSISSIPPI—2

Sharon Hinson, American Medical Response, Natchez
Roger Wade, American Medical Response, Gulfport

MONTANA—1

Jason Mahoney, American Medical Response, Billings

NORTH CAROLINA—5

Nathaniel Archie, Mecklenburg EMS Agency, Charlotte
Phil Carter, FirstHealth of the Carolinas, Montgomery EMS, Pinehurst
Robert McNally, Mecklenburg EMS Agency, Charlotte
Djuna Melton, FirstHealth EMS—Hoke, Raeford
Jeffrey Roberts, Mecklenburg EMS Agency, Charlotte

NEW HAMPSHIRE—2

Dwayne Hogencamp, Rockingham Regional Ambulance, Nashua
Debra McCartney, Rockingham Regional Ambulance, Nashua

NEW JERSEY—2

Paul Leidenfrost, Rural/Metro, South Amboy
Nancy Neuhaus, Med Alert Ambulance, Sparta

NEW MEXICO—1

Janet Mauro, American Medical Response, Alamogordo

NEVADA—3

Mark Kelly (deceased), American Medical Response, Las Vegas
Tracy Kramer, American Medical Response, Las Vegas
Kevin Romero, REMSA, Reno

NEW YORK—5

Richard Brandt, Mohawk Ambulance Service, Schenectady
Eric Conley, Rural/Metro, Buffalo
Blaine Fremantle, Mohawk Ambulance Service, Schenectady
Marcus McKenzie, CHS Ambulance Service, Farmingdale
Daniel Smith, Rural/Metro, Syracuse

OHIO—2

Jacqueline Punka, American Medical Response, Akron
Patrick Straker, Rural/Metro, Youngstown

OREGON—2

Lucie Drum, American Medical Response, Portland
Brian Murdock, Mercy Flights, Medford

PENNSYLVANIA—2

Wanda McKinney, Rural/Metro, Farrell
Robert Walbert, Cetronia Ambulance Corps, Allentown

SOUTH CAROLINA—1

Brian Harbin, Medshore Ambulance Service, Anderson

SOUTH DAKOTA—1

Greg Beaner, Rural/Metro, Sioux Falls

TENNESSEE—1

Gary Watlington, Rural/Metro, Knoxville

TEXAS—7

Shay Britton, Dallas Ambulance Service, Dallas
Vickie Elliott, Dallas Ambulance Service, Dallas

Stacy Fisher, American Medical Response, Cleburne
Kim Higginbotham, Life Ambulance Service, Canutillo
Joe Kammerling, Prime Care Ambulance, Houston
Allen Snell, Rural/Metro, Waco
Kenneth Stanley, LifeNet EMS, Texarkana

VIRGINIA—5

Ted Marshall, LifeCare Medical Transports, Fredericksburg
Michael Martens, Sentara Medical Transport, Virginia Beach
Dawn Novisky, LifeCare Medical Transports, Fredericksburg
Ben Walker, American Medical Response, Richmond
Danny Wildman, LifeCare Medical Transports, Fredericksburg

VERMONT—1

Kandis Holden, Regional Ambulance, Rutland

WASHINGTON—1

William Engler, American Medical Response, Seattle

WISCONSIN—1

Tina Nicolai, American Medical Response, Kenosha

SECOND ANNIVERSARY OF THE DISAPPEARANCE OF GENERAL YURY ZAKHARENKO OF BELARUS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. LANTOS. Mr. Speaker, I rise today to speak about the last dictatorship in Europe—the regime of Aleksandr Lukashenka in the former Soviet state of Belarus. The Lukashenka regime is one of the most notorious human rights abusers in the world, routinely suppressing the rights of the Belorusian citizens. May 7th marks the second anniversary of one of the most celebrated human rights abuses allegedly perpetrated by the regime—the not-so-mysterious disappearance of General Yury Zakharenko, former Belarusian Minister of Internal Affairs.

In 1995, General Zakharenko resigned his post in protest and attempted to form a union of officers to support democracy in Belarus. He also supported former Prime Minister Mikhail Chigir in an alternative presidential election held in May 1999 to replace Lukashenka at the legal end of his term on July 20, 1999. On May 7, 1999, Gen. Zakharenko disappeared while walking home and has not been heard from since. Sadly, Gen. Zakharenko is not unique. Others who dared to challenge the regime appear to have suffered the same fate. Victor Gonchar, Deputy Chairman of the legitimate parliament, the 13th Supreme Soviet; his associate Anatoly Krasovsky; and Dmitry Zavadsky, a cameraman for the Russian television station ORT, have all disappeared without explanation.

Since the day Gen. Zakharenko vanished, all evidence has pointed to the Lukashenka regime as being responsible for his disappearance. The regime has not made a serious effort to account for Gen. Zakharenko. Rather than investigate, the regime has targeted the missing general for personal attack, accusing him of fleeing the country or going into hiding to embarrass Lukashenko. Gen. Zakharenko's family was forced to seek refuge in Western Europe to escape the regime's harassment. The regime has also tried to silence human rights activists, such as Oleg Volchek, who have attempted to find Gen. Zakharenko. Last November, when an anonymous letter reputed to be from officers of the Belarusian KGB (BKGB) accusing Lukashenka of blocking the investigation of disappearances in Belarus became public, Lukashenka sacked the head of the BKGB and the Prosecutor General. The Belarusian dictator also promised a serious investigation, but the regime has made no progress in the intervening six months and reports of increased pressure on investigators have surfaced.

Under the current dictatorship in Belarus, it would be impossible for such stonewalling and denial to take place without the approval of Lukashenka himself. Lukashenka even went as far as to state in November of last year, that he is personally responsible for accounting for Gen. Zakharenko and the other disappeared. This is a responsibility that the international community cannot let the Belarusian dictator escape from. The United States, the European Union, member states of the Organization for Security and Cooperation in Europe, the U.N. Working Group on Involuntary Disappearances, the Swedish Social Democratic Party, and international human rights NGOs have all called on the Lukashenka dictatorship to find the disappeared. I regret that the Russian Government is conspicuously absent from these ranks. This, in my view, sends a negative signal about the Russian Federation's view of its role in promoting democracy outside of its borders.

The Belarusian people also want an explanation, as the repeated statements by Belarusian democratic leaders and human rights advocates show. Even high officials in the regime have expressed privately their displeasure with Lukashenka's handling of the disappearances.

Until the Lukashenka regime accounts for Gen. Zakharenko, Deputy Chairman Gonchar, Mr. Krasovsky, and Mr. Zavadsky, one can neither expect a normalization in the international community's relations with Belarus nor an end to the climate of fear gripping the country. The Lukashenka regime needs to act immediately to find these brave democrats and Belarusian patriots. This issue of Gen. Zakharenko and the other disappeared will not go away, just as the issue of the disappeared in Chile did not go away, just as the issue of the Polish officers ''disappeared'' at Katyn did not go away, just as the issue of the disappearance of Swedish hero Raoul Wallenberg will not go away. Rather, with each new day the missing go unaccounted for, the call for the truth behind their disappearances will only grow louder, haunting those responsible for these crimes.

''A NEW DEFENSE POSTURE''

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BEREUTER. Mr. Speaker, this Member rises to commend to his colleagues an editorial in the May 3, 2001, edition of the Omaha World-Herald. Of particular note is the editorial's assessment of international reaction to President George W. Bush's May 1, 2001, speech on a national missile defense (NMD) system.

In the weeks approaching the speech, many newspaper and magazines ran articles and editorials which criticized President Bush for his strong and vocal support for the development of NMD and for reassessment of the 1972 Anti-Ballistic Missile (ABM) Treaty. Domestic opponents claimed that such views strain relations with key U.S. allies in Europe and Asia. And yet, after a major speech outlining the Administration's proposed approach to national security, U.S. allies appear to have reacted fairly positively by agreeing to talk about the approach, if not entirely support it.

The cold war is over, and therefore it is entirely appropriate for the U.S. to re-evaluate the institutions and treaties from that era. It is this Member's hope that our allies will strongly agree and will find upon review that President Bush's initiative to begin the development of a NMD system and to revamp arsenal cuts reflects careful reflection upon the long-term interests of the United States.

[From the Omaha World Herald, May 3, 2001]

A NEW DEFENSE POSTURE

Call it Missile Defense III. It's not the largely discredited Reagan-era Strategic Defense Initiative. It's not the Clinton-nurtured limited shield. In fact, it's not clear at this juncture what it is. But President Bush wants it and is determined to get it if possible. And that may not be bad.

The most salient aspect of Bush's freshly stated commitment to a missile defense system is what didn't happen. The international community didn't, for the most part, start screaming to the heavens that the United States has become frighteningly arrogant and is going to get everybody fried. And that was largely because Bush had the good sense to get in front of his Tuesday announcement with pre-emptive and assuring phone calls to the world leaders who might be most concerned. He and Secretary of State Colin Powell repeatedly made two points:

Although Bush finds the 1972 Anti-Ballistic Missile Treaty outmoded and only marginally effective, the United States is not going to simply abrogate it without something to take its place.

There will be no change in Washington's international nuclear-weapons understandings until such time as a missile defense can reasonably be called workable.

The biggest surprise of all may be that Moscow pronounced itself, though not exactly happy, entirely willing to sit down and discuss the matter rationally. That gets past what could have been a substantial hurdle, because Russia has long seen any sort of missile defense as a direct threat aimed at neutralizing its nuclear strike capability. It has been adamant on the point. But on Wednesday, Foreign Minister Igor Ivanov said his nation ''is ready for consultations, and we have something to say.''

The biggest question about a missile defense is whether such a bogglingly complex system can, in fact, ever work. Results to date have not been encouraging. Efforts from the Reagan era forward have cost more than $60 billion. Tests in the '80s were spotty, and the few seeming successes were later shown to have been either unrealistically simplistic or just plain fudged. Three tests of a scaled-down system in the '90s yielded two failures.

The concept, nonetheless, remains appealing, particularly to those old enough to remember the duck-and-cover classroom drills

of the 1950s. The less-stable post-Cold War world, with the addition of such nations as Northern Korea, Iraq and Iran to the list of potential nuclear threats, adds to that. (In fairness, though,

The ABM treaty is a sticking point, of sorts, but that doesn't mean a new document can't be crafted to take its place. Contrary, perhaps, to common perception, there is a provision for withdrawing from it. Either Russia or the United States can get out on six months' notice by explaining that its ''supreme interests'' have been jeopardized by events relating to the treaty.

Bush, in his remarks on Tuesday, seemed to have been laying the groundwork for such an assertion. In any case, this much is certain: A functioning missile defense is incompatible with the treaty, which forbids it. At least the president chose not to figuratively rip the document up, which some of his campaign rhetoric last fall seemed to suggest. He wants to—at some undetermined point—take the legitimate exit route.

The president also wants to give back with one hand at least part of what he proposes to take away with the other. He's convinced (and he's probably right) that the United States doesn't need nearly the nuclear arsenal it now maintains. America has about 7,200 warheads; Russia, about 6,100. Under various START agreements and negotiations, both nations have agreed to a target of 2,000 to 2,500. Bush has said lately that he envisions still lower numbers, and Moscow seems ready to go along. (Not the least of its reasons is the cost savings.)

Cost still casts a long shadow on the missile defense idea as well, though. Defense Department sources say even a rudimentary plan could start at $35 billion. One of the proposal's harshest critics, Sen. Joseph Biden of Delaware, has fielded a figure almost 30 times higher; $1 trillion. At such prices (in addition to what already has been spent), the nation certainly deserves a system that works. Bush's commitment to it should include a commitment to eliminating the engineering hanky-panky that marked previous tests.

In coming months, Bush and other top officials will be fanning out over Asia and Europe, talking to America's allies and seeking input—views to be taken into account. This has all the earmarks of a rational, reasoned approach far superior to the gunslinger rhetoric of last year's campaign. It just might work. The administration is to be congratulated for being both assertive and constructive.

SMALL BUSINESS WEEK

HON. DONALD A. MANZULLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. MANZULLO. Mr. Speaker, as Chairman of the Small Business Committee, I am pleased to join with the President in launching Small Business Week. Small businesses represent the most important sector of our economy. They comprise 99.7 percent of all the employers in the United States. They provide two-thirds of the initial job opportunities for Americans. And, they provided over $63 billion worth of goods and services to the federal government.

One of my constituents, Ms. Rebecca Hillburst of Rockford, Illinois, will be honored this week as the Regional Subcontractor of the Year. She is the first in our region to receive this award.

Ms. Hillburst's father started the Commercial Printing Company in Rockford in 1948. She assumed the helm of the company in 1989. The business performs customized and commercial printing jobs. Rebecca Hillburst and her four employees, George, Lars and Eleanor Hillburst and Darcie Powelson are symbolic of the small entrepreneurial enterprise that makes America great. I applaud their hard work and dedication.

EXPRESSING SYMPATHY TO FAMILY, FRIENDS, AND COWORKERS OF VERONICA ''RONI'' BOWERS AND CHARITY BOWERS

SPEECH OF

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. PLATTS. Mr. Speaker, as we all are well aware, on the morning of April 20th a Peruvian Air Force fighter jet erroneously shot down a single engine Cessna owned and operated by the Association of Baptists for World Evangelism based in York County, Pennsylvania and located in my District. In so doing, one American missionary was severely injured and two were tragically killed.

