

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN:

S. Res. 44. A resolution designating each of March 2001, and March 2002, as "Arts Education Month"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 154

At the request of Mr. SHELBY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 154, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure uniform treatment by States of Federal overseas absentee ballots, to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and elections for public office, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 250

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 255

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 255, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 295

At the request of Mr. KERRY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of

S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 306

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 306, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 319

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 319, a bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

S. 350

At the request of Mr. CHAFEE, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Tennessee (Mr. FRIST), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Colorado (Mr. ALLARD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 361

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 361, a bill to establish age limitations for airmen.

S. 411

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 411, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 414

At the request of Mr. CLELAND, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 420

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 420, an original bill to amend title II, United States Code, and for other purposes.

S. 457

At the request of Ms. SNOWE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nevada (Mr. REID), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 457, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S.J. RES. 6

At the request of Mr. ROBERTS, his name was added as a cosponsor of S.J. Res. 6, a joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics.

At the request of Mr. BUNNING, his name was added as a cosponsor of S.J. Res. 6, supra.

S. RES. 16

At the request of Mr. THURMOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 43

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 43, a resolution expressing the sense of the Senate that the President should designate the week of March 18 through March 24, 2001, as "National Inhalants and Poisons Awareness Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 460. A bill to provide for fairness and accuracy in high stakes educational decisions for students; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, today I am reintroducing a bill I introduced last year that addresses high stakes testing: the practice of using a test as the sole determinant of whether a student will be graduated, promoted or placed in different ability groupings. I am increasingly concerned that high stakes tests are being grossly abused in the name of greater accountability,

and almost always to the serious detriment of our children.

Testing is necessary and beneficial. We should require it. But, allowing the continued misuse of high-stakes tests is, in itself, a gross failure of imagination, a failure both of educators and of policymakers, who persistently refuse to provide the educational resources necessary to guarantee an equally rich educational experience for all our children. That all citizens will be given an equal start through a sound education is one of the most basic, promised rights of our democracy. Our chronic refusal as a nation to guarantee that right for all children, including poor children, is a national disgrace.

This legislation would stem the growing trend of misusing high stakes tests. The legislation would require that states and districts use multiple indicators of student achievement in addition to standardized tests if they are going to use tests as part of a high stakes decision. The legislation would also require that if tests are used, they must be valid and reliable for the purposes for which they are used; must measure what the student was taught; and must provide appropriate accommodations for students with limited English proficiency and disabilities.

It is important to note that the American Psychological Association, the group entrusted with developing the standards for educational testing, has endorsed this legislation. Like many Americans who care deeply that our students are assessed appropriately, they feel that it is crucial for us to stem a tide that it becoming increasingly problematic.

I would like to explain exactly why this bill would be so important and why I seek your support for it. I am struck by National Education Association President Bob Chase's comparison of this trend toward high stakes testing to the movie, "Field of Dreams." In my view, it is as though people are saying, "If we test them, they will perform." In too many places, testing, which is a critical part of systemic educational accountability, has ceased its purpose of measuring educational and school improvement and has become synonymous with it.

Making students accountable for test scores works well on a bumper sticker, and it allows many politicians to look good by saying that they will not tolerate failure. But it represents a hollow promise. Far from improving education, high stakes testing marks a major retreat from fairness, from accuracy, from quality and from equity.

When used correctly, standardized tests are critical for diagnosing inequality and for identifying where we need improvement. They enable us to measure achievement across groups of students so that we can help ensure that states and districts are held accountable for improving the achieve-

ment of all students regardless of race, income, gender, limited English proficiency or disability. Tests are a critical tool, but they are not a panacea.

The abuse of tests for high stakes purposes has subverted the benefits tests can bring. Using a single standardized test as the sole determinant for promotion, tracking, ability grouping and graduation is not fair and has not fostered greater equality or opportunity for students. First, standardized tests can not sufficiently validly or reliably assess what students know to make high stakes decisions about them.

The 1999 National Research Council report, "High Stakes," concludes that "no single test score can be considered a definitive measure of a student's knowledge," and that "an educational decision that will have a major impact on a test taker should not be made solely or automatically on the basis of a single test score."

The "Standards for Educational and Psychological Testing," 1999 Edition, which has served as the standard for test developers and users for decades, asserts that: "In educational settings, a decision or a characterization that will have a major impact on a student should not be made on the basis of a single test score."

Even test publishers, including Harcourt Brace, CTB McGraw Hill, Riverside and ETS, consistently warn against this practice. For example, Riverside Publishing asserts in the "Interpretive Guide for School Administrators" for the Iowa Test of Basic Skills, "Many of the common misuses, of standardized tests, stem from depending on a single test score to make a decision about a student or class of students."

CTB McGraw Hill writes that "A variety of tests, or multiple measures, is necessary to tell educators what students know and can do . . . the multiple measures approach to assessment is the keystone to valid, reliable, fair information about student achievement."

There are many reasons tests cannot be relied upon as the sole determinant in making high stakes decisions about students. The National Research Council describes how these tests can be unreliable. The Council concludes that "a student's test score can be expected to vary across different versions of a test, . . . as a function of the particular sample questions asked and/or transitory factors, such as the student's health on the day of the test. Thus, no single test score can be considered a definitive measure of a student's knowledge."

The research of David Rogosa at Stanford University shows how test scores are not valid, in isolation, to make judgements about individual achievement. His study of California's Stanford 9 National Percentile Rank

Scores for individual students showed that the chances that a student whose true score is in the 50th percentile will receive a reported score that is within 5 percentage points of his true score are only 30 percent in reading and 42 percent on ninth grade math tests.

Rogosa also showed that on the Stanford 9 test "the chances, . . . that two students with identical "real achievement" will score more than 10 percentile points apart on the same test" is 57 percent for 9th graders and 42 percent on the fourth grade reading test. This margin of error shows why it would not be fair to use a cut-score in making a high stakes decision about a child.

Robert Rayborn, who directs Harcourt's Stanford 9 program in California reenforced these findings when asked about the Stanford 9. He said, "They should never make high-stakes individual decisions with a single measure of any kind," including the Stanford 9.

Politicians and policy makers who continue to push for high stakes tests and educators who continue to use them in the face of this knowledge have closed their eyes to clearly set professional and scientific standards. They demand responsibility and high standards of students and schools while they let themselves get away with defying the most basic standards of the education profession.

It would be irresponsible if a parent or a teacher used a manufactured product on children in a way that the manufacturer says is unsafe. Why do we then honor and declare "accountable" policy makers and politicians who use tests on children in a way that the test manufacturers have said is effectively unsafe?

Many of my colleagues will remember how 8,600 students in New York City were mistakenly held in summer school because their tests were graded incorrectly or how 54 students in Minnesota were denied their diplomas because of a test scoring error.

