

noted earlier today, a study by the National Education Association indicates the average schoolteacher teaching K through the 12th grade spends more than \$400 annually on supplies for the classroom.

Our amendment would reward teachers for undertaking these activities that are designed to make them better teachers or to provide better supplies for their students. It is an example of a way that we can say thank you to teachers who do much for our children.

Provisions similar to both of these components of our amendment were included in last year's tax bill. In this amendment, the definition of "acceptable professional development activities" has been changed to reflect the definition included in the Teacher Empowerment Act that Senator GREGG of New Hampshire and I introduced last year, and which we expect to be included in the reauthorization of the Elementary and Secondary Education Act, which the Committee on Health, Education, Labor, and Pensions is about to mark up. This definition sets high standards for the quality of professional development activities covered by our amendment, ensuring that such programs will help teachers truly excel in the classroom.

While our amendment provides financial relief for our dedicated teachers, its real beneficiaries are our Nation's students. Other than involved parents, which we all know to be the most important component, a well-qualified and dedicated teacher is the single most important prerequisite for student success. Educational researchers have repeatedly demonstrated the close relationship between qualified teachers and successful students. Moreover, teachers themselves understand how important professional development is to maintaining and expanding their levels of competence. When I meet with teachers from Maine, they always tell me of their need for more professional development and the scarcity of financial support for this very worthy pursuit. The willingness of Maine's teachers to reach deep into their own pockets to fund their own professional development impresses me deeply.

For example, an English teacher in Bangor, who serves on my Educational Policy Advisory Committee, told me of spending her own money to attend a curriculum conference. She then came back and shared that information with all of the English teachers in her department. She is not alone. She is typical of teachers who are willing to pay for their own professional development as well as to purchase supplies and materials to enhance their teaching.

Let me explain how our amendment would work in terms of real dollars when it comes to professional development. In 1997, the average yearly salary for a teacher was about \$38,000.

Under current law, a teacher earning this amount could not deduct the first \$770 in professional development expenses he or she paid for out of pocket. So imagine, you are a teacher who is making about \$38,000 a year and you are spending more than \$700 in order to take a course to improve your teaching to help you be a better teacher. Yet because you don't reach that 2-percent floor that is in the existing Tax Code, you don't get a tax break for that first \$770. You have to spend more than that before you can get the deduction. Our amendment would change that. It would see to it that teachers receive tax relief for all such expenses. Under our amendment, that \$770 would be a deduction on the teacher's income tax form.

I greatly admire the many teachers who have voluntarily financed the additional education they need to improve their schools and to serve their students better. I greatly admire those teachers who reach into their own pockets to buy supplies, paints, books, all sorts of materials that are lacking in their classroom. We should reward those teachers. Let us change the Tax Code to recognize and reward their sacrifice and to encourage more teachers to take the courses they need or to help supplement the supplies in their classroom.

I hope these changes in our Tax Code will encourage more teachers to undertake the formal course work in the subject matter they teach, or to complete graduate degrees in either a subject matter or in education, or to attend conferences to give them more ideas for innovative approaches to presenting the course work they teach in perhaps a more challenging manner.

This amendment will reimburse teachers for just a small part of what they invest in our children's future. This money will be money well spent. Investing in education helps us to build one of the most important assets for our country's future; that is, a well-educated population. We need to ensure that our public schools have the very best teachers possible in order to bring out the very best in our students. Adopting this amendment is the first step toward that goal. It will help us in a small way recognize the many sacrifices our teachers make each and every day.

I am very pleased to have had the opportunity to work with the Senator from Georgia and the Senator from Arizona on this amendment. They have both been great leaders in education and in coming up with innovative ways to use our Tax Code to encourage better teaching. I urge all of my colleagues to join us in support of this modest but important effort.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Ms. COLLINS assumed the Chair.)

Mr. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum be rescinded.

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

MORNING BUSINESS

Mr. COVERDELL. Madam President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

BRAD SMITH'S NOMINATION TO THE FEC

Mr. DASCHLE. Madam President, I want to speak briefly on a matter we will probably have the opportunity to discuss in greater detail at a later time. That has to do with the nomination of Bradley Smith to be a Commissioner on the Federal Election Commission.

The President has made this nomination with the greatest reluctance. He delayed it for many months while fending off hard lobbying on behalf of Mr. Smith by my colleagues on the other side of the aisle.

In the end, the President forwarded this nomination to us, acknowledging the Republican leadership's strongly held view that, under standard practice for FEC appointments, each party is entitled to have the President nominate its choice for a Commission seat allocated by law to that party.

I understand the President's decision. He did what he believes that he, as President, was required to do, notwithstanding his concerns about the suitability of Mr. Smith.

Now we, as Senators, must do what we are required to do by the Constitution—to consider this nomination on the merits.

I have examined the candidacy of Mr. Smith carefully, guided by only one question—indeed the only question that should guide us: Is he qualified, as Commissioner of the FEC, to enforce the laws we have passed to control federal campaign fundraising and spending?

In my view, Mr. Smith's complete disdain for federal election law renders him unqualified for the role of an FEC Commissioner, whose principal job is to administer the Federal Election Campaign Act as enacted by Congress and upheld by the courts.

Madam President, the American people must be able to trust that we, as legislators, mean what we say when we write the laws of the land. They should not fear that we are passing laws professing the noblest motives, while actively working against those laws by whatever means we can find.

Nowhere is there a more critical need for this consistency of purpose than in our consideration, enactment and oversight of laws governing campaign finance.