I want to express my profound sympathy to James Bowers and his son Cory upon the tragic and untimely loss of their wife and mother, Veronica ''Roni'' Bowers and seven-month-old daughter Charity. I also want to express my sincere gratitude to the pilot of the plane Kevin Donaldson, who despite severely injuring both legs was able to land safely in the Amazon River.

In addition, I want to urge the Association of Baptists for World Evangelism (ABWE) to continue to pursue their critical outreach efforts in the Amazon region and around the world. As a matter of background, the ABWE supports 1,300 missionaries in 65 countries worldwide. The missionary group has worked in Peru since 1939 establishing Baptist churches, schools, camps, and centers for pregnant women, as well as providing medical care throughout the Peruvian Amazon. More than 8,000 churches in the U.S. and Canada contribute money to support the mission of the ABWE. But what makes ABWE's mission so successful are the countless American men, women, and families from all walks of life who willingly sacrifice their precious time and effort, and unfortunately sometimes their lives, to do God's work.

The untimely death of Roni and Charity Bowers has brought to the forefront a significant, but little known operation that takes place as part of our overall anti-drug policy. Since the mid 1980's, the Department of Defense has led an inter-agency air interdiction effort to close the ''air bridge'' between coca fields in the Andean region of Peru and Bolivia and the production facilities in Colombia. The idea was that the United States would provide intelligence and other assets to the host nations for the detection and elimination of drug smuggling operations, while staying out of the host nation's respective internal affairs and chain of command. Although an innovative approach to drug policy, this helping-hand policy is in obvious need of review, especially with respect to Peru.

Mr. Speaker, as you know, Section 1012 of the 1995 Defense Authorization Act requires that U.S. intelligence and related assets can only be used if the President determines whether drug smuggling comprise an ''extraordinary threat to the national security of'' the foreign country and that ''that country has the appropriate procedures in place to protect against the innocent loss of life . . . which shall at a minimum include effective means to identify and warn an aircraft before the use of force'' is authorized. After temporarily suspending air interdiction flights in early 1994, former President Clinton made the determination that Peru fulfilled Section 1012

These straight-forward procedures include checking the flight plan of the observed aircraft, establishing radio communications, making visual contact to check the aircraft's registry and to give it visual instructions to land, getting permission to fire warning shots, then disabling shots and finally, when all else fails and the aircraft refuses to comply, then and only then can permission be granted to shoot down a civilian aircraft.

All reports indicate that on that fateful Friday morning, over the strenuous objection of U.S. personnel, Peruvian officials either moved too quickly through these procedures, or did not implement them fully. The result was that a bullet fired from a Peruvian Sukhoi—25 jet fighter passed through the fuselage of the tiny missionary plane, through the heart of Roni Bowers and into the head of baby Charity, killing both instantly. The air interdiction effort in Peru and the overall policy itself is mired in questions.

President Bush has requested $882 million for his Andean Regional Initiative in next year's budget. This program will substantially increase the investment in drug interdiction and eradication efforts in Peru and surrounding countries. Before Congress appropriates another dollar toward counter drug efforts in Peru, I believe it is imperative for us to review and rethink our interdiction policy. I urge Congress to look into tightening intercept procedures in drug trafficking areas, as well as strengthening the important role they have in the oversight of our drug policy.

The United States should not expend taxpayer dollars to provide intelligence to a country that apparently violates straight-forward, internationally recognized interception procedures. Every effort must be made in our interdiction policies and procedures to ensure against the innocent loss of life. We cannot undo the horrific personal tragedy that James and Cory Bowers have endured with the loss of their wife and daughter, mother and sister. We can, however, do our utmost as a nation to ensure that through procedural reforms of the interdiction program, this private tragedy is transformed into a public good, so that no other family will suffer a similar heartache and loss in the future.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mrs. LOWEY. Mr. Speaker, today I rise in commemoration of the Armenian Genocide, a horrific event in world history that took the lives of 1.5 million Armenians and tore the Armenian nation from its historic homeland.

The Armenian Genocide, the first act of genocide in the twentieth century, is emblematic of the high human cost of senseless hatred and prejudice. I join my colleagues today, in solidarity with the Armenian-American community and with Armenians throughout the world, to commemorate this dark period in human history and to ensure we take to heart the lessons learned from this tragedy. The legacy of those who were lost must be our pledge to remember—and to prevent such an episode from happening again.

We have already learned the lessons of forgetting. The indifference of the world to human suffering and the slaughter of 1.5 million Armenians set the stage for the Holocaust, ethnic cleansing in Kosovo, and other tragic events of a massive scale. Today's commemoration comes too late for those who have already fallen victim to blind hatred. But we hope and pray that it is not too late for those in danger around the world.

As we recall the Armenian Genocide and mourn its victims, we renew our pledge to the Armenian nation to do everything we can to prevent further aggression, and we renew our commitment to ensuring that Armenians throughout the world can live free of threats to their existence and prosperity.

Unfortunately, we must still work toward this simple goal. Azerbaijan continues to blockade Armenia and Nagorno-Karabagh, denying the Armenian people the food, medicine, and other humanitarian assistance they need to lead secure, prosperous lives. The United States has taken a leadership role in trying to bring the blockade to an end and crafting a solution to this tragic conflict. As we look forward to a new round of proximity talks in June, we are filled with hope that this year we will see peace and stability in the Caucasus.

Mr. Speaker, the Armenian people have shown true resilience in confronting the many obstacles they have faced in the last century. From the ashes of the Genocide, Armenians have become a strong people, making great contributions throughout the world, In the words of Armenian-American author William Saroyan, ''when two of them meet anywhere in the world, see if they will not create a New Armenia.''

Mr. Speaker, I join my colleagues in hoping that we will soon see a ''New Armenia,'' and in pledging to hasten its arrival.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. RUSH. Mr. Speaker, on rollcall vote No. 96, I inadvertently voted no. I am a cosponsor of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001 and strongly support its enactment.

I ask unanimous consent that the RECORD reflect that my vote on final passage should have been ''yea.''

AN ARTISTIC DISCOVERY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to show my deepest appreciation for some of the most dedicated people I know. This last weekend, I held an art competition for high school students in the 5th Congressional District called ''An Artistic Discovery''. Eight schools and over 50 children participated in the competition, producing some of the most creative, innovative pieces of art I've ever seen. All of these future artists deserve to be recognized.

Today however, I rise to pay respect to the behind-the-scene heroes of ''An Artistic Discovery''—the teachers. The dedication these teachers have for their students, art, and for teaching doesn't come from a textbook, or from years of experience. The pride that radiated from these teachers faces when their students stood next to their artwork came from deep inside their soul.

On this day, Teacher Appreciation Day, I would like to show my appreciation for the teachers who put so much work into making ''An Artistic Discovery'' a success. Several teachers helped to make this event possible, including: Karin Hughes from South Salem, Lynn Pass from West Linn, John Allgood from Gladstone, John Beck of Dallas, Judy Frohreich of Stayton, Wendy Edginton of Clackamas, John Widder of Tillamook, and Donna Hues of John F. Kennedy High School in Mt. Angel.

Without these teachers, their students would have missed out on the opportunity to display their wonderful artwork and we would have missed the chance to enjoy it.

IN HONOR OF FLORIDA TAX FREEDOM DAY 2001

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. CRENSHAW. Mr. Speaker, starting today, the average hard-working Floridian starts to work for himself and his family.

Today is Florida's Tax Freedom Day. On average, for the last 128 days, Floridians have been working to earn the money they need to pay their federal, state, and local taxes. In other parts of the country, where state and local taxes are higher, Tax Freedom Day still hasn't come.

Mr. Speaker, last week we hit the American average—May 3 was National Tax Freedom Day. That means it takes 123 days for the average American to earn enough to pay their tax bills. Curiously, it only takes 106 days for them to earn enough to pay for their food, shelter, and clothing combined, proof of the fact that Americans pay more in taxes than for these necessities. In 1992, National Tax Freedom Day was nearly a whole month earlier—April 18. The hard-working, American taxpayers deserve a break!

Given the significance of the day, it is perhaps fitting that we are considering the budget conference report. That package includes $1.35 trillion in tax relief for all American taxpayers. With this tax relief, they can begin to earn for themselves a little sooner, and to plan for their priorities and their needs a little earlier.

In fact, current forecasts—under the assumption that there are no changes in the tax laws—have National Tax Freedom Day in 2011 falling on May 10. But, if the Bush tax relief package were passed, that date would be pulled back to May 5. In Washington terms, where we throw around numbers in the millions, billions, and trillions everyday, five days may not seem like much. But, to the family living paycheck to paycheck or trying to set aside a little bit in personal savings for the future, it means a lot.

It is in their honor, Mr. Speaker, that I am pleased to support efforts to let them keep more of their hard-earned money in their own homes, and to support the $1.35 trillion in tax relief in our Fiscal Year 2002 budget.

FORT OSAGE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the importance of Fort Osage as a landmark identified and later developed by Meriwether Lewis and William Clark during the voyage of the Corps of Discovery.

In June of 1804, the Corps of Discovery passed a high bluff on the Missouri River—which would later become Fort Osage in Jackson County, Missouri. Only four years later, Clark returned to initiate construction on a Fort and trading-house under the direction of the War Department. Clark noted ''The River could be completely defended'' and he deemed the ''situation elegant.''

Fort Osage (or Fort Clark as it was originally named) played an important role in the exploration and development of the West. Goods were traded with the Osage, Ayauway and Kansas tribes at this site for years to come. Fort Osage proved to be the single most profitable trading post of its kind in the United States and the territories. We are indebted to the legacy of the Fort and the people who lived, worked and defended the Fort. Their courage had a profound effect on the evolution of our nation.

As part of the Lewis and Clark Bicentennial Commemoration, Jackson County Parks and Recreation is proposing an innovative education center. The education center would showcase artifacts and exhibit the significance of the Missouri River. I believe this education center is a wonderful addition to the commemoration and will help visitors understand the significance of Fort Osage. It is the only site along the trail where Clark returned to develop a facility that fulfilled the goals of President Thomas Jefferson's dream of commerce and development with the west.

The significance of Fort Osage is not limited to Lewis and Clark. Both the Yellowstone Expedition and the Long Expedition visited the Fort in 1819. The Long Expedition brought the first steamboat, Western Engineer. Only years later, William Becknell arrived at Fort Osage, using the site as mile marker ''0'' for the Santa Fe trail, again distinguishing the importance of the Fort in relation to commerce in the west.

Due to the area's historical significance, the Fort Osage Education Center was proposed as part of the Lewis and Clark Bicentennial Commemoration. The Education Center was recently recognized by the Lewis and Clark Bicentennial Commission as the priority project in Missouri and I am honored to have this historical site in my district. I look forward to the events surrounding the bicentennial commemoration at Fort Osage and in other areas of the 6th District of Missouri. I join the Missouri Bicentennial Commission, the Missouri Department of Conservation and the United States Geological Survey in full support of the proposed Fort Osage Education Center.

RESOLUTION ON KALMYK SETTLEMENT IN AMERICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a resolution congratulating the Kalmyk people in the United States on the fiftieth anniversary of their settlement in this country. The resolution also encourages continuing scholarly and educational exchanges between the Russian Federation and the United States to encourage better understanding and appreciation of the Kalmyk people and their contributions to the history and culture of both countries.

The Kalmyks were originally an ethnic Mongolian nomadic people who have inhabited the Russian steppes for around 400 years. The present Kalmyk Republic of the Russian Federation is located north of the Caspian sea in southern Russia. During World War II, the Kalmyk people were one of the seven ''punished peoples'' exiled en masse by Stalin to ''special settlements'' in Siberia and Central Asia for allegedly collaborating with the Nazis. There were about 170,000 deportees. After World War II, several hundred Kalmyks who managed to escape the Soviet Union were held in Displaced Persons camps in Germany. For several years, they were not allowed to emigrate to the United States because of prejudice against their Mongolian ethnicity.

However, on July 28, 1951, the Attorney General of the United States issued a ruling which cleared the way for the Kalmyk people in the Displaced Persons camps in Germany to enter the United States. In the fifty years since their arrival, the Kalmyk emigres and their descendants have survived and prospered. Moreover, they are the first community of Tibetan Buddhists to settle in the United States. While adapting to much of America's diverse and modern culture, the Kalmyk have also sought to preserve their own unique traditions. Many continue to practice the Tibetan Buddhist religion.

Since the collapse of the Soviet Union, the Kalmyk community of the United States has been able to re-establish contact with the Kalmyk people in the Russian Federation. For the past ten years, a wide exchange has been developed between relatives, students and professionals.

Mr. Speaker, our country is so much richer for the presence of our Kalmyk-American citizens. I urge my colleagues to join me and my colleagues Mr. HOYER, Mr. PITTS, Mr. CARDIN, Mr. WAMP, and Mr. HASTINGS, in congratulating the Kalmyk-American community on the fiftieth anniversary of their settlement in the United States by cosponsoring and supporting this resolution.

IN HONOR OF THE MEMBERS OF THE STRATEGIC TECHNICAL DIRECTORATE COMMANDOS FAMILY TORRANCE, CA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. SANCHEZ. Mr. Speaker, today, I rise to pay tribute to a very extraordinary group of members who are being commemorated for the Presidential Unit Citation. These heroic members of the Strategic Technical Directorate Commandos Family passionately and diligently sacrificed their lives for ''life, liberty, and the pursuit of happiness'' for the people of Southeast Asia.