When we talk about responsibility, what could be more irresponsible than using an invalid or unreliable measure as the sole determinant of something so important as high school graduation or in-school promotion?

It has been clearly established through research that high stakes tests for individual students, when used in isolation, are fatally flawed. I would, however, also like to address a general issue that this bill does not address directly, but that I think is really what all of this is about in the end. The trend towards high stakes testing represents a harsh agenda that holds children responsible for our own failure to invest in their future and in their achievement. I firmly believe that it is grossly unfair, for example, to hold back a student based on a standardized test if that student has not had the

tools required to learn the material covered on the test. When we impose high stakes tests on an educational system where there are, as Jonathan Kozol says, "savage inequalities," and then we do nothing to address the underlying causes of those inequalities, we set up children to fail.

People talk about using tests to motivate students to do well and using tests to ensure that we close the achievement gap. This kind of talk is unfair because it tells only part of the story. We cannot close the achievement gap until we close the gap in investment between poor and rich schools no matter how "motivated" some students are. We know what these key investments are: quality teaching, parental involvement, and early childhood education, to name just a few.

But instead of doing what we know will work, and instead of taking responsibility as policy makers to invest in improving students' lives, we place the responsibility squarely on children. It is simply negligent to force children to pass a test and expect that the poorest children, who face every disadvantage, will be able to do as well as those who have every advantage.

When we do this, we hold children responsible for our own inaction and unwillingness to live up to our own promises and our own obligations. We confuse their failure with our own. This is a harsh agenda indeed, for America's children.

All of us in politics like to get our picture taken with children. We never miss a "photo op." We all like to say that "children are our future." We are all for children until it comes time to make the investment. Too often, despite the talk, when it comes to making the investment in the lives of our children, we come up a dollar short.

Noted civil rights activist Fannie Lou Hamer used to say, "I'm sick and tired of being sick and tired." Well I'm sick and tired of symbolic politics. When we say we are for children, we ought to be committed to invest in the health, skills and intellect of our children. We are not going to achieve our goals on a tin cup budget. Unless we make a real commitment and fully fund key programs like Head Start, Title I and IDEA, and unless we put our money where our mouth is, children will continue to fail.

We must never stop demanding that children do their best. We must never stop holding schools accountable. Measures of student performance can include standardized tests, but only when coupled with other measures of achievement, more substantive education reforms and a much fuller, sustained investment in schools.

By Mr. FRIST:

S. 461. A bill to support educational partnerships, focusing on mathematics,

science, and technology, between institutions of higher education and elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce the Math and Science Education Partnership Act. This bill will encourage States, institutions of higher education, elementary schools and secondary schools to work together to improve the math and science teaching as a profession.

The purpose of this act is many fold. Through partnering schools with higher education institutions, the bill proposes to encourage institutions of higher education to assume greater responsibility for improving math and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers. Such partnerships will bring together math and science teachers in elementary schools and secondary schools with scientists, mathematicians, and engineers to increase teacher content knowledge and improve teaching skills through the use of more sophisticated laboratory space and equipment, computing facilities, libraries and other resources that colleges and universities are more able to provide.

The bill authorizes the Secretary of the Department of Education to award competitive grants to eligible partnerships for a period of 5 years. The partnerships will include a state, a math or science department of an institution of higher education, and a local school district. A priority will be given to those districts with a high poverty rate and a high number of teachers teaching out of their subject area.

A partnership may use the grant funds to develop more rigorous mathematics and science curricula based on standards, to recruit math and science majors to teaching through bonuses, stipends for alternative certification and scholarships, and to establish math and science summer workshops for teachers. Each eligible partnership receiving a grant under this Act must develop an evaluation and accountability plan that includes the following objectives and measures: improved student performance on state math and science assessments or on the Third International Math and Science Study assessment; increased participation by students in advanced courses in math and science; increased percentages of secondary school classes in math and science taught by teachers with majors in math and science; increased numbers of math and science teachers who participate in content-based professional development activities; and passing rates of students in advanced courses in math and science.

Each partnership will be required to report the progress made toward these

objectives to the Secretary annually. The Secretary will then determine whether or not the partnership is making substantial progress in meeting its goals. I urge my fellow colleagues to cosponsor the Math and Science Education Partnership 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. 461

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 "Mathematics and Science Education Partnership and Teacher Recruitment Act of 2001".

SEC. 2. PURPOSE.

The purpose of this Act is to encourage States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

(1) upgrade the status and stature of math and science teaching as a profession by encouraging institutions of higher education to assume greater responsibility for improving math and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

(2) focus on education of math and science teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

(3) bring together elementary school and secondary school math and science teachers with scientists, mathematicians, and engineers to increase teacher content knowledge and improve teaching skills through the use of more sophisticated laboratory space and equipment, computing facilities, libraries, and other resources that colleges and universities are more able to provide; and

(4) develop more rigorous mathematics and science curricula that are aligned and intended to prepare students for postsecondary study in mathematics and science.

SEC. 3. DEFINITIONS.

(a) INCORPORATION OF GENERAL DEFINITIONS.—The provisions of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) shall apply for purposes of this Act in the same manner as they apply for purposes of the Elementary and Secondary Education Act of 1965.

(b) OTHER DEFINITIONS.—In this Act:

(1) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means a partnership that—

(A) shall include—

- (i) a State educational agency;
- (ii) a mathematics or science department of an institution of higher education; and
- (iii) a local educational agency; and

(B) may include—

- (i) another institution of higher education or the teacher training department of such institution;
- (ii) another local educational agency, or an elementary school or secondary school;
- (iii) a business; or
- (iv) a nonprofit organization of demonstrated effectiveness, including a museum.

(2) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term "high need local educational agency" has the meaning given the term in section 201(b) of the Higher Education Act of 1965 (20 U.S.C. 1021(b)).

(3) **SUMMER WORKSHOP OR INSTITUTE.**—The term “summer workshop or institute” means a workshop or institute conducted outside of the academic year that—

(A) is conducted during a period of a minimum of 2 weeks;

(B) provides for direct interaction between students and faculty; and

(C) provides for followup training in the classroom during the academic year for a period of a minimum of 3 days, which shall not be required to be consecutive, except that—

(i) if the program at the summer workshop or institute is for a period of only 2 weeks, the followup training shall be for a period of more than 3 days; and

(ii) for teachers in rural school districts, followup training through the Internet may be used.

SEC. 4. GRANTS AUTHORIZED.

(a) **IN GENERAL.**—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in section 6.

(b) **DURATION.**—The Secretary shall award grants under this section for periods of 5 years.