We are, after all, candidates, and also party leaders, directly affected, in our own campaigns and political activities, by the operation of the Federal Election Campaign Act. Few laws that we pass as elected officials more acutely raise the specter of conflict of interest—that we might structure rules and encourage enforcement policies designed more to serve our own interests than the public interest.

Why would the public not be suspicious, observing our failure session-after-session to enact comprehensive campaign finance reform?

Now our Republican colleagues would like the Senate to confirm Mr. Smith. He comes to them highly recommended by those who would oppose meaningful controls on campaign finance. And he has earned the respect of those in the forefront of the fight against reform.

Why? Because he believes that “the most sensible reform . . . is repeal of the Federal Election Campaign Act.” Because he believes that most of the problems we have faced in controlling political money have been “exacerbated or created by the Federal Election Campaign Act.” Because he believes that the federal election law is “profoundly undemocratic and profoundly at odds with the First Amendment.” And because—and I quote again—“people should be allowed to spend whatever they want.”

This is the man our colleagues on the other side of the aisle would like us to seat on the Federal Election Commission, charged with the enforcement of the very laws he believes are undemocratic and should be repealed.

This is not just asking the fox to guard the chicken coop. It is inviting the fox inside and locking the door behind him.

What would be better calculated to promote and spread public cynicism about our commitment to campaign finance reform—indeed, cynicism about our commitment to responsible enforcement of the law already on the books—than confirmation of this nominee?

In considering this nomination, we are bound by the law we passed that speaks specifically to the qualifications required of an FEC Commissioner. That law states that Commissioners should be “chosen on the basis of their experience, integrity, impartiality and good judgment.”

Certainly a fair, and in my view fatal, objection could be raised to the Smith nomination on the grounds that he lacks the prerequisite quality of “impartiality.” He would be asked, as a Commissioner, to apply the law evenhandedly, in accord with our intent, without regard to his own opin-

ions about the wisdom of the legislative choice we have made. Yet Mr. Smith has made his academic and journalistic reputation out of questioning that choice.

How will he reconcile that conflict, between his strongly held views and ours, in the often difficult cases the FEC must decide? When the Commission must enforce our contribution and spending limits, what degree of impartiality can be expected of a Commissioner who believes, in his words, that “people should be allowed to spend whatever they want on politics”?

I am concerned, too, about the requirement of judgment. For Mr. Smith has insisted for years that the Federal campaign finance laws are an offense against the First Amendment of the Constitution, undemocratic and in need of repeal. The Supreme Court has held in clear terms to the contrary.

Perhaps Mr. Smith imagined that the Court’s jurisprudence had changed. If so, he is seriously mistaken, as made plain by the Court’s decision only weeks ago in the Shrink Missouri PAC decision effectively to affirm *Buckley v. Valeo*.

A commissioner who neither understands nor acknowledges the constitutional law of the land is poorly equipped to balance real First Amendment guarantees against real Congressional authority to limit campaign spending in the public interest. This is particularly true where he questions our laws, not merely on constitutional grounds, but on the sweeping claim that they are undemocratic.

Mr. Smith is an energetic advocate for his views. We can respect his wish to express those views, and some indeed may agree with them. But this nomination places at issue whether he is the proper choice to act not as warrior in his own cause, but as agent of the public, as a faithful, impartial administrator of the law.

I must conclude that he is not the right choice, not even close, and so I will oppose that nomination, and I will vote against confirmation.

I yield the floor.

ADVANCE NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), an advance notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to regulations under the Veterans Employment Opportunities Act of 1998, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans’ preference law.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD; therefore, I ask unanimous

consent that the notice be printed in the RECORD.

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

THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998: EXTENSION OF RIGHTS AND PROTECTIONS RELATING TO VETERANS’ PREFERENCE UNDER TITLE 5, UNITED STATES CODE, TO COVERED EMPLOYEES OF THE LEGISLATIVE BRANCH—ADVANCE NOTICE OF PROPOSED RULEMAKING

SUMMARY

The Board of Directors of the Office of Compliance (“Board”) invites comments from employing offices, covered employees, and other interested persons on matters arising from the issuance of regulations under section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 (“VEO”), Pub.L. 105-339, 112 Stat. 3186, codified at 2 USC §1316a.

The provisions of section 4(c) will become effective on the effective date of the Board regulations authorized under section 4(c)(4). VEO §4(c)(6). Section 4(c)(4) of the VEO directs the Board to issue regulations to implement section 4. Section 304 of the Congressional Accountability Act of 1995 (“CAA”), Pub. L. 104-1, 109 Stat. 3, prescribes the procedure applicable to the issuance of substantive regulations by the Board. Upon initial review, the Board has concerns that a plain reading of VEO may yield regulations that are the same as the regulations of the executive branch yet provide veterans’ preference rights and protections to no currently “covered employee” of the legislative branch. If that is the case, questions arise over the nature and scope of the Board’s authority to modify the regulations in order to achieve a more effective implementation of veterans’ preference rights and protections to “covered employees.”

The Board issues this Advance Notice of Proposed Rulemaking (“ANPR”) to solicit comments from interested individuals and groups in order to encourage and obtain participation and information in the development of regulations.

Dates: Interested parties may submit comments within 30 days after the date of publication of this Advance Notice in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m. For further information contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, Braille, audiotape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Rick Edwards, Director, Central Operations Department, Office of the Senate Sergeant at Arms, (202) 224-2705.