During the Vietnam War, the people of Southeast Asia and the fighting soldiers of the United States faced many challenges that jeopardized their lives. But in 1964, the Strategic Technical Directorate (the U.S. joint services command) was created to help the U.S. and Southeastern Asian soldiers to fight for freedom. The Strategic Technical Directorate included the best selected group of officers. The members showed their intelligence, commitment, and bravery in combat. They selflessly risked their own lives in hopeless situations to save others. For example, in 1974, the North Vietnamese Army attacked the city of Phuoc Long. 250 Airborne Rangers came to the rescue, but they faced brutal assaults from the North Vietnamese Army and lost contact with the Strategic Technical Directorate. After a four-day search, the Strategic Technical Directorate found only 50 percent of their surviving members in the city. Another example is during April 1975. The Strategic Technical Directorate's Special Missions Services went to the city of Phan Rang, where the North Vietnamese were attacking the city. 100 of their additional commandos were captured by the North Vietnamese Army. Then the remaining Strategic Technical Directorate units went to defend Saigon. By the final days of April, the North Vietnamese Army surrounded the capital. The Strategic Technical Directorate did not give up. 500 SMS commandos, the headquarters personnel, and the Liaison Service barged in and fought until capitulation on April 30. These two examples prove how the members of STD risked their lives and put 100 percent of their diligence and commitment in winning the freedom for Southeast Asia.

The members of the Strategic Technical Directorate Commandos Family will not be forgotten, but be remembered and honored, for their survival, courage, and dedication in fighting for ''life, liberty, and the pursuit of happiness.'' They risked their lives to help the people of Southeast Asia because they were in danger and had their human rights taken away. I ask you to join me today in recognizing these heroic figures who proved to us the meaning of bravery and diligence.

VAISAKHI DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BURTON of Indiana. Mr. Speaker, the Sikhs recently celebrated their important holiday of Vaisakhi Day. It is the 302nd birthday of the Sikh Nation. On Vaisakhi Day in 1699, Guru Gobind Singh, the last of the Sikh gurus, formed the Khalsa Panth. He blessed them with the blessing ''Raj Kare Ga Khalsa,'' which means, ''the Khalsa shall rule.''

The Sikhs consider Vaisakhi a very important holiday. It is effectively the Sikh national holiday. As this Vaisakhi Day passed, however, the Sikh Nation still lives in slavery.

Sikhs ruled Punjab from 1765 to 1849. They ran a secular state with religious tolerance. Sikhs, Muslims, and Hindus participated in the government. When the British vacated the subcontinent, the Sikhs were to receive sovereign power, but they were taken in by the false promises of Nehru and Gandhi that they would have freedom in Punjab. No Sikh representative has ever signed the Indian constitution, and many Sikhs are demanding their independence, as declared on October 7, 1987. Although they seek this peacefully, India considers anyone who speaks out for a separate Sikh state, called Khalistan, to be a ''terrorist.'' Instead, it is India that has used the tools of terrorism.

A new report from the Movement Against State Repression shows that the Indian government holds, by its own admission, at least 52,268 political prisoners under the illegal and expired ''Terrorist and Disruptive Activities Act,'' called TADA. Both the Movement Against State Repression and Amnesty International have confirmed that tens of thousands of political prisoners are being held without charge or trial. Some of them have been in jail since 1984. According to The Politics of Genocide by respected human-rights worker Inderjit Singh Jaijee, the Indian government since 1984 has murdered over 250,000 Sikhs. They join thousands of Christians, Muslims, Dalits, and others who have been killed at the hands of the Indian government.

In the spirit of Vaisakhi, the U.S. Congress should support freedom for the Sikh Nation and the other nations of South Asia who are seeking their sovereignty and independence. We must support a free and fair plebiscite in Punjab, Khalistan, on the question of independence and also plebiscites for Kashmir, as India promised in 1948, for Nagalim, and for all the nations living under Indian occupation. We should also cut off American aid until India learns to respect its own laws and the basic human rights of all people. Let the Sikhs, celebration of Vaisakhi remind us that the freedom is the birthright of all peoples and nations.

COUNCIL OF KHALISTAN,
Washington, DC, April 16, 2001.

OPEN LETTER TO THE SIKH NATION: POLITICAL PRISONERS SHOULD RUN IN ELECTIONS

FORM KHALSA RAJ PARTY, START A STANTMAI MORCHA TO FREE KHALISTAN

Several reports, including a recent one from Amnesty International, confirm that tens of thousands of Sikh political prisoners are being held in illegal detention in India without charge or trial. Democracies do not hold political prisoners, yet tens of thousands of political prisoners are being held in ''the world's largest democracy.''

Recently, 19 Members of the U.S. Congress wrote to President Bush asking him to get involved in the effort to secure freedom for these political prisoners. These political prisoners are being held for peaceful activities in support of a sovereign, independent Khalistan and/or activities in support of human rights. Some of these political prisoners have been held since 1984. We must secure their freedom.

Sovereignty is essential to the survival of the Sikh Nation. As long as we live under Indian rule, these political prisoners will continue to be held and we will all continue to live as slaves. The only way that Sikhs can live in freedom is to liberate our homeland. Self-determination is the right of all peoples and nations.

We must tell the Indian government that we demand our freedom. In order to do so, the political prisoners should run for Parliament and for the Legislative Assembly under the banner of the Khalsa Raj Party. The primary plank of the Khalsa Raj Party should be freedom for Khalistan. The Khalsa Panth must be prepared to pay any price, whatever it may be, to free ourselves from the occupation of the Indian government.

We must have a full and fair plebiscite on the status of Khalistan and we must launch a Shantmai Morcha to liberate Khalistan. If the political prisoners run for office, Sikhs will have someone to vote for who is committed to freedom. None of the current parties will make any effort to liberate Khalistan.

If the political prisoners will not run for office from their jail cells, then their family members should be given the Khalsa Raj Party ticket in the elections. We must have a real choice that will allow us to demand our freedom. Only then can our ve make any difference. Let us vote for a free Khalistan, not just for a change of faces among the oppressors.

Guru Gobind Singh Sahib gave sovereignty to the Khalsa Panth. ''In Grieb Sikhan Ko Deon Patshahi'', that is ''Khalsa shall rule and is sovereign.'' Guru gave the Sikh Nation sovereignty. Nations that do not have sovereignty perish. Nations that do not have political power vanish from the face of the Earth. Sikhs are instructed to remain free always. It is time to reclaim freedom that is our birthright. In a free Khalistan Sikhs will enjoy freedom and respect the world over. For the survival of Sikh Nation, we must regain our lost sovereignty. It is our duty as Sikhs.

The present Akali government and its leadership is corrupt to its bone. The Akalis are in alliance with the militant Hindu fundamentalist BJP, which has recently been rocked by a corruption scandal as well. They are agents of the Indian government. They take their orders from Delhi rulers. They lie to the Sikh Nation. We must discard them now and replace them with a new committed, honest, pro-Khalsa Panth leadership.

As instructed by the Guru, Banda Singh Bahadar established the first Khalsa Raj in 17 10 after the complete destruction of city of Sirhand where the two younger sons of Guru Sahib were beheaded after immobilizing them in a wall. Sikhs regained

In 1947, when India was divided, the cunning and deceitful Hindu leadership of Nehru and Gandhi promised that Sikhs would have the glow of freedom in Punjab and that no law affecting Sikh rights would be passed without Sikh consent. As soon as the transfer of power had occurred and India was free, those promises were broken. Instead, India began its effort to wipe out the Sikh people, the Sikh Nation, and the Sikh religion. The Home Ministry even sent a circular to the deputy commissioners of Punjab saying that Sikhs are ''a criminal tribe'' and should be carefully watched. Since independence, Sikhs have been persecuted, betrayed, robbed of their natural resources, and discriminated against. We must stand up against the oppressors and say enough is enough. We will no longer live under your oppressive regime.

Badal did not even fulfill the promises he made before the election. How can they call themselves an Akali government when more than 50,000 people have been tortured, murdered, declared unidentified, and cremated by the police? There is no accountability for them and no police official has been punished. How can they call themselves an Akali government when they have not punished Swaran Singh Ghotna, the murderer of Jathedar Gurdev Singh Kaunke, and the other police officers who kidnapped and murdered human-rights activist Jaswant Singh Khalra? With a Khalsa Raj Party and with the politicl prisoners elected, these people can be brought to justice.

In pursuit of its divide and rule strategy, the Indian government has murdered over 250,000 Sikhs in their effort to create fear psychosis and destroy the Sikh freedom movement. Tens of thousands of Sikh youth are being held as political prisoners without charge or trial. Recently, it has tried to set the Sikhs and the Kashmiri Muslims against each other by creating incidents between the communities. Over 20,000 people were murdered in Delhi alone after Indira Gandhi's assassination. So far, the perpetrators of these heinous crimes roam free in Delhi. The Khalsa Raj Party must demand accountability for the perpetrators of these atrocities.

After the Golden Temple attack in June 1984 by the Indian government it was clear to the Sikhs that the Indian government is determined to destroy Sikhism completely. The attack on the Golden Temple was conducted to crush the Sikh aspirations of Khalsa Raj. It doesn't matter whether Congress or the BJP runs the government. Former Indian Prime Minister Chandra Shekhar said that there is no difference between Congress and the BJP. He is right. The party label on the Hindu majority does not matter. Congress and BJP are equally anti-Sikh. Only a Khalsa Raj Party will work to break the cycle of tyranny and oppression.

Do you want to live as slaves and jeopardize the future of your children and your children's children, disobeying the Guru's order of Raj Kare Ga Khalsa, or do you want to free yourself from the slavery of the Indian government and enjoy the blessings and happiness of Guru by freeing Khalistan? Always remember that the Guru gave the Sikh Nation Charhdi Kala.

For the Charhdi Kala of the Khalsa Panth, let's join hands to form a Khalsa Raj Party to free our homeland, Khalistan. We pray and ask the blessing of the Guru to help us achieve the pious, God-given right to freedom for the Sikh Nation. The Khalsa Panth prays for the well being of the whole human race. We wish every human being in the world, including South Asia, well. We hope that the entire world will live in peace and freedom and let the Sikh Nation also flourish, prosper, and enjoy the glow of freedom in a free Khalistan.

Khalsa Ji, always remember ''Khalsa Bagi Yan Badhshah'' and ''Raj Kare Ga Khalsa.''

Sincerely,

DR. GURMIT SINGH AULAKCH,
President Council of Khalistan.

TRIBUTE TO MS. PAT SHIELDS

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. SHOWS. Mr. Speaker, I rise today to honor a distinguished woman from Mississippi, Ms. Pat Shields. It is my great privilege to share with my colleagues in Congress her many attributes and noteworthy career as a civilian employee in the United States Army.

For thirty years Ms. Shields has been a model of dedication, compassion and service in the United States Army. The Ole Miss community quickly learned how lucky they were to make her acquaintance 27 years ago, when she came to work with their ROTC program. With a smile on her face and a remarkably thoughtful attention to detail, Mrs. Shields has worked with over 8,000 students to help them realize their dreams. Her assistance has resulted in the commission of over 500 cadets to the U.S. Army and Mississippi National Guard.

As Ms. Shields prepares to retire, I have been overwhelmed by the number of people who say their lives have been touched by her presence. The Ole Miss community has both deep regret and fond wishes for her departure. They know though, as do her children, David, Don, and Lisa, and her granddaughter, Elizabeth Ann, that no woman is more deserving of an enjoyable retirement than Pat Shields.

Mr. Speaker, I ask my colleagues to rise with me in commending Pat Shields for her fine service to this nation. It is both a pleasure and a privilege to recognize such a true southern lady from our great state of Mississippi.

HONORING DR. JOSEPH S. BAILES

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BENTSEN. Mr. Speaker, I rise to honor my constituent, Dr. Joseph S. Bailes, on the occasion of an event on May 12, 2001, in San Francisco, California by the National Coalition for Cancer Survivorship honoring him and the American Society of Clinical Oncology.

There is scarcely a person among us who has not been touched by cancer. This disease—actually more than a hundred different

diseases—is one of the greatest public health challenges we face in this country, particularly as our population ages and thus becomes more susceptible to cancer. If we are to meet this challenge, if we are to take full advantage of the many opportunities presented by the exciting discoveries of basic science in recent years, and if we are to fulfill the promise of quality cancer care for all our citizens, it will require visionary and energetic leadership. That kind of leadership has been provided for more than a decade by my friend and constituent, Dr. Joseph S. Bailes. Dr. Bailes is currently the Executive Vice President of Clinical Affairs at US Oncology, the largest private oncology practice in the United States.

Dr. Bailes has recently completed more than a decade of service to the American Society of Clinical Oncology (ASCO), which is the leading medical professional society for physicians involved in cancer treatment and research. Under the public policy guidance of Joe Bailes, ASCO has been involved in almost all significant legislative and regulatory initiatives during this past decade of great change in the health care delivery system generally and in cancer care specifically.

During Dr. Bailes' long tenure as Chair of ASCO's Clinical Practice Committee, he was confronted with various challenges, each of which posed a threat to quality cancer care. Among

Dr. Bailes also served as President of ASCO, the first in more than 20 years to be elected as a community oncologist rather than an academic. His election reflected widespread recognition within the cancer community of Dr. Bailes' important and diverse contributions to oncology beyond considerations of reimbursement or coverage for the private physician. His voice has been a powerful one for everybody with cancer, as well as for the professionals who care for them.