(c) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share of the costs of the activities assisted under this Act shall be—

(A) 75 percent of the costs for the first year an eligible partnership receives a grant payment under this Act;

(B) 65 percent of the costs for the second such year; and

(C) 50 percent of the costs for each of the third, fourth, and fifth such years.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the costs of activities assisted under this Act may be provided in cash or in kind, fairly evaluated.

SEC. 5. APPLICATION.

(a) **IN GENERAL.**—Each eligible partnership desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) **CONTENTS.**—Each such application shall include—

(1) an assessment of the teacher quality and professional development needs of all the entities participating in the eligible partnership with respect to the teaching and learning of mathematics and science, including a statement as to whether the eligible partnership includes a high need local educational agency;

(2) a description of how the activities to be carried out by the eligible partnership will be aligned with State and local standards and with other educational reform activities that promote student achievement in mathematics and science;

(3) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of mathematics and science instruction; and

(4) a description of—

(A) how the eligible partnership will carry out the authorized activities described in section 6; and

(B) the eligible partnership's evaluation and accountability plan described in section 7.

(c) **PRIORITY.**—The Secretary shall give priority to any application submitted by an eligible partnership that includes a high need local educational agency.

SEC. 6. AUTHORIZED ACTIVITIES.

An eligible partnership shall use the grant funds provided under this Act for 1 or more of the following activities related to elementary schools or secondary schools:

(1) Developing or redesigning more rigorous mathematics and science curricula that are aligned and intended to foster college placement and preparation for postsecondary study in mathematics and science.

(2) Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of mathematics and science teachers.

(3) Recruiting mathematics and science majors to the teaching profession through the use of—

(A) signing bonuses and performance bonuses for mathematics and science teachers;

(B) stipends for mathematics teachers and science teachers for certification through alternative routes;

(C) scholarships for teachers to pursue advanced course work in mathematics and science;

(D) scholarships for students with academic majors in mathematics and science; and

(E) carrying out any other program that the State believes to be effective in recruiting individuals with strong mathematics or science backgrounds into the teaching profession.

(4) Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable research-based teaching methods into the curriculum.

(5) Establishing mathematics and science summer workshops or institutes and followup training for teachers, using curricula that are experiment-oriented, content-based, and grounded in current research.

(6) Establishing web-based instructional materials for mathematics and science teachers using curricula that are, experiment-oriented, content-based, and grounded in current research.

(7) Designing programs to prepare a teacher to provide professional development instruction to other teachers within the participating teacher's school.

(8) Designing programs to bring teachers into contact with working scientists, mathematicians, and engineers to increase teachers' content knowledge and enhance teachers' instructional techniques.

(9) Designing programs focusing on changing behaviors and practices of teachers to assist novice teachers in developing confidence in their skills to increase the likelihood that such novice teachers will continue in the teaching profession, and to generally improve the quality of teaching.

SEC. 7. EVALUATION AND ACCOUNTABILITY PLAN.

Each eligible partnership receiving a grant under this Act shall develop an evaluation and accountability plan for activities assisted under this Act that includes strong performance objectives. The plan shall include objectives and measures for—

(1) improved student performance on State mathematics and science assessments or on the Third International Math and Science Study assessment;

(2) increased participation by students in advanced courses in mathematics and science;

(3) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively;

(4) increased numbers of mathematics and science teachers who participate in content-

based professional development activities; and

(5) increased passing rates of students in advanced courses in mathematics and science.

SEC. 8. REPORT; REVOCATION OF GRANT.

(a) **REPORT.**—Each eligible partnership receiving a grant under this Act shall report annually to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in section 7.

(b) **REVOCATION.**—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in section 7 by the end of the third year of a grant under this Act, then the grant payments shall not be made for the fourth and fifth year of the grant.

SEC. 9. CONSULTATION WITH NATIONAL SCIENCE FOUNDATION.

In carrying out the activities authorized by this Act, the Secretary shall consult and coordinate with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops or institutes provided by the mathematics and science partnerships to improve mathematics and science teaching in the elementary schools and secondary schools.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, \$500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

By Mr. KYL:

S. 462. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools; to the Committee on Finance.

Mr. KYL. Mr. President, I rise today to introduce legislation that will provide new educational options to the students who need those options the most.

While many Americans are satisfied with the public schools available to their children, we know that there are also many who are not, and with good reason.

In large urban school districts, a majority of students drop out before high school graduation. Nearly 70 percent are unable to read at the so-called “basic” level. And all too frequently, violence and entrenched mediocrity create a climate where learning is actually discouraged.

No wonder caring parents in such circumstances want alternatives.

We have seen compelling evidence of the pent-up demand for different options when private organizations have invited low-income parents to apply for partial scholarships that could be used at a non-public school.

Usually, these private scholarship programs are structured in such a way that, to be eligible for an award, a low-income family must agree to contribute a significant portion of the total tuition bill.

The results are striking: In 1997, two distinguished business leaders, Ted Forstmann and John Walton invited applications for one thousand partial tuition scholarships from families here in the District of Columbia. Nearly eight thousand applications were received.

In 1998, they formed an organization called the Children's Scholarship Fund to apply the idea on a national basis. They planned to offer 40,000 scholarships. 1.25 million applications were received.

No less impressive than the numbers are the testimonials offered by parents who have been pleading for better options.

One mother said the following about her experience: "We would not be able to afford this without your help. Our daughter is really excited to be learning spelling and grammar, which was not being taught in public school. She's an aspiring writer and thinks this is great. My son has autism, and his new school had more services in place for him on the first day of school, without me even asking, than we've been able to pull out of the public school in six years! They both love their new schools and are doing well."

Here's another mother's testimony: I am so excited that my son has been chosen to receive a scholarship . . . One evening I sat on my bed and cried because I really wanted him to attend a private school but I know that I cannot afford all of the tuition. Therefore your scholarship fund was my only hope."

Yet another mother wrote, "I cannot begin to tell you how grateful I am for this opportunity to send my children to a private school. As a low-income mother of four wonderful children with great potential, I would not be able to provide this chance for them without your help.

This particular mother goes on to say, "I have chosen," I cannot put enough stress on that word, "chosen a school that will help nurture the seeds of greatness in them. I am sure that with this opportunity to succeed, my children will be successful and contribute greatly to society in the future."

Mr. President, in 1997, leaders in my state settled on a plan to help the private sector to satisfy that vast unmet demand for options. They instituted a state tax credit that allows Arizona residents to claim a dollar-for-dollar income tax credit for donations to school tuition organizations, like the Children's Scholarship Fund.

Thanks to that program, 4,000 Arizona students, nearly all of them from disadvantaged backgrounds, have received scholarship assistance that has made it possible for them to enroll in a school of their choice. The number of school tuition organizations operating in the state has shot up from 2 to 33.