Aside from these public policy activities, I also commend Dr. Bailes for his dedication and skill as a physician who cares for individual patients in a thoughtful and compassionate manner. In fact, Dr. Bailes has successfully treated members of my own family for cancer-related illnesses and I am grateful for his dedicated service to patients in the Houston area. I know no one better at cancer diagnosis and treatment than Dr. Bailes, and his motivation is not public acclaim but the welfare of his patients. This is the ideal we expect of all our doctors.

This May Dr. Bailes will be recognized and honored by the National Coalition for Cancer Survivorship (NCC), the largest national organization advocating on behalf of people with all kinds of cancer. The occasion will be the 37th Annual meeting of ASCO in San Francisco, where colleagues from all over the world will assemble to hear the latest developments in cancer prevention, diagnosis, and treatment. It is fitting that Dr. Bailes will be individually honored in this impressive context.

Mr. Speaker, I congratulate Dr. Bailes on his many years of service in the fight against cancer and for his many achievements. He is an inspiration to all advocates against cancer, whether they are patients or former patients, parents or friends of cancer patients, the physicians or other health professionals who treat them, or the research organizations that seek improved cancer therapies.

RECOGNIZING THE 25TH ANNIVERSARY OF THE MAINE ADMINISTRATORS OF SERVICES FOR CHILDREN WITH DISABILITIES

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BALDACCI. Mr. Speaker, I rise today to recognize the 25th Anniversary of the Maine Administrators of Services for Children with Disabilities, or MADSEC. MADSEC has been a leader in the provision of educational and support services to children with disabilities in Maine since 1976. In that time, Maine has developed a model program which benefits the children of my state in many ways.

Maine was unique among several states in the development of special education services. From its earliest days, MADSEC has maintained an open and positive working relationship with the Maine Department of Education's Special Services Division. By collaborating with the state agency, MADSEC has been able to help effectively address concerns, issues, and complaints in a productive manner which eventually helps all parties involved find a reasonable outcome.

In addition to its problem-solving function, MADSEC has been a joint-sponsor of several successful Professional Development training opportunities for administrators, teachers, and support staff. The ''Select Seminars'' offered by MADSEC and the Special Services Division are intensive work sessions which focus professional attention and problem-solving skills on some of the most troublesome issues in the special education arena.

MADSEC also publishes a professional journal for special education administrators and staff which has provided consistent information and commentary on many issues. Members can access a website for instant information, professional resources, and the latest news in the field.

On a national level, MADSEC sponsors the annual Maine Director's Academy, a professional development and policy study event for special education administrators from across the country. Special educators from more than 30 states and Canadian Provinces have attended in the Academy's 20-year history, and the Academy has been recognized by several national professional organizations.

I am proud to bring the anniversary of this important organization to the attention of Congress here today. The children of Maine and the nation have benefitted greatly from the leadership provided by MADSEC over the last 25 years. I look forward to continuing advances in special education administration and technology that groups such as MADSEC will facilitate. Children with disabilities must not be forgotten or allowed to fall behind. For the last 25 years, members of the Maine Administrators of Services for Children with Disabilities have worked to ensure such children get every chance they can to succeed. I thank them for a quarter-century of fine work, and look forward to their next 25 years.

HONORING WESTERN STATE COLLEGE GRADUATES, RICHARD AND GRACE NUGENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate two Western State College graduates. Richard and Grace Nugent will graduate in May with degrees in art and English. But they are not your typical grads. Richard is going on 69 and Grace will soon turn 64 years old.

Richard and Grace have been students at WSC since 1998. Grace attended college for the first time, while Richard is finishing his education, which was cut short in the 1950's. ''We've always had some kind of goal—some kind of plan we were working towards,'' Grace said in a recent Denver Post article. ''A lot of people our age figure they're done. We continually have something to look forward to.''

Richard and Grace had been operating a bed and breakfast in Crawford, Colorado when they decided they needed a new challenge. They were not your ordinary nontraditional students. Instead of just attending classes, Richard and Grace decided to immerse themselves in the college experience. They moved into the dorms, ate college food and hit the hot college hang outs on Friday nights. ''They blend in well. They seem to belong,'' said Robert Sewell, a student who works out with Richard.

''This is so great,'' Richard said. ''Have you ever been in nursing homes? They're just sitting there. But look around here, there is life here.'' After graduation, Richard and Grace will start their new careers as English teachers in China.

Mr. Speaker, it is great to see two people so far along in life return to their youth. I want to congratulate Richard and Grace Nugent on their graduation and wish them all the best teaching English in China. I know they will put forth the same effort and enthusiasm with their new career as they did in college.

Richard and Grace, job well done!

TRIBUTE TO ENSIGN RICHARD J. BENSING

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. DAVIS of Florida. Mr. Speaker, I rise to honor Ensign Richard J. Bensing, a member of the U.S. Navy EP–3 aircraft crew who was detained on the island of Hainan, China, last month following their harrowing collision with a Chinese F–8 fighter.

Yesterday, I had the pleasure of joining more than 200 people in welcoming Ensign Bensing back to his alma mater, Brandon High School, in my hometown of Hillsborough

County, Florida. The crowd packed in the school's auditorium was evidence of the impact that last month's incident had on citizens across America.

The ordeal that Ensign Bensing endured may have occurred halfway around the world, but it captured the minds and hearts of the entire nation. The flight, and the eleven long days following, reminded us of the great risk that our men and women in uniform take every day to keep our nation free. Our service men and women, wherever they are stationed, represent the best of our country—they are our nation's sons and daughters. We can never take their sacrifice for granted, and in this case, we should be extremely grateful that Richard and the entire crew returned home safely.

I would like to commend Richard Bensing and all of his fellow crew members for the extraordinary dedication and professionalism they demonstrated throughout their ordeal. By your example, you have made us proud to be Americans. We are glad to have you home.

REINSURANCE TAX EQUITY ACT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, today I am joining my colleague, Representative NANCY JOHNSON, in introducing legislation to put an end to the Bermuda reinsurance tax loophole.

During the past few years, several Bermuda-based companies have either acquired a U.S. property-casualty insurer, or U.S. reinsurers have relocated to Bermuda. One reason for these actions was to allow insurers to avoid U.S. income tax on investment income by reinsuring their U.S. owned subsidiaries' reserves to a parent located in a tax haven such as Bermuda, which has no income tax. It works like this: the company pays a one-time I percent federal excise tax to reinsure offshore, and in return, the foreign reinsurer earns tax-free investment income on the transferred reserves for as long as they are held offshore. By escaping all U.S. income tax on investment income, these companies can have up to a ten percent pricing advantage over U.S. taxpaying companies in the U.S. in the ''long-tail'' insurance marketplace.

Mr. Speaker, such an advantage for some foreign companies over U.S. owned companies is patently unfair and should be eliminated immediately. Our legislation solves the problem by deferring the deduction for reinsurance premiums until the loss is paid in recognition that the primary insurance covers U.S. business risk. Again, this would only apply when reinsurance to parent companies in tax havens is used. Of course, these companies would have the option of being taxed like a U.S. company and thereby avoid this provision.

This is not a trade issue, as some would like to make it. The purpose of reinsurance is to enable property-casualty companies to spread risk among several companies. The practice of reinsurance allows greater access to insurance for consumers, promotes solvency in the marketplace, and helps ensure claims are paid to customers. But this is not the true purpose of the transactions affected by this bill. In these cases, reinsurance is written between related parties—a U.S. subsidiary cedes U.S. business to its foreign based parent—to obtain a tax benefit. No risk has been spread in this transaction, the company is simply moving money from one pocket to another pocket within the same corporate entity.

Mr. Speaker, this is clearly a very technical issue, but that should not stop Congress from moving quickly to shut down this loophole. If we do not stop this practice, other U.S. companies will be forced to relocate to Bermuda, or be bought by a Bermuda based parent, in order to stay competitive. This, in turn, will result in a significant reduction in U.S. corporate tax payments, and has implications not only for the property casualty business but also for affiliated corporations, especially life insurance companies, who could in theory benefit from this loophole.

Mr. Speaker, this may be simply one issue in a series of issues that may need to be addressed by Congress. For example, there is another, separate issue, emerging involving hedge funds and Bermuda insurance companies. When U.S. taxpayers invest in hedge funds, they pay taxes each year on realized profits, usually at the ordinary income tax rate. However, if they invest in shares of an offshore reinsurance company in a tax haven country like Bermuda, they pay nothing on trading profits until they sell shares of the company and those profits are taxed at the capital gains rate. Congress has taken the position several times over the past few years that investors should not get better tax treatment by investing indirectly than they would have gotten if they had made a direct investment in an asset. To quote one article, ''The Bermuda reinsurance game is a thing of beauty. High-net-worth investors get the double tax advantage of investing in a Bermuda insurance company while literally capitalizing on hedge fund returns. Institutional investors that might be prohibited from investing directly in hedge funds can do so through an insurance company . . . You are effectively taking U.S. assets and moving them offshore. . . .''

Mr. Speaker, I believe we need to look generally at these issues. However, the matter at hand is one specific transaction that has been studied for a year at the Treasury Department, and it is time to either create fair competition for U.S. businesses, or declare that the U.S. government does not care if U.S. tax laws give a competitive advantage to foreign companies doing business in the United States.

BASE-SPONSORED VIOLENCE PREVENTION WEEK

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GRUCCI. Mr. Speaker, I rise today to honor the work and dedication of literally thousands of students, parents, teachers, school districts and officials of government from New York's First Congressional District who come together to promote and participate in the first annual Violence Prevention Week, May 1–7, 2001.

BASE, or Building A Safe Environment, is a grassroots community awareness group founded by Janine Giordano and Tracie Jedlicka.

BASE reached across to 11 school districts and communities to encourage children to be better people, more caring and considerate to one another, and active participants in making their neighborhoods a better place.

As the former Town Supervisor of Brookhaven, I worked with BASE on this worthwhile and important initiative.

Young people and community groups throughout the First District of New York and Suffolk County expressed their support by displaying lavender ribbons, creating banners and signs marking Violence Prevention Week, and held community meetings and student assemblies.

BASE's goal could have only been achieved through the hard work and support of many volunteers, parents, students, schools and government officials. These schools and groups include:

Miller Place, Rocky Point, Shoreham-Wading River, Comsewogue, Sachem, Longwood, Middle Country, Patchogue-Medord, Bellport, Bayport-Bluepoint and Commack, the North Shore Youth Council, Brookhaven Town and Suffolk County.

Mr. Speaker, I want to add my voice and that of the First Congressional District of New York in congratulating the fine work of BASE and all those who participated in making Violence Prevention Week in Suffolk County a success.

ACHIEVING POLITICAL STABILITY AND BALANCE IN HAITI

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. LEE. Mr. Speaker, on the heels of a successful OAS summit in Quebec, Canada, Haiti President Jean Bertrand Aristide has redoubled his personal efforts to include all parties in achieving political stability and balance in Haiti. In an effort to achieve this objective, on his return from the Summit, President Aristide, publicly stated, ''This is the hour of dialogue, this is the hour of consultation, this is the hour of consensus, this is the hour of compromise. Our arms are open to receive all our citizens in mutual respect to continue to find those essential solutions for democratic growth.''

Putting words into action, the President invited all opposition groups, as well as members of the private sector and civil society to meet with him at the National Palace on May 2, 2001 to ''promote transparency and expand the dialogue toward a solution to the crisis resulting from the 2000 election.''

Although 12 opposition groups accepted the invitation to the meeting, one of the opposition groups known as Convergence continues to refuse to meet and talk with the President. President Aristide invited Convergence representatives to meet at the Presidential Palace and work towards solutions in Haiti's remaining political and election issues. Despite this personal invitation and the President's demonstrated intention and willingness to work with all groups to establish the strongest possible democracy in Haiti, Convergence continues to refuse to participate.

President Aristide's efforts in this regard are consistent with his stated commitment to resolve this electoral situation as quickly as possible, and to get on with the governing of Haiti. In addition, the President's actions affirm his commitment made to President Bush and others to quickly resolve any remaining election issues in a fair and open manner that recognizes and protects the decisions already made by Haiti's voters.

TRIBUTE TO THE LATE JACK L. ROMANO

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. DAVIS of Florida. Mr. Speaker, today I would like to pay tribute to Jack L. Romano, a great leader in the Tampa Bay community, who recently lost his valiant battle with cancer at age 62.

Jack was known in Tampa for his selfless and tireless efforts on behalf of countless local charities and community organizations. Jack Romano lived his life to the fullest, always looking for ways to give back to his home. Whether he was volunteering as president of the Southwest Florida Blood Bank, or on the board of the Gulf Ridge Council of Boy Scouts, the Greater Tampa Chamber of Commerce, Ye Mystic Krewe of Gasparilla or the Tampa Museum of Art, Jack gave 110 percent. Jack didn't know the meaning of ''halfway.'' His talent and dedication touched virtually every facet of our community and his limitless good deeds will continue to inspire others to follow his example.

Jack's character was equally inspiring. His kindness was always evident in his broad smile and his welcoming handshake. He never came upon a stranger, and he treated everyone he encountered with respect and appreciation. Jack Romano was truly a gentleman in the finest sense of the word. In business, family and community, Jack was loved and respected.

Today, I would like to thank Jack Romano for dedicating his life to making Tampa and Hillsborough County a better place to live and work, and extend heartfelt sympathies on behalf of our entire community to the Romano family for their loss. Jack's departure is very much our loss too.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. SMITH of Washington. Mr. Speaker, due to the cancellation of my flight to Washington from my Congressional District on May 1, I missed the following 2 roll call votes:

Rollcall No. 90, on H. Con. Res. 91, ''Recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism,'' which passed the House 418–1. Had I been present, I would have voted ''yea.''

Rollcall No. 91 on H. Con. Res. 95, ''Supporting a National Charter Schools Week,'' which passed the House 404–6 with 7 voting present. Had I been present, I would have voted ''yea.''

IN RECOGNITION OF KRISTIN DEVAUL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mrs. CAPITO. Mr. Speaker, I come before you today to honor Kristin DeVaul of Mannington, West Virginia. Kristin has accomplished a most amazing feat, of perfect attendance, through the first thirteen years of her education, from kindergarten all the way through high school.

North Marion High School is lucky to have such an outstanding student who is committed, to what she believes. Kristin, by attending every day, through sickness, conflict, and affliction, has show that she truly believes in the importance of an education, and recognizes at an age when not all others do, the value of being educated. It is students like Kristin that make the fight for better educational standards worthwhile.

Marion County, West Virginia is home to a person with an amazing will to accomplish what she sets her mind to, and she will undoubtedly succeed in life with the strong resolve that she possesses. I would like to extend my congratulations for a job well done, and for an outstanding commitment to education!

TRIBUTE TO REVEREND DR. RONALD DURHAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in honoring a very special and dedicated person, Reverend Dr. L. Ronald Durham, who celebrated his 10th Pastoral Anniversary at First Mount Zion Baptist Church in my home city of Newark, New Jersey. Friends gathered on Friday, May 4th, in New Jersey to mark this milestone and to express appreciation for Reverend Dr. Durham's dynamic leadership.

Reverend Dr. Ronald Durham began his ministry at the age of 17. After studying at Shaw University in Raleigh, North Carolina on full scholarship, he received his Bachelor's Degree in Theology from Evangel Christian University in Louisiana. He holds his Masters of Theology Degree from United Christian Seminary, as well as a Doctor of Divinity and Doctor of Christian Ministry. Dr. Durham was also given an Honorary Doctor of Sacred Theology Degree from the American Bible Institute in Falls Church, Virginia. After sixteen years of faithful service to First Baptist Church of Anderson, North Carolina, Dr. Durham joined First Mt. Zion in April of 1991. First Mt. Zion's historical background inspired him to write his Doctoral Thesis entitled ''The History of the Black Baptist Church in New Jersey.'' During his ten years at First Mt. Zion, Pastor Durham has had many notable achievements. Inspired by the recovery story of a good friend, Pastor Durham established the ''21 Club,'' a Drug and Alcohol Education Program in Newark, New Jersey. He has been recognized by the City of Newark on several occasions for his outstanding community service. He initiated the federal ''Weed and Seed'' program for Newark, which continues to bring millions of federal dollars into the city to combat illegal drugs and restore Newark's communities. Other outstanding achievements under his inspirational leadership include: restoration of the 123-year-old sanctuary; purchasing of a church van and bus; refurbishing of a three-family property; and establishment of a stock investment program with Merrill Lynch. He has established the Inspirational Choir, Sanctuary Choir, Community Outreach Ministry; a new Youth Ministry, the Women's Support Ministry, Mother Board, Prayer Band, and the First Mt. Zion Theological Institute. He has worked to promote economic growth among African Americans. Dr. Durham led a group of 75 churches to purchase a 42-acre campground in Pennsylvania. In addition, Dr. Durham recently authored his first book entitled The Secret Power of Prayer, and he writes quarterly lessons entitled the Baptist Layman, a publication of the National Baptist Convention. He is a seminar leader for the National Baptist Congress of Christian Education. He serves as confidant and teacher to pastors and preachers all over the United States through his Internet ministry.

Mr. Speaker, let us offer our congratulations on this special occasion and send our best wishes for continued success to Reverend Dr. Ronald Durham as he pursues his important spiritual mission.

A SPECIAL TRIBUTE TO MRS. MARY LOU KUHLMAN ON NATIONAL TEACHER'S DAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to recognize National Teacher's Day and to pay tribute to a very special teacher who has touched many lives. Seldom do we acknowledge the importance of the job or the depth of a teacher's commitment to our children. While many people spend their lives building careers, teachers spend their careers building lives. For this they deserve our support, praise and gratitude.

One teacher in particular deserves special recognition on National Teacher's Day, Mrs. Mary Lou Kuhlman. After 35 years of touching the lives of countless children she will be retiring. This is a true loss for my district and the state of Ohio. The children she has taught will become our future leaders, scientists, and teachers.

Mrs. Kuhlman's long and distinguished career began in the same district where she continues to teach today. A graduate of the Glandorf High School in 1960, she currently teaches at Glandorf Elementary School. She holds a degree from Mary Manse College in Toledo and has completed graduate work at Bowling Green State University. The Martha Holden Jennings Foundation honored Mrs.

Kuhlman by naming her a Scholar in 1982. The Foundation seeks to give students a greater opportunity to succeed and to empower teachers. Not only is Mrs. Kuhlman a remarkable teacher, but also greatly involved in countless religious and community service organizations.

Year after year professionals dedicate their lives to the future of America. There is no more important or challenging job than that of our nation's teachers. The job of a teacher is to open a child's mind to the magic of ideas, knowledge, and dreams. Also, teachers are true guardians of the American democracy by instilling a sense of citizenship in the children they teach. Teachers not only educate but also act as listeners, facilitators, role models, and mentors, encouraging our children to reach further than they would have thought possible. Teachers continue to influence us long after our school days are only memories.

Mr. Speaker, I believe that Mrs. Kulman's own words ring true on this very special day, ''Teaching has always been rewarding, satisfying, and enjoyable. Children are our most important asset. I feel so fulfilled when I can make a difference in a child's life and improve their situation.''

CINCO DE MAYO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BONIOR. Mr. Speaker, this past weekend Mexican-Americans joined our neighbor to the South in celebrating a day dedicated to the recognition of a successful fight for freedom. In Detroit, the Latino community gathered together to celebrate Cinco de Mayo and I want to recognize the Bagley Housing Association, the Mexican Patriotic Committee of Detroit, the El Central newspaper, and the Mexican Town Community Development Corporation for making that celebration possible. Cinco de Mayo is a story of unity, of strength, of faith, and of a country's ability to overcome insurmountable odds.

On May 5, 1862, in the town of Puebla, Mexican General Ignacio Zaragoza led a hastily gathered group of forces to the defeat of the French army, which had not faced defeat in over fifty years. The French outnumbered the Mexican forces by at least two to one and had some of the most superior military training the world had ever seen. Despite all this, the might and spirit of the Mexican people prevailed. After this embarrassing defeat, the French army retreated and took another full year to prepare before they finally took Mexico City. However, Mexican resistance to the French occupation and increasing pressure from the United States forced the French to withdraw after only three years.

The battle that took place on Cinco de Mayo was primarily a battle for freedom. However, I believe that this important day has come to symbolize not only the fight for freedom, but the fight for justice as well.

The growing Latino population in Michigan and in the United States enriches our culture in many ways. One can see the Latino influence in our music, our food, our language, and our art. Their commitment both to their faith and their family is a proud heritage. Because Latinos have contributed so much to this country, we must fight to protect the rights of Latino citizens and all Latinos in this country. We must continue this struggle for justice in our workplaces, in our schools, and in our communities because, in the words of Benito Juarez, ''sooner or later the cause of rights and justice will triumph.''

Just as those brave Mexican soldiers overcame overwhelming odds to defeat the French army in 1862, I believe that our Latino population will use their strength, unity, and faith to overcome any obstacle. We must all work together to stop English-only, anti-immigrant, and anti-affirmative action laws. In recognition of this Cinco de Mayo, let us all remember and be inspired by Cesar Chavez who said, ''Once social change begins, it cannot be reversed. You cannot uneducate the person who has learned to read. You cannot humiliate the person who feels pride. You cannot oppress the people who are not afraid anymore.''

MISSOURI TEACHERS OF THE YEAR

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. AKIN. Mr. Speaker, I rise today in recognition of the ''Teachers of the Year'' selected in the Second Congressional District of Missouri for their outstanding efforts to educate our children.

A quality education is critical to a child's future. Without good education, a child has no future. Together with parenting and faith, education literally defines a child's future. Among all school-based factors, teacher quality is the most important; that some teachers are much more effective than others with similar students; and that teacher quality may specially affect the achievement of disadvantaged students.

The teachers I rise to commend here today are individuals who have made and are making a difference in the lives of children and in their communities. Quality teachers provide experience, patience, diligence and understanding to the classroom.

In conjunction with National Teacher Appreciation Day, I would like to commend the following teachers who have been recognized by their colleagues for their contributions to education.

FRANCIS HOWELL SCHOOL DISTRICT

Michele Cash, Becky Henkey, Donna McCarrison, Bev Lamunion, Kim Nelson, Molly Hamer, Luanne Heggs, Dave Spies, Vicki Readenour, Michelle Dawson, Dusty Wall, Sandi Lauer, Brenda Kaiser, Sharon O'Donnell, Ray Zahra, Mary Duchek, and Sue Frain.

CHAMINADE MIDDLE SCHOOL

Stephen M. Fink.

JOHN F. KENNEDY HIGH SCHOOL

Chuck Chiodini.

NERINX HALL

Jeffrey Scott Maynard.

URSULINE ACADEMY

Joann Quinn.

LADUE SCHOOL DISTRICT

Sandra Baldwin.

VALLEY PARK HIGH SCHOOL

Bill Hepper.

PARKWAY SCHOOL DISTRICT

Judy Adams, Donna Lohman, Carol Littlefield, Kay Cosgrove, Ruth Brooks, Patricia Paap, Don Furjes, Jacqueline B. Fleck, Linda Favero, Sharon Gaal, Jan Shayne, Jeannine Lueken, Jo Linda Cohen, Lois Copeland, Mary Bumpus, Kathy Preston, Linda Duke, Beth Tucker, Raynard Brown, Elsis Rafferty, Vicky Stricklin, Teresa Schulz, Elmer Kellman, Laurie Morton, Michael Dulick, Robert Walton, and Mike Pratte.

ROCKWOOD SCHOOL DISTRICT

Alison Leibach, Coleen Hulcer, Karen Huber, Kerri Schiavone, Dottie Fundakowski, Sandy Schmucker, Diane Werges, Rebel Falcone, Jan McVicar, Larie Kembitzky, Sandy Kast, Stefanie Steffan, Mary Biere, Elizabeth Bickel, Diane Alonzo, Sherri Owens, Sally Allen Susan Duke, Helen Youngwith, Kevin McColgan, Cindy Hefling, Nancy McGennis, Katie Nease, Susan Christie, Carolyn Baremore, Terri Myers, Michele Rodgers, Jim Cary, and Christine Heerlein.

HAZELWOOD SCHOOL DISTRICT

Angela Selinger, Pam Ogborn, Steve Boemer, Diane Manley, Carolyn Jordan, April Ernst, Linda Goedeker, Lisa McPherson, Jill Metzger, Mary Fridley, Christy Zwenger, Cathy Grindler, Amy Dittmar, Amy Cavato, Kristi Alvord, Brenda Rone, Susan Baker, Susan Schneider, Liz Tabaka, Sandi Grogan, Kyra Haigh, Nicole Pena, Leslie Vaughan, Veronica Clare Lorsbach, Sharon Proffitt, Cathy Fuhr, Carrie Ziolkowski, and Kathy Costello.

PATTONVILLE SCHOOL DISTRICT

Janice Majka, Kerry Brown, and Dee Uebel.

RECOGNIZING MR. STEVEN ENGELHAUPT

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. TIBERI. Mr. Speaker, I would like to congratulate and honor a young Ohio student from my district who has achieved national recognition for exemplary volunteer service in his community. Steven Engelhaupt of Dublin, has been named as one of my state's top honorees in The 2001 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Mr. Engelhaupt is being recognized for providing, over the past three years, new toys to thousands of children in central Ohio through the Firefighters for Kids toy drive in Columbus. He began the project by collecting used toys and repairing and cleaning them for resale. The cash Mr. Engelhaupt received was then used to purchase new toys which were given to needy children. To date, his efforts have generated over $24,000 in cash and additional in-kind contributions.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. Mr. Engelhaupt should be extremely proud to have been singled out from such a large group of dedicated volunteers. I applaud Mr. Engelhaupt for his initiative in seeking to

make his community a better place to live, and for the positive impact he has had on the lives of others. His actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

THANKS TO OUR TEACHERS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. MORAN of Kansas. Mr. Speaker, I rise to recognize our nation's exceptional teachers. Today, as part of National Teacher Day and Teacher Appreciation Week, The National Teachers Hall of Fame will announce their 2001 inductees. Congratulations to this year's inductees: Ronald Foreso, Dr. Emiel Hamberlin, Mitsuye Conover, James Quinlan, and Ellen Kempler, for their hard work and dedication to our nation's students.

The mission of The National Teachers Hall of Fame, located in Emporia, Kansas, is to recognize and honor exceptional teachers and the teaching profession. As part of this mission, The National Teachers Hall of Fame sponsors an annual teacher recognition program open to all K–12 teachers throughout the country. For the past 10 years, The National Teachers Hall of Fame has provided a fitting tribute to our nation's most important profession. On June 23, the Hall of Fame will induct its 10th class and welcome many of the 45 NTHF members back to Emporia to celebrate a 10-year reunion.