The legislation I am introducing today would extend this Arizona idea nation-wide, and I am pleased that my Arizona colleague, Congressman JOHN SHADEGG, will introduce this legislation this week in the House of Representatives.

By way of tribute to President Bush's more comprehensive education proposal, I have given this bill the title, "The Leave No Child Behind Tax Credit Act of 2001."

The Leave No Child Behind Tax Credit Act would allow a family or business to claim a \$250 tax credit for donations to qualified school tuition organizations. To qualify for that designation, an organization would have to devote at least 90 percent of its annual income to offering grants and scholarships for parents to use to send their children to the school of their choice.

Scholarships awarded by such organizations could be used to offset tuition costs at a private school, or to pay the tuition costs families in most states must pay to enroll a child in a public school across district boundaries.

This measure would move us toward an education policy that recognizes the vital importance of parental choice.

It also recognizes and encourages the efforts that have been undertaken by public-spirited private citizens to find non-governmental solutions to the serious challenge of improving education in our country. These activists embody the vision set forth by President Bush in his inaugural address, the vision of responsible citizens building communities of service and a nation of character.

Moreover, when parents are able to decide for themselves how to go about securing one of life's most vital goods, namely, education for their children, rather than having such decisions made for them by a bureaucracy, they become, in President Bush's memorable terms, citizens, not subjects.

I believe that this legislation will help them to do that, and I am very pleased to introduce it today.

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. 462

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 "Leave No Child Behind Tax Credit Act of 2001".

SEC. 2. CREDIT FOR CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS WHICH PROVIDE SCHOLARSHIPS FOR STUDENTS ATTENDING ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30B. CREDIT FOR CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS WHICH PROVIDE SCHOLARSHIPS FOR STUDENTS ATTENDING ELEMENTARY AND SECONDARY SCHOOLS.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions of the taxpayer for the taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed \$250 (\$500, in the case of a joint return).

"(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified charitable contribution' means, with respect to any taxable year, the amount allowable as a deduction under section 170 (determined without regard to subsection (d)(1)) for cash contributions to a school tuition organization.

"(2) SCHOOL TUITION ORGANIZATION.—

"(A) IN GENERAL.—The term 'school tuition organization' means any organization described in section 170(c)(2) if the annual disbursements of the organization for elementary and secondary school scholarships are normally not less than 90 percent of the sum of such organization's annual gross income and contributions and gifts.

"(B) ELEMENTARY AND SECONDARY SCHOOL SCHOLARSHIP.—The term 'elementary and secondary school scholarship' means any scholarship excludable from gross income under section 117 for expenses related to education at or below the 12th grade.

"(d) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(3) CONTROLLED GROUPS.—All persons who are treated as one employer under subsection (a) or (b) of section 52 shall be treated as 1 taxpayer for purposes of this section.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year."

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 30B. Credit for contributions to charitable organizations which provide scholarships for students attending elementary and secondary schools."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mrs. FEINSTEIN (for herself and Mr. FEINGOLD):

S. 463. A bill to provide for increased access to HIV/AIDS-related treatments and services in developing foreign countries; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, since the beginning of the AIDS epidemic, more than 17 million people in sub-Saharan Africa, one half the population of California, have died from AIDS.

To begin to address this catastrophe, Senator FEINGOLD and I introduced an Amendment to the Africa Growth and Opportunity Act that would have helped ensure access to generic AIDS drugs for nations in sub-Saharan Africa ravaged by the HIV/AIDS pandemic.

Despite the fact that this amendment was approved by the Senate, it was stricken from the final Africa Trade Conference Report.

Subsequently, the Clinton Administration issued an Executive Order that ensured that the countries of sub-Saharan Africa could provide their people with affordable HIV/AIDS drugs.

And, two weeks ago, I am pleased to note, the Bush Administration indicated that it would not seek to overturn this Executive Order.

Now, Senator FEINGOLD and I have developed the "Global Access to AIDS Treatment Act of 2001" which, among other provisions: Codifies the Executive Order into law; Directs that the law must apply to the 48 nations of sub-Saharan Africa; and expands the scope of the law to cover all developing nations facing a catastrophic AIDS crisis.

Unless the United States takes a leadership role in recognizing, as does the WTO TRIPS agreement, that there is a moral obligation to put people over profits, the human devastation and social instability that has already begun in countries facing an AIDS crisis will grow to unfathomable levels.

Until recently, many people have been unaware of the depth of the global loss being caused by this epidemic.

The HIV virus has infected over 36 million people worldwide, with over 95 percent of those infected living outside of the United States.

Over 21.8 million people have died from HIV/AIDS world-wide since the beginning of the epidemic, 3 million in 2000 alone.

In sub-Saharan Africa, where 70 percent of all deaths from HIV/AIDS have occurred, 17 million people, as I said before, have died from HIV/AIDS since the epidemic began, and 2.4 million in the year 2000.

To address this pandemic, Senator FEINGOLD and I have developed legislation to address the crisis. This legislation does the following:

First, this legislation directs the U.S. Government to refrain from seeking the revision of any law, imposed by a government of a developing nation facing an AIDS crisis, that promotes access to HIV/AIDS pharmaceuticals and medical technologies.

This will ensure that HIV/AIDS drugs are more affordable and more available to those most in need.

Second, this legislation authorizes \$25 million a year for programs to develop and strengthen health care infrastructure in developing countries.

Third, the legislation calls upon the World Health Organization and UNAIDS to take the lead in organizing efficient procurement of compulsory licenses of pharmaceutical patents, active ingredients of drugs, and finished medications for countries that require this assistance.

Fourth, this legislation calls on the National Institutes of Health, NIH, and the Centers for Disease Control and Prevention, CDC, to work with developing countries and international service providers to develop best practices for delivering pharmaceuticals to those who need them.

Fifth, this legislation requires the Food and Drug Administration, FDA, and NIH to develop and maintain a database for information on drugs, patent status, and treatment protocols to assist health-care providers from around the globe in providing the best care possible to all patients.

And finally, this legislation provides \$1 million a year to encourage American physicians, nurses, physician assistants, nurse practitioners, public health workers, pharmacists, and other health professionals to provide HIV/AIDS care and treatment in developing countries.

This legislation will allow countries facing an HIV/AIDS crisis to better determine the availability of HIV/AIDS pharmaceuticals in their countries, and provide their people with affordable HIV/AIDS drugs.

It is clearly in the national interest of the United States to prevent the further spread of HIV/AIDS, and I believe that this legislation is necessary to continue to assist the countries of the developing world to bring this deadly disease under control.

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. 463

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 "Global Access to AIDS Treatment Act of 2001".

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the HIV/AIDS pandemic began, it has claimed 21,800,000 lives.