I would also like to recognize all educators for their contributions to our communities—and to thank those special teachers who have made a difference in my life. Thank you Mrs. Bailey, Mrs. Pruter, and Mr. McCauley and all the others who educated me with facts and figures and instilled in me a love of learning.

Few other professionals touch so many people in such a lasting way. Teachers fill many roles, as listeners, explorers, role models, motivators, and mentors. Educators make a difference in each of our lives. Today, and everyday, I would like to say thank you.

HONORING AVALON FIRE CHIEF JACK T. GOSLIN ON HIS RETIREMENT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. HARMAN. Mr. Speaker, I would like to pay tribute today to Jack T. Goslin, who will be retiring as the City of Avalon Fire Chief on May 31st. Chief Goslin began his career 43 years ago as a firefighter in the United States Air Force and has served the City of Avalon for over 39½ years. Significantly, Chief Goslin is the longest serving fire chief in Los Angeles County history.

His length of service to Avalon and his love for the seaside town is unmatched. He will be missed but not forgotten by all of those friends and colleagues who will gather on May 15th to wish him the very best for a long, active and healthy retirement. I join the citizens of Avalon in wishing Chief Goslin well. He has served the community with honor and distinction and a tenure that will likely be unsurpassed.

250TH ANNIVERSARY OF PENNSYLVANIA HOSPITAL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BORSKI. Mr. Speaker, I rise today to acknowledge the 250th anniversary of Pennsylvania Hospital.

Founded in Philadelphia in 1751 by Benjamin Franklin and Thomas Bond, Pennsylvania Hospital was responsible for more than 40 ''firsts'' in American Medicine. These include the first medical library, the first facility to treat mental illness, and the first hospital to offer free medical services to the indigent.

Pennsylvania Hospital continues to be a leader in health care. The talented physicians and staff at Pennsylvania Hospital are on the cutting edge of innovation in the areas of orthopedics, otorhinolaryngology, and urology, as well as other specialties.

Pennsylvania Hospital is particularly known for its obstetrics program, especially high-risk maternal and fetal services, neonatology, neuroscience and behavior health.

I am very proud to have such a successful and well-respected institution within my Congressional District. I congratulate Pennsylvania Hospital on its 250th Anniversary and extend my best wishes for the future of this fine hospital.

THE ADLER PLANETARIUM MARKS THE 40TH ANNIVERSARY OF ALAN SHEPARD'S HISTORIC FLIGHT WITH A NEW EXHIBIT MAY 8, 2001

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to urge all Americans join with me in congratulating and commending the Adler Planetarium & Astronomy Museum as they mark the 40th anniversary of Alan Shepard's historic space flight in the Freedom 7 Mercury capsule on May 5, 1961. This flight and that of Yuri Gagarin, the Soviet cosmonaut whose flight preceded Shepard's by three weeks, set in motion the race with the Soviet Union for dominance in space exploration. These successes set a course that would eventually result in the landing of a man on the moon in 1969.

As part of its new Space Millennium Project, the Adler Planetarium & Astronomy Museum will honor and commemorate the outstanding achievements of the American space program by opening the Dawn of the Space Age exhibit on May 10, 2001. The intriguing saga of the early years of American space exploration is retraced using original NASA prototype rocket models from the Dr. Robert R. Gilruth collection and historic oil paintings by artist Chesley Bonestell.

Dr. Gilruth was the director of NASA's Manned Spacecraft Center in Houston from 1961 to 1972. During his tenure, he directed 25 manned space flights, including Alan Shepard's first Mercury flight, the first lunar landing by Apollo 11 in July 1969, the dramatic rescue of Apollo 13 in 1970, through the Apollo 15 mission in July 1971. Mr. Bonestell's work has been a stimulus to generations of astronomers, physicists, engineers and others who were inspired by his artistry to pursue work in the space program and aeronautics industry.

Mr. Speaker, the last 40 years have seen remarkable changes in space exploration. NASA continues its dominance in space exploration, pushing the boundaries of human knowledge, challenging our most basic understanding of the universe, most recently with the construction of the International Space Station. The Adler Planetarium & Astronomy Museum continues to educate the American public about space exploration and NASA's accomplishments through their innovative programs and exhibits.

FULL EQUITY FOR AMERICANS ABROAD ACT, H.R. 1745

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GILMAN. Mr. Speaker, today I am introducing the Full Equity for Americans Abroad Act, which I request to be inserted and printed in the RECORD at the end of my statement.

This bill provides that all American citizens living abroad will, for purposes of the apportionment or representatives in Congress, among the several States, be included in future decennial censuses of population.

As chairman of the International Relations Committee and as a long time member of the former Post Office and Civil Service Committee I have had numerous opportunities to work with Americans living and working overseas and can attest to the increasingly important role this segment of the U.S. population plays in our Nation's economy and in our relations with countries and their citizens throughout the world.

In this era of growing globalization, we are all aware of the importance placed upon our Nation's exports of goods and services overseas in an effort to provide a strong and versatile economy.

Not only are we reliant on Americans abroad to carry-out exports for the creation of U.S.-based jobs, but we rely on these U.S. citizens to best promote and advance U.S. interests around the world.

Nevertheless, the U.S. Census Bureau does not count private sector Americans residing abroad, despite the fact that the U.S. Government employees working overseas are currently included in the U.S. census. This is an inconsistent, inappropriate policy.

It is imperative that the U.S. Census Bureau count all Americans, including private citizens living and working abroad. Not only will such a policy provide an accurate census, but it will allow Congress and private sector leaders to realize how best to support U.S. companies and our citizenry abroad.

U.S. citizens abroad vote and pay taxes in the United States, yet are discriminated

against by the U.S. Government solely because they are private citizens.

I invite my Colleagues to help change this policy by including private sector Americans residing overseas in the census.

Accordingly, I urge my colleagues to support this bill, H.R. 1745.

H.R. 1745

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 ''Full Equality for Americans Abroad Act''.

SEC. 2. INCLUSION OF AMERICAN CITIZENS LIVING ABROAD IN FUTURE DECENNIAL CENSUSES.

The Secretary of Commerce shall ensure that, in each decennial census of population taken after the date of the enactment of this Act under title 13, United States Code, all American citizens living abroad shall be included for purposes of the tabulations required for the apportionment of Representatives in Congress among the several States, and for other purposes.

SEC. 3. REPORT ON RELATED ISSUES.

(a) IN GENERAL.—There is hereby enacted into law the provision described in subsection (b) (relating to the report to be submitted by the Secretary of Commerce to the Congress by no later than September 30, 2001).

(b) DESCRIPTION.—The provision described in this subsection in the paragraph beginning on page 256 and ending on page 257 of the explanatory language on H.R. 5548 (as introduced on October 25, 2000), as included in the joint explanatory statement of the committee of conference accompanying the conference report on H.R. 4942 (House Report Numbered 106–1005, 106th Congress, 2d Session, October 26, 2000, 256–257), but deeming such paragraph not include ''and their dependents''.

HONORING THE LATE OFFICER RYAN CUNNINGHAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. McINNIS. Mr. Speaker, it is with great sadness that I now honor an extraordinary human being and great American. Officer Ryan Cunningham of the Vail Police Department was killed in the line of duty on Sunday, May 5, 2001 while trying to avoid an out of control semi truck. ''Officer Cunningham was one of the finest officers I have known in my 24 years of policing,'' said Vail Police Chief Greg Morrison.

In the early morning hours of Sunday, Ryan and another officer responded to an accident on I-70 when a truck driver lost control of his semi on an icy stretch of road and began heading in Ryan's direction. Ryan's immediate reaction was for those around him. After he was sure of the safety of his fellow officers, Ryan ran to the left shoulder and tried to protect himself by jumping over a concrete retaining wall. He fell 60 feet to his death. The truck was able to make a controlled stop 100 feet away from where Ryan jumped.

Ryan was born in Salt Lake City and moved to Colorado in 1992 where he graduated from Arapahoe Community College in 1998. He joined the Vail Police Department in 2000. ''Ryan just radiated goodness. He was a member of the Latter Day Saints church. His dedication to family and community was very, very heartfelt,'' Morrison said. ''He was a fine human being.'' Mr. Speaker and fellow colleagues, as you can see, this extraordinary human being truly deserves our timeless gratitude for his service and supreme sacrifice while in the line of duty. Ryan Cunningham may be gone but his legacy will long endure in the minds of those who were fortunate enough to know him. Colorado is assuredly a better place because of Ryan Cunningham.

HONORING LINDA COFFEY, OUTSTANDING TEACHER AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 08, 2001

Mr. McINNIS. Mr. Speaker, It is with great honor that I ask this body to recognize and congratulate the first recipient of the ''Outstanding Teacher Award'' presented by the Dove Creek Soil Conservation District. Dolores County High School teacher Linda Coffey, received the award for her outstanding work with students over the years. The award was created to emphasize the importance of teachers in the lives of our children.

After graduating high school, Linda attended the University of Northern Colorado where she received her teaching certificate. Overall, she has taught for 19 years, covering a variety of subjects like, Computer Applications, Keyboarding I & II, Accounting, Senior Seminar and Office Job Applications. ''I have had the pleasure of working with Linda Coffey for five years now. In that time I have come to know her as a very caring and compassionate teacher,'' said Stephen Baroch, principal of Dolores County High School.

Linda is also the FBLA Sponsor and the Senior Class sponsor. ''A lot of respect and admiration is evident in all of her classes. Linda is very popular with students and willing to go that extra mile to help a student succeed,'' said Principal Baroch. ''Being passionate about learning and high expectations encompasses everything that Linda believes in. I appreciate everything that she is willing to do for our school and community.''

Mr. Speaker, Linda has succeeded in making sure that students learn and feel comfortable in her class. She is very deserving of this award and it is fitting that she be recognized as the first ever recipient of this ''Outstanding Teacher Award''. I would like to congratulate her and wish her the best of luck in her future endeavors.

TO HONOR ANNE M. RINDFLEISCH

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, there are few things I enjoy more in this job than getting the opportunity to shine the spotlight on truly deserving people who serve as a source of inspiration to the rest of us. Anne M. Rindfleisch of Milwaukee, Wisconsin, is one of those people, and I would like to pay tribute to her today.

Anne Rindfleisch is here in D.C. with us because she is the 38th winner of Goodwill's Graduate of the Year competition. Ms. Rindfleisch has a congenial disability called Full Amelia, meaning she has no arms or legs. Despite the challenges posed by her physical condition, Anne has managed to earn a bachelor's degree in social work from the University of Wisconsin-Milwaukee and serve as an exemplary employee at Burlington Coat Factory for almost five years.

Despite her current success, Anne faced many obstacles along the way to entering the workforce. In fact, for six years after getting her degree, she volunteered for a number of organizations, but was unable to find employment.

In 1995, Ms. Rindfleisch went to Goodwill Industries of Southeastern Wisconsin and Metropolitan Chicago to upgrade her computer skills. During her eight months of training, Ms. Rindfleisch learned to type 42 words per minute using a month stick and mastered several accounting software programs. During training, she moved out of her parents' home and into her own apartment. In 1996, she was hired by Burlington Coat Factory as a data entry clerk, and has commuted to and from work in her motorized wheelchair using shoulder controls.

Unfortunately, Anne has had to pass up numerous raises and promotions because of current salary restrictions under the Social Security Disability Insurance (SSDI) laws. If she were to earn over $700 per month, or work more than 20 hours per week, she would lose her SSDI benefits. We must work in Congress to eliminate this Catch-22, so that hard-working, deserving people like Anne Rindfleisch can work to support themselves and their loved ones.

Anne Rindfleisch has not only overcome tremendous challenges in her life, but is a brave person who stands by the courage of her convictions. She a truly extraordinary human being, and it is my hope that others will be inspired by her dogged determination to succeed and the strength of her spirit.

WORLD COMMUNITY NOT DOING ENOUGH ABOUT GLOBAL ILLICIT DRUG CHALLENGE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GILMAN. Mr. Speaker, the worldwide profits from the illicit drug trade by some estimates, including the United Nations Drug Control Program (UNDCP), exceed $400 billion dollars annually. In our nation alone, the annual societal costs from illicit drugs exceed $100 billion dollars, and continue to wreck havoc and destruction on our families and communities.

The UNDCP is often the only entity from the world community in certain nations and regions around the globe, like Afghanistan, where we can help address the threat from illicit drugs. We all face the serious threat from the trade and production of these deadly substances.

Last year, the entire UNDCP's budget did not exceed $80 million dollars, in a struggle

against a multi-billion dollar worldwide illicit drug industry. In some places like Colombia, the trade in illicit drugs earns as much as $2 million dollars a day for the narco-guerillas. In just 40 days, this illicit income alone, would exceed the entire UNDCP annual budget for last year.

I ask that the UNDCP donor nation lists and amounts that the very few nations contributed for the last several years be included hereinafter. The pledge list, will show that less than 30 of the world's nations even contribute to UNDCP, and less than 20 of those nations, are major donors. The U.S. last year took the lead with just a small, modest $20 million contribution to UNDCP.

Hopefully this appalling neglect of the UNDCP, and the indifference to the fight against the illicit worldwide drug trade be reversed, as it should. The nations of the world must face up to their obligations in our fight against illicit drugs.

I compliment our nation, and other leading major donor nations to the UNDCP like Italy, Sweden, the UK, Japan, among others. I urge that the U.S. continue this year with at least a $20 million dollar contribution to UNDCP, so that we will remain in the position to continue to argue we are doing our share and other nations should join us in doing even more for the benefit of our young people, and future generations in this critical fight against illicit drugs.

Attachment, UNDCP Donor list 1997–2001.

FUND OF UNDCP—PLEDGES DURING THE PERIOD 1998–2001—STATUS AS OF 26 MARCH 2001

[United States dollars]

	1997	1998	1999	2000	2001
United States	9,720,400	4,033,600	25,305,000	20,000,000	.....
Italy	6,881,720	8,499,089	9,191,176	11,844,481	11,834,488
Sweden	4,716,382	5,233,471	4,274,510	4,647,799	4,010,417
United Kingdom	6,802,199	11,575,353	4,250,270	4,353,793	3,231,969
European Commission	1,001,660	4,886,528	3,205,128	4,266,331	.....
Netherlands	1,139,278	1,092,574	974,610	3,936,543	250,000
Japan	5,000,000	3,817,000	3,854,000	3,379,000	.....
Norway	629,749	1,058,170	2,032,680	1,556,092	.....
France	1,352,810	1,404,796	1,323,143	1,294,856	.....
Denmark	1,661,732	1,677,114	1,220,765	1,112,440	.....
Germany	3,205,324	3,368,763	885,724	1,075,826	.....
Canada	500,000	685,205	1,020,408	1,020,000	.....
Austria	430,285	558,873	620,611	829,628	.....
Luxembourg	55,987	1,777,180	733,225	773,593	.....
Switzerland	617,505	736,584	725,584	601,046	.....
Spain	444,063	570,104	505,045	559,200	.....
Australia	547,107	481,701	1,130,649	454,737	.....
Finland	345,000	125,000	367,589	337,500	.....
Belgium	329,660	313,040	256,544	428,099	.....
Total major donors	45,380,861	51,894,145	61,876,661	62,470,964	19,326,874
Ireland	215,175	297,000	269,260	229,720	.....
Turkey	150,000	200,000	250,000	250,000	.....
Mexico	50,000	300,000	100,000	100,000	.....
Colombia	.....	300,000	93,000	.....	.....
Republic of Korea	154,000	100,000	75,000	104,000	.....
Other member states	440,137	404,760	372,136	400,000	139,500
Total voluntary	46,390,173	53,495,905	63,036,057	63,554,684	19,466,424
Cost-sharing:					
Brazil	.....	4,220,128	4,598,978	11,805,213	2,037,749
Dominican Republic	.....	.....	.....	.....	200,000
Peru	.....	.....	622,000	44,297	103,837
Bolivia	500,000	.....	138,750	1,219,389	.....
Colombia	1,192,041	539,025	.....	574,150	.....
OAS	.....	.....	.....	130,000	.....
UNAIDS	.....	242,000	.....	179,250	553,675
Total cost-sharing	1,692,041	5,001,153	5,359,728	13,952,659	2,895,261
Public donations	620,305	1,258,285	654,939	437,114	260,000
Total	48,702,519	49,755,343	69,050,724	77,944,457	22,621,685

Ranked by pledges made in 2000.
Earmarked multi-year contributions are shown according to the year in which they are pledged irrespective of the year(s) for which they are meant.
Unearmarked contributions are shown according to the year for which they are pledged.
Switzerland: In addition to cash contributions, the Government has also made in-kind contributions to UNDCP.

HONORING THE LATE JACK ELWAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. McINNIS. Mr. Speaker, it is a sad time in Colorado, Jack Elway, the father, mentor and friend of Denver Bronco great John Elway. Jack passed away from a heart attack over Easter weekend at the age of 70. Not only is this a great loss for the Elway's, it's a loss for the Denver Bronco organization and the state of Colorado.

Jack was not only a football coach, pro scout, and a father but he was the best friend and longtime mentor of his son, John. ''I'm just so shocked. What a classy, loving person. He was as fine a coach as there was, and more important, a fine a man as there was,'' said Colorado State football coach Sunny Lubick.

''The passing of Jack Elway is a tragedy for his family and for the entire Denver Broncos family as well. He was a first-class individual in every way,'' said Mike Shannahan, head coach of the Broncos. In addition to being a great husband, father, and grandfather, he was a tremendous friend to everyone here at the Broncos, and played a vital role in personnel evaluation for back-to-back World Championship teams. ''Jack was happy to stay in the background and let others get more public attention, but his position with us was truly invaluable. Our teams have had great success with free agent players, and Jack Elway was in charge of that area. Even in his retirement, we leaned on him a couple of months a year regarding talent.''

Jack worked with the Broncos organization from 1993 until 2000 when he retired. During his time with the broncos, he served as a pro scout and then as Director of Pro Scouting, a position which he held four previous times with different teams. Before coming to the Broncos, Jack was the head coach of the Frankfurt Galaxy in the World League for two seasons. Through out his football career, Jack has coached several college and high school teams, including Cal State Northridge, San Jose State, and Stanford.

Jack is a native of Hoquiam, Washington, and played quarterback for Washington State, where he earned his bachelor's and master's degrees. ''Whether it was about football, whether it was about life or friendships, he was a coach all the time. He had a wealth of knowledge and experience and with the people he cared about. He shared that all the time. You cannot replace people like that. It cannot be done,'' said Ted Sundquist, Denver's director of college scouting.

''There is nobody that didn't like Jack Elway,'' said Bronco owner Pat Bowlen. ''Here it is Easter, and Jack dies on the biggest celebration day of the year. He's arriving up there with a party and Jerry waiting for him.''

Mr. Speaker, the memory of Jack Elway will always be with his wife Jan, his three children, Lee Ann, John, and Jana, his friends and the state of Colorado.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4449–S4523

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 840–846, and S. Res. 83–84. **Page S4508**

Measures Passed:

Senate Legal Representation: Senate agreed to S. Res. 84, to authorize representation by the Senate Legal Counsel in *Timothy A. Holt* v. *Phil Gramm.* **Page S4522**

Elementary and Secondary Education Act Authorization: Senate continued consideration of S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, taking action on the following amendments proposed thereto: **Pages S4461–98**

Adopted:

By 69 yeas to 31 nays (Vote No. 94), Kennedy Modified Amendment No. 375 (to Amendment No. 358), to express the sense of the Senate regarding, and to authorize appropriations for title II, part A, of the Elementary and Secondary Education Act of 1965, with respect to the development of high-qualified teachers. **Pages S4461, S4462**

Allen/Warner Amendment No. 380 (to Amendment No. 358), to provide a Sense of the Senate regarding education opportunity tax relief to enable the purchase of technology and tutorial services for K–12 education purposes. **Pages S4461, S4462**

By 95 yeas to 3 nays (Vote No. 95), Warner Modified Amendment No. 383 (to Amendment No. 358), to provide a Sense of the Senate regarding tax relief for elementary and secondary level educators. **Pages S4471, S4487–89**

Feinstein Amendment No. 392 (to Amendment No. 358), to provide for programs and activities related to Master Teachers. **Pages S4493–94**

Rejected:

By 27 yeas to 73 nays (Vote No. 93), Craig Amendment No. 372 (to Amendment No. 358), to tie funding under the Elementary and Secondary Education Act of 1965 to improved student performance. **Pages S4461–62**

Pending:

Jeffords Amendment No. 358, in the nature of a substitute. **Pages S4461–98**

Kennedy (for Murray) Amendment No. 378 (to Amendment No. 358), to provide for class size reduction programs. **Pages S4461, S4463–71, S4474–75, S4476–84, S4485–87, S4496–97**

Kennedy (for Mikulski/Kennedy) Amendment No. 379 (to Amendment No. 358), to provide for the establishment of community technology centers. **Pages S4461, S4494–96**

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. **Page S4461**

McConnell Amendment No. 384 (to Amendment No. 358), to provide for teacher liability protection. **Pages S4471–73**

Cleland Amendment No. 376 (to Amendment No. 358), to provide for school safety enhancement, including the establishment of the National Center for School and Youth Safety. **Page S4475**

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. **Pages S4484–85**

Specter Modified Amendment No. 388 (to Amendment No. 378), to provide for class size reduction. **Pages S4489–90, S4497–98**

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. **Pages S4490–92**

Carnahan Amendment No. 374 (to Amendment No. 358), to improve the quality of education in our Nation's classrooms. **Pages S4492–93**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Wednesday, May 9, 2001, with a vote to occur on Kennedy (for Mikulski/Kennedy) Amendment No. 379 (to Amendment No. 358), listed

above. Further, that all first degree amendments in order to the bill be filed at the desk by 5 p.m.

Page S4489

Appointments:

U.S. Naval Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appointed Senator Cochran, from the Committee on Appropriations, to the Board of Visitors of the U.S. Naval Academy. Page S4522

U.S. Air Force Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appointed Senator Craig, from the Committee on Appropriations, to the Board of Visitors of the U.S. Air Force Academy. Page S4522

U.S. Military Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appointed Senator DeWine, from the Committee on Appropriations, to the Board of Visitors of the U.S. Military Academy. Page S4522

Nominations Confirmed: Senate confirmed the following nominations:

By 57 yeas 43 nays (Vote No. EX. 92), John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security.

Richard Nathan Haass, of Maryland, for the rank of Ambassador during his tenure of Service as Director, Policy Planning Staff, Department of State.

Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

Pages S4449–61, S4523

Nominations Received: Senate received the following nominations:

Mary Sheila Gall, of Virginia, to be Chairman of the Consumer Product Safety Commission.

William Henry Lash, III, of Virginia, to be an Assistant Secretary of Commerce.

2 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

A routine list in the Army. Page S4523

Executive Communications: Pages S4507–08

Statements on Introduced Bills: Pages S4509–16

Additional Cosponsors: Pages S4508–09

Amendments Submitted: Pages S4516–21

Additional Statements: Pages S4505–07

Notices of Hearings: Page S4521

Authority for Committees: Pages S4521–22

Privileges of the Floor: Page S4522

Record Votes: Four record votes were taken today. (Total—95) Pages S4460, S4462, S4489

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:03 p.m., until 9:30 a.m., on Wednesday, May 9, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4522.)

Committee Meetings

(Committees not listed did not meet)

COUNTERTERRORISM

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary concluded hearings to examine the roles and capabilities of various United States federal government departments' counterterrorism efforts, after receiving testimony from Paul H. O'Neill, Secretary of the Treasury; Paul D. Wolfowitz, Deputy Secretary of Defense; Colin L. Powell, Secretary of State; Norman Y. Mineta, Secretary of Transportation; Joe M. Allbaugh, Director, Federal Emergency Management Agency; John A. Gordon, Under Secretary and Administrator, National Nuclear Security Administration, Department of Energy; and Richard A. Meserve, Chairman, Nuclear Regulatory Commission.

APPROPRIATIONS—AGENCY FOR INTERNATIONAL DEVELOPMENT

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings on proposed budget estimates for fiscal year 2002 for the Agency for International Development, after receiving testimony from Andrew Natsios, Administrator, Agency for International Development.

APPROPRIATIONS—ENERGY

Committee on Appropriations: Subcommittee on Interior concluded hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy, after receiving testimony from Spencer Abraham, Secretary of Energy.

FEDERAL HOUSING ENTERPRISE OVERSIGHT

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded oversight hearings to examine the mission of the Office of Federal Housing Enterprise Oversight, and the financial safety and soundness of Fannie Mae and Freddie Mac, after receiving testimony from Armando Falcon, Jr., Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and Franklin D. Raines, Fannie Mae and Leland C. Brendsel, Freddie Mac, both of Washington, D.C.

ELECTION REFORM

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine election reform issues, focusing on solutions to the problems of our existing national voting system and restoring the public's confidence in our election system, after receiving testimony from Representative Jackson-Lee; Arizona Secretary of State Betsey Bayless, Phoenix; Maryland Secretary of State John T. Willis, Annapolis; Robert H. Michel, Hogan and Hartson, and Bill Richardson, former Secretary of Energy, both of Washington, D.C., both on behalf of the National Commission on Federal Election Reform; and Stephen Ansolabehere, Massachusetts Institute of Technology Department of Political Science, Cambridge, on behalf of the Caltech/MIT Voting Technology Project.

INTERIOR BUDGET

Committee on Energy and Natural Resources: Committee concluded hearings to examine the President's proposed budget request for fiscal year 2002 for the Department of the Interior, after receiving testimony from Gale A. Norton, Secretary, and John Trezise, Director, Office of the Budget, both of the Department of the Interior.

FOREST SERVICE BUDGET

Committee on Energy and Natural Resources: Committee concluded hearings on the President's proposed budget request for fiscal year 2002 for the Forest Service, Department of Agriculture, focusing on the National Fire Plan, Agency infrastructure, accountability, and administrative operations, after receiving testimony from Dale N. Bosworth, Chief, Forest Service, Department of Agriculture, who was accompanied by several of his associates.

NUCLEAR REGULATORY COMMISSION

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety concluded oversight hearings on the funding and activities of the Nuclear Regulatory Commission to ensure the protection of public health and safety, the common defense and security, and the environment in the application of nuclear technology for civilian use, after receiving testimony from Richard A. Meserve, Chairman, Nuclear Regulatory Commission, who was accompanied by several of his associates; Gary L. Jones, Director, Natural Resources and Environment, General Accounting Office; Joe F. Colvin, Nuclear Energy Institute, Washington, D.C.; David A. Lochbaum, Union of Concerned Scientists, Cambridge, Massachusetts; Oliver D. Kingsley, Jr., Exelon Generation Company, Downers Grove, Illinois; and Steven M. Fetter, Fitch, Inc., New York, New York.