(2) Over 17,000,000 men, women, and children, have died due to AIDS in sub-Saharan Africa alone.

(3) Over 36,000,000 people are infected with the HIV virus today. Over 25,000,000 live in sub-Saharan Africa.

(4) By 2010, approximately 40,000,000 children worldwide will have lost one or both of their parents to HIV/AIDS.

(5) Access to effective treatment for HIV/AIDS is determined by issues of price, health

system infrastructure, and sustainable financing.

(6) In January 2000, the National Intelligence Council released an intelligence estimate that framed the HIV/AIDS pandemic as a security threat, noting the relationship between the disease and political and economic instability.

(7) The overriding priority for responding to the HIV/AIDS crisis should be to emphasize and encourage prevention.

(8) An effective response to the HIV/AIDS pandemic must also involve assistance to stimulate the development of health service delivery infrastructure in affected States.

(9) An effective United States response to the HIV/AIDS crisis must also focus on the development of HIV/AIDS vaccines to prevent the spread of the disease.

(10) The innovative capacity of the United States in the commercial and public pharmaceutical research sectors is unmatched in the world, and the participation of both these sectors will be a critical element in any successful strategy to respond to the global HIV/AIDS crisis.

(b) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States that the United States will not seek, through negotiation or otherwise, the revocation or revision of intellectual property or competition laws or policies that regulate pharmaceuticals or medical technologies used to treat HIV/AIDS or the most common opportunistic infections that accompany HIV/AIDS in any foreign country undergoing an HIV/AIDS-related public health crisis if the laws or policies of that foreign country—

(1) promote access to the pharmaceuticals or medical technologies for affected populations; and

(2) provide intellectual property protection consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in paragraph (15) of section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate—

(1) to encourage the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS) to carry out HIV/AIDS activities in foreign countries that are undergoing an HIV/AIDS-related public health crisis, including activities that are consistent with the policy described in section 2(b); and

(2) that the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS) should lead the international organization of the manufacture and distribution of pharmaceuticals or medical technologies for HIV/AIDS, including the global registration of products and the organization of the efficient procurement of compulsory licenses, active ingredients, and finished products for foreign countries that require such assistance.

SEC. 4. PARALLEL IMPORTING AND COMPULSORY LICENSING.

Section 182(d)(4) of the Trade Act of 1974 (19 U.S.C. 2242(d)(4)) is amended—

(1) by striking "A foreign" and inserting "(A) Except as provided in subparagraph (A), a foreign"; and

(2) by adding at the end the following:

"(B)(i) With respect to a foreign country that is undergoing an HIV/AIDS-related public health crisis and that is propounding or implementing laws or policies that regulate pharmaceuticals or medical technologies used to treat HIV/AIDS, or the most common opportunistic infections that accompany HIV/AIDS, subparagraph (A) shall not apply

to such country with respect to such pharmaceuticals and technologies.

“(i) With respect to a foreign country described in clause (i), if the laws or policies of that country promote access to the pharmaceuticals or medical technologies described in such clause for affected populations within the country or within other countries undergoing an HIV/AIDS-related public health crisis, compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act shall be construed to provide adequate and effective protection of intellectual property rights for the purposes of this Act, and the President shall instruct the United States Trade Representative not to seek, through negotiation or otherwise, the revocation or revision of such laws or policies.”; and

“(C) For purposes of this paragraph, the term ‘foreign country that is undergoing an HIV/AIDS-related public health crisis’ means any of the 48 foreign countries of sub-Saharan Africa, and any additional country determined to be undergoing such a crisis by the President.”.

SEC. 5. DEVELOPMENT OF TREATMENT PROTOCOLS.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention shall, in collaboration with the entities described in subsection (b), conduct a needs-assessment and develop and implement simplified and adapted protocols for the delivery of HIV/AIDS treatments in the resource poor settings of the developing world.

(b) COLLABORATIVE ENTITIES.—The entities described in this subsection are—

- (1) the Administrator of the United States Agency for International Development;
- (2) developing foreign countries that face HIV/AIDS health care crises; and
- (3) appropriate international organizations.

SEC. 6. HEALTH CARE INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the United States Agency for International Development, shall—

- (1) develop and implement programs to strengthen and broaden health care systems infrastructure, and the capacity of health care systems in developing foreign countries to deliver HIV/AIDS pharmaceuticals;
- (2) provide assistance to foreign countries that the Administrator determines are ready to implement anti-retro viral treatment programs with respect to HIV/AIDS; and
- (3) provide assistance to improve access to medical education, including nursing education, in foreign countries that are severely affected by the HIV/AIDS virus.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$25,000,000 for each fiscal year.

SEC. 7. INTERNATIONAL DATABASE OF HIV/AIDS PHARMACEUTICALS.

The Commissioner of Food and Drugs, in consultation with the Director of the National Institutes of Health, shall develop and maintain a database of HIV/AIDS pharmaceuticals. Such database shall include information about patent status, recommended protocols, price, and quality.

SEC. 8. LOAN FORGIVENESS PROGRAM FOR INTERNATIONAL HIV/PHARMACEUTICAL WORK.

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

“PART G—INTERNATIONAL ASSISTANCE

“SEC. 2695. FOREIGN HIV/AIDS ASSISTANCE LOAN REPAYMENT PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish a program to be known as the Foreign HIV/AIDS Assistance Loan Repayment Program to encourage physicians, nurses, physician assistants, pharmacists, nurse practitioners, others trained in the field of public health, and other health professionals determined appropriate by the Secretary to provide HIV/AIDS treatment and care in developing foreign countries.

“(b) ELIGIBILITY.—To be eligible to participate in the Loan Repayment Program, an individual must—

“(1) have a degree in medicine, osteopathic medicine, or other health profession, or be registered or certified as a nurse or physician assistant; and

“(2) submit to the Secretary an application for a contract described in subsection (f) relating to the payment by the Secretary of the educational loans of the individual in consideration of the individual serving for a period of obligated service).

“(c) APPLICATION, CONTRACT, AND INFORMATION REQUIREMENTS.—

“(1) SUMMARY AND INFORMATION.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms—

“(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled in the case of the individual’s breach of the contract; and

“(B) information respecting meeting a service obligation through private practice under an agreement under subsection (f) and such other information as may be necessary for the individual to understand the individual’s prospective participation in the Loan Repayment Program.

“(2) UNDERSTANDABILITY.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

“(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

“(4) RECRUITMENT AND RETENTION.—

“(A) IN GENERAL.—The Secretary shall distribute to health professions schools materials providing information on the Loan Repayment Program and shall encourage the schools to disseminate the materials to the students of the schools.