PEDIATRIC PHARMACEUTICAL STUDIES

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the impact of the Pediatric Exclusivity provision of the Better Pharmaceuticals for Children Act, which grants a pharmaceutical company an additional six months of market exclusivity for new or marketed drugs in exchange for conducting pediatric studies requested by the Food and Drug Administration, after receiving testimony from Senator DeWine; Janet Woodcock, Director, Center for Drug Evaluation and Research, Food and Drug Administration, Department of Health and Human Services; Janet Heinrich, Director, Health Care-Public Health Issues, General Accounting Office; Paul Glaser, Elizabeth Glaser Pediatric Aids Foundation, Santa Monica, California; Robert Ward, University of Utah Medical School, Salt Lake City, on behalf of the American Academy of Pediatrics; Stephen P. Spielberg, Janssen Research Foundation, Titusville, New Jersey, on behalf of the Pharmaceutical Research and Manufacturers of America; and John D. Golenski, RxHealth Value, Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 23 public bills, H.R. 1745–1767; 1 private bill, H.R. 1768; and 4 resolutions, H. Con. Res. 128–130 and H. Res. 137, were introduced. **Pages H2021–22**

Reports Filed: Reports were filed today as follows:

H. Res. 134, providing for recommittal of the conference report to accompany H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 (H. Rept. 107–58);

H. Res. 135, providing for consideration of H.R. 581. to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management (H. Rept. 107–59);

Conference report on H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 (H. Rept. 107–60); and

H. Res. 136, waiving points of order against the conference report to accompany H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 (H. Rept. 107–61).

Pages H1957–H2004, H2021

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Issa to act as Speaker pro tempore for today. **Page H1931**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. Thomas A. Kuhn, Church of the Incarnation, Dayton, Ohio. **Page H1936**

Recess: The House recessed at 1:04 p.m. and reconvened at 2 p.m. **Page H1936**

Suspensions: The House agreed to suspend the rules and pass the following measures:

50th Anniversary of the National Science Foundation: H. Con. Res. 108, honoring the National Science Foundation for 50 years of service to the Nation; and **Pages H1938–43, H1950**

20th Annual National Peace Officers' Memorial Service: H. Con. Res. 74, authorizing the use of the Capitol Grounds for the 20th annual National Peace Officers' Memorial Service. **Pages H1943–44**

Recess: The House recessed at 2:55 p.m. and reconvened at 5 p.m. **Page H1944**

Mexico-United States Interparliamentary Group: The Chair announced the Speaker's appointment of the following members to the Mexico-United States Interparliamentary Group: Representatives Ballenger, Dreier, Stenholm, Barton of Texas, Filner, Lewis of Kentucky, Manzullo, Granger, Reyes and Thompson of California. Chairman Kolbe was previously appointed on March 28, 2001. **Page H1944**

Committee on Vital and Health Statistics: The Chair announced the Speaker's appointment of Mr. Jeffery S. Blair of Albuquerque, New Mexico to the National Committee on Vital and Health Statistics for a four year term. **Pages H1944–45**

Recommittal of Budget Conference Report: The House agreed to H. Res. 134, providing for recommittal of the conference report to accompany H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 by a yea-and-nay vote of 409 yeas to 1 nay, Roll No. 101.

Pages H1951–56

Earlier, the House agreed to H. Res. 131,the rule that waived a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules by a yea-and-nay vote of 214 yeas to 200 nays, Roll No. 100.

Pages H1945–51

Quorum Calls Votes: Two yea-and-nay votes developed during the proceedings of the House today and appears on pages H1950–51 and H1956. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:50 p.m.

Committee Meetings

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on Health Resources and Services Administration. Testimony was heard from Elizabeth M.J. Duke, Acting Administrator, Health and Services Administration, Department of Health and Human Services.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on the Consumer Product Safety, the Community Development Financial Institutions, the Selective Services System the Office of Inspector General and the FDIC. Testimony was heard from Ann Brown, Chairman, Consumer Product Safety Commission; Jeffery C. Berg, Acting Director, Community Development Financial Institutions, Department of the Treasury; Gil Coronado, Acting Director, Selective

Service System; and Gaston L. Gianni, Jr., Inspector General, FDIC.

OPINION SURVEYS

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Protection held a hearing entitled ''Opinion Surveys: What Consumers Have To Say About Information Privacy.'' Testimony was heard from public witnesses.

EXPORT-IMPORT BANK REAUTHORIZATION

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade concluded hearings on reauthorization of the Export-Import Bank. Testimony was heard from public witnesses.

OVERSIGHT—DOD FINANCIAL MANAGEMENT PROBLEMS

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held a hearing on ''Oversight of the Department of Defense: What Must Be Done to Resolve DOD's Longstanding Financial Management Problems?'' Testimony was heard from Gregory D. Kutz, Director, Defense, State and NASA Financial Management, Financial Management and Assurance, GAO; and the following officials of the Department of Defense: Robert J. Lieberman, Deputy Inspector General; and Lawrence J. Lanzillotta, Principal Deputy and Deputy Under Secretary, Management Reform.

OVERSIGHT—AID'S FINANCIAL MANAGEMENT PROBLEMS

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations held a hearing on ''Oversight of the U.S. Agency for International Development: What Must Be Done to Resolve USAID's Longstanding Financial Management Problems?'' Testimony was heard from the following officials of AID, Department of State: Everett L. Mosley, Inspector General; and Richard C. Nygard, Acting Assistant Administrator, Management.

OVERSIGHT—USDA'S FINANCIAL MANAGEMENT PROBLEMS

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations held a hearing on ''Oversight of the U.S. Department of Agriculture: What Must Be Done to Resolve USDA's Longstanding Financial Management Problems?'' Testimony was heard from the following officials of the USDA: Roger C. Viadero, Inspector General; and Patricia Healy, Acting Chief Financial Officer.

MISCELLANEOUS MEASURES

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations approved for full Committee action the following bills: H.R. 583, Privacy Commission Act; and H.R. 577, amended, to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation, and Public Lands held a hearing on the following bills: H.R. 1161, to authorize the American Friends of the Czech Republic to establish a memorial to honor Thomas G. Masaryk in the District of Columbia; and H.R. 1384, Navajo Long Walk National Historic Trail Act. Testimony was heard from Representative Gilman; John J. Parsons, Associate Regional Director, Lands, Planning and Resources, National Capital Region, National Park Service, Department of the Interior; and public witnesses.

RECOMMIT CONCURRENT BUDGET RESOLUTION

Committee on Rules: Granted, by voice vote, a resolution providing that upon adoption of the rule, the conference report to accompany H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, shall be recommitted to the conference committee.

WILDFIRE MANAGEMENT ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of general debate on H.R. 581, to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management The rule waives section 311 of the Congressional Budget Act of 1974 (prohibiting consideration of legislation or an amendment that would cause the total level of new budget authority or outlays in the most recent budget resolution to be exceeded, or

would cause revenues to be less) against consideration of the bill. The rule provides that the bill shall be open for amendment at any point. The rule waives all points of order against the bill. The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representative Hefley.

FOREIGN RELATIONS AUTHORIZATION ACT

Committee on Rules: Heard testimony from Chairman Hyde; Representatives Rohrabacher, Tancredo, Flake, Cantor, Bachus, Bartlett of Maryland, Manzullo, Miller of Florida, Nethercutt, Ose, Lantos, Berman, Menendez, McKinney, Engel, Lee, Slaughter, Bentsen, Doggett, Jackson-Lee of Texas and Schakowsky on H.R. 1646, Foreign Relations Authorization Act, Fiscal Years 2002 and 2003. No action was taken.

CONCURRENT BUDGET RESOLUTION CONFERENCE REPORT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

SUMMIT OF THE AMERICAS OUTCOME—HEMISPHERE FREE TRADE PROSPECTS

Committee on Ways and Means: Subcommittee on Trade held a hearing on the Outcome of the Summit of the Americas and the Prospects for Free Trade in the Hemisphere. Testimony was heard from Representatives Moran of Virginia, Tauscher and Christensen; Robert B. Zoellick, U.S. Trade Representative; Loren Yager, Director, International Affairs and Trade, GAO; Richard W. Fisher, former Deputy U.S. Trade Representative; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 9, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings on the nomination of Mary Kirtley Waters, of Virginia, to be Assistant Secretary of Agriculture for Congressional Relations; the nomination of Lou Gallegos, of New Mexico, to be Assistant Secretary of Agriculture for Administration; and the nomination of J.B. Penn, of Arkansas, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, 9:30 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary, to continue hearings to examine United States Federal Government capabilities with respect to terrorism, 9:30 a.m., SH–216.

Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on research funding issues surrounding breast cancer, 9:30 a.m., SD–124.

Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration, 10 a.m., SD–138.

Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Defense, focusing on Reserve Chiefs and National Guard Programs, 10 a.m., SD–192.

Subcommittee on Commerce, Justice, State, and the Judiciary, to continue hearings to examine United States Federal Government capabilities with respect to terrorism, 1:30 p.m., SH–216.

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine the state of the Rail Industry, including its current financial condition, infrastructure capacity, and long term capital funding needs, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: To hold hearings on the nomination of Francis S. Blake, of Connecticut, to be Deputy Secretary of Energy; the nomination of Robert Gordon Card, of Colorado, to be Under Secretary of Energy; the nomination of Bruce Marshall Carnes, of Virginia, to be Chief Financial Officer, Department of Energy; and the nomination of David Garman, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), 9:30 a.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water, to hold hearings to examine the listing and de-listing processes of the Endangered Species Act, 9:30 a.m., SD–628.

Committee on Governmental Affairs: to hold oversight hearings to examine federal election practices and procedures, 10 a.m., SD–342.

Select Committee on Intelligence: to hold closed hearings on intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: to hold hearings on pending Department of Justice nominations, 10 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, on Immigration and Naturalization Service, 10 a.m., 2237 Rayburn.

Subcommittee on Defense, executive, on Joint Forces Command, 1:30 p.m., H–140 Capitol.

Subcommittee on Energy and Water Development, on Department of Energy, Nuclear Waste Management and Disposal, 10 a.m., 2362–B Rayburn.

Subcommittee on Labor, Health and Human Services, Education, on Health Care Financing Administration, 10 a.m., 2358 Rayburn.

Subcommittee on Transportation, on Federal Motor Carrier Safety Administration, 2 p.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service and General Government, on GSA, 10 a.m., 2359 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on EPA, 1 p.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Military Installations and Facilities, hearing on facilities' conditions and the perspective of the senior enlisted, 1:30 p.m., 2212 Rayburn.

Subcommittee on Military Personnel, hearing on military voting, 2:30 p.m., 2118 Rayburn.

Committee on Education and the Workforce, to continue markup of H.R. 1, No Child Left Behind Act of 2001, 1 p.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up H.R. 1542, Internet Freedom and Broadband Deployment Act of 2001, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to consider pending Committee business, 9:45 a.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, to consider H.R. 1406, Financial Services Antifraud Network Act of 2001, 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing on Challenges to National Security—Constraints on Military Training, 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Middle East and South Asia, hearing on The ILSA (Iran-Libya Sanctions) Extension Act of 2001, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, hearing on H.R. 169, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001, 10 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, oversight hearing on the reauthorization of the U.S. Department of Justice: Executive Office for the U.S. Attorneys; Civil Division; Environment and Natural Resources Division; Executive Office for U.S. Trustees; and Office of the Solicitor General, 2 p.m., 2141 Rayburn.

Committee on Science, Subcommittee on Environment, Technology and Standards, hearing on NOAA's Fiscal Year 2002 Budget: Predicting Weather Climate, 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on the Application of Vertical Takeoff and Landing (VTOL) Technology in the National Airspace System, 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing on Health Care Financing Administration Paperwork Burdens, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on H.R. 525, Preparedness Against Domestic Terrorism Act of 2001, 2 p.m., 2253 Rayburn.

Subcommittee on Highways and Transit, hearing on Driver Distractions: Electronic Devices in the Automobile, 10 a.m., 2167 Rayburn.

Subcommittee on Railroads, to mark up the following bills: H.R. 1140, Railroad Retirement and Survivors' Improvement Act of 2001; and H.R. 1020, Railroad Track Modernization Act of 2001, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, to mark up the following bills: H.R. 622, Hope for Children Act; H.R. 586, 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 H.R. 1727, Fallen Hero Survivor Benefit Act of 2001, 10 a.m., 1100 Longworth.

Subcommittee on Health, hearing on Modernizing Beneficiary Cost Sharing, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on International Policy and National Security, executive, briefing on the Balkans, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 9

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 1, Elementary and Secondary Education Act Authorization, with a vote to occur on Kennedy (for Mikulski/Kennedy) Amendment No. 379 (to Amendment No. 358).

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 9

House Chamber

Program for Wednesday: Consideration of the Conference Report on H. Con. Res. 83, establishing the congressional budget for the United States Government (rule waiving points of order, 1 hour of debate); and

Consideration of H.R. 581, Wildfire Management Act (open rule, 1 hour of debate).

Extensions of Remarks, as inserted in this issue

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