“(B) RETENTION.—In the case of any health professional whose period of obligated service under the Loan Repayment Program is nearing completion, the Secretary shall encourage the individual to remain in a developing foreign country and to continue providing HIV/AIDS-related services.

“(d) CONSIDERATIONS WITH RESPECT TO CONTRACTS.—

“(1) IN GENERAL.—In providing contracts under the Loan Repayment Program—

“(A) the Secretary shall consider the extent of the demonstrated interest of the applicants for the contracts in providing HIV/AIDS-related services; and

“(B) may consider such other factors regarding the applicants as the Secretary determines to be relevant to selecting qualified individuals to participate in such Program, such as relevant HIV/AIDS-related or international health work or volunteer experiences.

“(2) PRIORITY.—In providing contracts under the Loan Repayment Program, the Secretary shall give priority—

“(A) to any application for such a contract submitted by an individual whose training is in a health profession or specialty determined by the Secretary to be needed; and

“(B) to any application for such a contract submitted by an individual who has (and whose spouse, if any, has) characteristics that increase the probability that the individual will continue to serve in a developing foreign country after the period of obligated service pursuant to subsection (f) is completed.

“(e) APPROVAL REQUIRED FOR PARTICIPATION.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).

“(f) CONTENTS OF CONTRACTS.—The written contract between the Secretary and an individual shall contain—

“(1) an agreement that—

“(A) subject to paragraph (3), the Secretary agrees to pay on behalf of the individual loans in accordance with subsection (g) or to defer payment on such loans; and

“(B) subject to paragraph (3), the individual agrees—

“(i) to accept loan payments on behalf of the individual or a deferment in payments; and

“(ii) to serve for a time period (hereinafter in this subpart referred to as the ‘period of obligated service’) equal to 2 years or such longer period as the individual may agree to, as a provider of HIV/AIDS-related health services in a developing foreign country;

“(2) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual;

“(3) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments or deferments under this section;

“(4) a statement of the damages to which the United States is entitled for the individual’s breach of the contract; and

“(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

“(g) PAYMENTS OR DEFERMENTS.—

“(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the graduate education of the individual, or the deferment of repayments on such loans, which loans were made for—

“(A) tuition expenses;

“(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

“(C) reasonable living expenses as determined by the Secretary.

“(2) PAYMENTS FOR YEARS SERVED.—

“(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay or defer up to \$5,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay or defer for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

“(i) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

“(ii) provides an incentive to serve in a developing foreign country with the greatest such shortages; and

“(iii) provides an incentive with respect to the health professional involved remaining in a developing foreign country, and continuing to provide HIV/AIDS-related services, after the completion of the period of obligated service under the Loan Repayment Program.

“(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

“(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments or deferments under this subsection on behalf of an individual—

“(A) the Secretary shall, in addition to such payments, make payments to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved; and

“(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

“(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments or deferments.

“(h) REPORTS.—Not later than March 1 of each year, the Secretary shall submit to the Congress a report providing, with respect to the preceding fiscal year—

“(1) the total amount of loan payments or deferments made under the Loan Repayment Program;

“(2) the number of applications filed under this section;

“(3) the number, and type of health professions training, of individuals receiving loan repayments or deferments under such Program;

“(4) the educational institution at which such individuals received their training;

“(5) the total amount of the indebtedness of such individuals for educational loans as of the date on which the individuals become participants in such Program;

“(6) the number of years of obligated service specified for such individuals in the initial contracts under subsection (f), and, in the case of individuals whose period of such service has been completed, the total number of years for which the individuals provided HIV/AIDS-related services in a developing foreign country (including any exten-

sions made for purposes of paragraph (2) of such subsection);

“(7)(A) the number, and type of health professions training, of such individuals who have breached the contract under subsection (f); and

“(B) with respect to such individuals—

“(i) the educational institutions with respect to which payments or deferments have been made or were to be made under the contract;

“(ii) the amounts for which the individuals are liable to the United States;

“(iii) the extent of payment by the individuals of such amounts; and

“(iv) if known, the basis for the decision of the individuals to breach the contract under subsection (f); and

“(8) the effectiveness of the Secretary in recruiting health professionals to participate in the Loan Repayment Program, and in encouraging and assisting such professionals with respect to providing HIV/AIDS-related services in developing foreign countries after the completion of the period of obligated service under such Program.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$1,000,000 for each fiscal year.”.

By Mr. BAYH (for himself and Mrs. CLINTON):

S. 464. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for long-term care givers; to the Committee on Finance.

Mr. BAYH. Mr. President, we have spent the last week discussing the importance of tax cuts for all Americans. While we discuss fiscally responsible means to provide financial benefits to all Americans we need to remember there are millions of Americans that are taking on extra financial burdens by taking care of a loved one at home. These caregivers deserve financial assistance.

America is aging, we are all living longer and generally healthier and more productive lives. In the next 30 years, the number of Americans over the age of 65 will double. For most Americans this is good news. However, for some families aging comes with unique financial obstacles. More and more middle income families are forced to choose between providing educational expenses for their children, saving for their own retirement, and providing medical care for their parents and grandparents. When a loved one becomes ill and needs to be cared for, nothing is more challenging than deciding how the care they need should be provided. Today, I rise again to make that decision easier and to strengthen one option for long-term care caring for a loved one at home.

The bill I am reintroducing today, the Care Assistance and Resource Enhancement Tax Credit, will provide caregivers with a \$3,000 tax credit for the services they provide. I am reintroducing this bill in order to encourage families to take care of their loved ones, by making it more affordable for seniors to stay at home and receive the care they need, while saving the gov-

ernment billions of dollars currently spent on institutional care. Through this tax credit, we accomplish all that while emphasizing family values.

There are over 22 million people providing unpaid help with personal needs or household chores to a relative or friend who is at least 50 years old. In Indiana alone, there are 568,300 caregivers. They do this work without any compensation. They do not send the government a bill for their services or get reimbursed for their expenses by a private company. They do it because they care. As a result of their compassion, the government saves billions of dollars. For example, the average cost of a nursing home is \$46,000 a year. The government spent approximately \$32 billion in formal home health care costs and \$83 billion in nursing home costs. If you add up all the private sector and government spending on long-term care it is dwarfed by the amount families spend caring for loved ones in their homes. As a study published by the Alzheimers Association indicated, caregivers provide \$196 billion worth of care a year.

I held a field hearing in my state, Indiana, in August of 1999 to discuss ways to make long-term care more affordable. At this hearing, I heard from three caregivers who are providing care for a family member. Mrs. Linda McKinstry takes care of her husband who had been diagnosed with Alzheimers two years ago. Mr. and Mrs. Cahee are caregivers for Mr. Cahee's mother who also has Alzheimers. They all echoed the need for financial relief and support services. They spoke of the financial and emotional stress associated with taking care of a loved one. After hearing their stories, it became clear that their efforts are truly heroic and we should be doing all that we can at the federal level to provide what they need to keep their families together.

At a time when people are becoming skeptical of the government, Congress needs to help people meet the challenges they face in their daily lives. This tax credit does that. It will serve 1.2 million older Americans, over 500,000 non-elderly adults, and approximately 250,000 children a year. I am encouraged by the inclusion of this tax credit in Senator Daschle's targeted tax package. I urge my colleagues to take notice of the work done by caregivers and join me in supporting this legislation and giving caregivers the gratitude they deserve.

By Mr. ALLARD:

S. 465. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Finance.

Mr. ALLARD. Mr. President, I am honored today to introduce the Residential Solar Energy Tax Credit Act of 2001 which provides a 15 percent residential tax credit for consumers who

purchase solar electric, photovoltaics, and solar thermal products. This bill is similar to one I introduced in the last Congress. I believe we have a wonderful opportunity to address this important energy issue and pass this bill.

The legislation is an important step in preserving U.S. global leadership in the solar industry where we now export over 70 percent of our products. In recent years, over ten U.S. solar manufacturing facilities have been built or expanded making the U.S. the world's largest manufacturer of solar products. The expansion of the U.S. domestic market is essential to sustain U.S. global market dominance.

Other countries, notably Japan and Germany, have instituted very large-scale market incentives for the use of solar energy on buildings, spending far more by their governments to build their respective domestic solar industries. Passage of this bill will insure the U.S. stays the global solar market leader into the next millennium.

Recent tax legislation passed by this body, has included necessary support of the independent domestic oil producers, overseas oil refiners, nuclear industry decommissioning, and wind energy, all worthy. This small proposal not only adds to these but provides an incentive to the individual homeowner to generate their own energy. In fact, 28 states have passed laws in the last two years to provide a technical standard for interconnecting solar systems to the electric grid, provide consumer friendly contracts, and provide rates for the excess power generated. These efforts at regulatory reform at the state level combined with a limited incentive as proposed in this bill, will drive the use of solar energy.

Contrary to popular belief, solar energy is manufactured and used evenly throughout the United States. Solar manufacturers are in Arizona, California, Colorado, Delaware, Florida, Illinois, Iowa, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Texas, Virginia, Washington and Wisconsin. In addition, solar assembly and distribution companies are in: Alaska, Connecticut, Georgia, Hawaii, Idaho, Indiana, Kansas, Maine, Minnesota, Missouri, Montana, Nevada, New Hampshire, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, as well as Puerto Rico, U.S. Virgin Islands, and Guam. In addition to these states, solar component and research companies are in Alabama, Arkansas, Kentucky, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and West Virginia.

More than 90 U.S. electric utilities including municipals, cooperatives and independents—which represent more than half of U.S. power generation—are active in solar energy. Aside from new, automated solar manufacturing facilities, a wide range of new uses of solar

has occurred in the last two years, such as: an array of facilities installed in June at the Pentagon power block to provide mid-day peak power; installation of solar on the first U.S. skyscraper in Times Square in New York City; and development of a solar mini-manufacturing facility at a brown field in Chicago which will provide solar products for roadway lighting and for area schools.

This small sampling of American ingenuity is just the beginning of the U.S. solar industry's maturity. Adoption of solar power by individual American consumers will create economies-of-scale of production that will, over time, dramatically lower costs and increase availability of solar power.

The bill I have introduced costs much less than previous proposals and provides consumer safeguards. This bill represents a pragmatic approach in utilizing the marketplace as a driver of technology. The benefits to our country are profound. The U.S. solar industry believes the incentives will create 20,000 new high technology manufacturing jobs, offset pollution of more than 2 million vehicles, cut U.S. solar energy unit imports which are already over 50 percent, and leverage U.S. industry even further into the global export markets.

The Residential Solar Energy Tax Credit Act of 2001 is sound energy policy, sound environmental policy, promotes our national security, and enhances our economic strength at home and abroad. I ask my colleagues to include this initiative in any upcoming tax and/or energy deliberations. American consumers will thank us, and our children will thank us for the future benefits we have preserved for them.

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

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

S. 465

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 "Residential Solar Energy Tax Credit Act".

SEC. 2. CREDIT FOR RESIDENTIAL SOLAR ENERGY PROPERTY.

(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. RESIDENTIAL SOLAR ENERGY PROPERTY.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, 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) 15 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year, and

"(2) 15 percent of the qualified solar water heating property expenditures made by the taxpayer during the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a)(2) shall not exceed \$2,000 for each system of solar energy property.

"(2) TYPE OF PROPERTY.—No expenditure may be taken into account under this section unless such expenditure is made by the taxpayer for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence.

"(3) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

"(A) in the case of solar water heating equipment, such equipment is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

"(B) in the case of a photovoltaic system, such system meets appropriate fire and electric code requirements.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term 'qualified solar water heating property expenditure' means an expenditure for property that uses solar energy to heat water for use in a dwelling unit with respect to which a majority of the energy is derived from the sun.

"(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means an expenditure for property that uses solar energy to generate electricity for use in a dwelling unit.

"(3) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

"(4) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1) or (2) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

"(5) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such

expenditures made by all of such individuals during such calendar year.

“(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder’s proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

“(3) CONDOMINIUMS.—

“(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

“(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term ‘condominium management association’ means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

“(4) JOINT OWNERSHIP OF ITEMS OF SOLAR ENERGY PROPERTY.—

“(A) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) or (2) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

“(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

“(5) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness residential purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness residential purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for residential purposes.

“(6) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

“(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

“(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

“(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(f) TERMINATION.—The credit allowed under this section shall not apply to taxable years beginning after December 31, 2006.”

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking “and” at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting “;

and”, and by adding at the end the following new paragraph:

“(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.”.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

“Sec. 25B. Residential solar energy property.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2001.

By Mr. HAGEL (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Ms. COLLINS, Mrs. MURRAY, Ms. SNOWE, and Mr. REED):

S. 466. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act; to the Committee on Health Education, Labor, and Pensions.

Mr. HAGEL. Mr. President, I join with nine of my colleagues today in introducing the “Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act.” I am pleased that Senators JIM JEFFORDS, TED KENNEDY, PAT ROBERTS, CHRIS DODD, SUSAN COLLINS, TOM HARKIN, OLYMPIA SNOWE, PATTY MURRAY, and JACK REED have agreed to serve as original co-sponsors of this important legislation.

This bill will have the Federal government fully meet its funding responsibilities under the Individuals with Disabilities Education Act, IDEA, for the first time since it was enacted in 1975. When Congress passed the IDEA a quarter of a century ago, it agreed that the Federal government would pay 40 percent of the cost of ensuring that all children, including those with disabilities, receive a free, appropriate public education in the least restrictive environment. That is the laudable goal of the legislation, one we all share. Sadly, however, we have never in all these years met our funding commitment. Despite substantial progress over the last five years, Congress has never appropriated more than 15 percent of the cost of IDEA. The bill we introduce today will finally make good on Congress’s commitment to fund 40 percent of the cost of educating children with disabilities. In so doing, it will strengthen the ability of States and local school districts in implementing IDEA and serve the children with disabilities who are covered by its provisions.

Our IDEA full funding legislation is very simple. It would obligate Federal funds to increase funding under Part B of the IDEA program by annual increments of \$2.5 billion until the full 40 percent share of funding is reached in

fiscal year 2007. Last year, fiscal year 2001, Congress appropriated \$6.3 billion for Part B. With these annual increments, the legislation would obligate an additional \$37.5 billion over five years, or \$52.4 billion over six years.

Let me note that this legislation does not establish a new Federal mandate or entitlement, State and Federal courts and IDEA have already firmly established the right of a child with a disability to a free, appropriate education. The Federal government’s failure for 25 years to contribute its share of these costs has simply shifted this Federal share onto State and local education agencies. Our bill will redress this failure: Federal funds will finally be provided to meet the Federal share.

IDEA has been a great success. Prior to its enactment, only 50 percent of students with disabilities were receiving an appropriate education, 30 percent were receiving inappropriate education services, and 20 percent were receiving no education services at all. Today the majority of children with disabilities are receiving an education in their neighborhood schools in regular classrooms with their non-disabled peers. High school graduation rates have increased dramatically among students with disabilities, a 14 percent increase from 1984 to 1997. More students with disabilities are attending colleges and universities. And students who have been served by IDEA are employed at twice the rate of older adults who were not served by IDEA. IDEA has played a very important role in raising our nation’s awareness about the abilities and capabilities of children with disabilities.

Last November we celebrated IDEA’s 25th anniversary. It is time to make good on our promise to fully fund this very worthwhile program, which is making such an important difference in the lives of so very many of our nation’s children.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues Senators CHUCK HAGEL and JIM JEFFORDS in introducing the Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act, IDEA—the hallmark of which is to put real dollars behind the goal of fully funding the IDEA.

Congress owes the children and families across the country the most effective possible implementation of this legislation, and the federal funding support necessary to make it happen. For 25 years, IDEA has sent a clear message to young people with disabilities—that they can learn, and that their learning will enable them to become independent and productive citizens, and live fulfilling lives.

Prior to 1975, 4 million disabled children did not receive the help they needed to be successful in school. Few disabled preschoolers received services, and 1 million disabled children were excluded from public schools. Now IDEA

serves almost 6 million disabled children from birth through age 21, and every State in the Nation offers public education and early intervention services to disabled children. The record of success is astonishing.

The drop out rate for these students has decreased, while the graduation rate has increased. The number of young adults with disabilities enrolling in college has more than tripled, and now more than ever disabled students are communicating and exploring the world through new technologies.

These accomplishments do not come without financial costs, and it is time for Congress to meet its financial commitment to help schools provide the services and supports that give children with special needs the educational opportunities to pursue their dreams.

Today we are introducing legislation to address that need and assist our schools to meet their responsibility to provide an equal and appropriate educational opportunity for children with disabilities. In my State of Massachusetts alone, this increase will provide \$409 million over the next 6 years to help meet that goal.

Just as we are committed to increase funding for IDEA, we must be equally committed to the making sure that this law is implemented and vigorously enforced.

Far too many students with disabilities are still not getting the educational services they are entitled to receive under the IDEA. We must never go back to the days when large numbers of disabled children were left out and left behind.

I look forward to working with the Administration and all Members of Congress to enact this legislation. Fully funding IDEA moves us closer to ensuring the success of every child by supporting the great goal of public education—to give all children the opportunity to pursue their dreams.

Mr. DODD. Mr. President, I hope that this effort will be the culmination of our long-term efforts to fully fund the Federal share of the Individuals with Disabilities Act.

Last Congress, Senator JEFFORDS and I twice offered budget amendments to fully fund IDEA, and I have offered many measures over the years to increase funding for IDEA. Of course, I also have worked closely with Senators KENNEDY and HARKIN on this issue, and I am thrilled to be joining today with the many other cosponsors of this bill, Senators MURRAY, REED, HAGEL, ROBERTS, COLLINS, and SNOWE.

The Helping Children Succeed by Fully Funding IDEA Act offers Congress the opportunity to fulfill our goal of funding 40 percent of the cost of educating children with disabilities and to strengthen our support for children, parents, and local schools. This act is quite simple, it directs the appropriation of funds for IDEA so that we will fully fund IDEA by 2007.

When Congress passed IDEA in 1975, we set a goal of helping States meet their constitutional obligation to provide children with disabilities a free, appropriate education by paying for 40 percent of those costs. We have made great strides toward that goal in the last few years, having doubled Federal funding over the past 5 years. Nevertheless, we still only provide 15 percent of IDEA costs.

In my own State of Connecticut, in spite of spending hundreds of millions of dollars to fund special education programs, we are facing a funding shortfall. In our towns, the situation is even more difficult. Too often, our local school districts are struggling to meet the needs of their students with disabilities.

The costs being borne by local communities and school districts are rising dramatically. From 1992 through 1997, for example, special education costs in Connecticut rose half again as much as did regular education costs. Our schools need our help.

Of course, no one in Connecticut, or in any State or community in our country would question the value of ensuring every child the equal access to education that he or she is guaranteed by our Constitution. The only question is how best to do that, and a large part of the answer is in this legislation. This legislation demonstrates that our commitment to universal access is matched by our commitment to doing everything we can to helping States and schools provide that access.

And this amendment will help not only our children and schools, it will help entire communities, by easing their tax burden. By our failure to meet our goal of fully funding IDEA, we force local taxpayers—homeowners and small businesspeople—to pay the higher taxes that these services require. That is especially a problem in Connecticut, where so much of education is paid for through local property taxes.

If we are going to talk about the importance of tax relief for average Americans, there are few more important steps we can take than passing this legislation. It will go far to alleviate the tax burden that these people and businesses bear today.

Last year, the National Governors' Association wrote me that "Governors believe the single most effective step Congress could take to help address education needs and priorities, in the context of new budget constraints, would be to meet its commitment to fully fund the federal portion of IDEA."

Over the next 10 years, we're looking at a \$2.7 trillion non-Social Security, non-Medicare surplus. I think that fully funding IDEA is one of the most productive ways that we can use a small part of that surplus.

I ask that my colleagues seize this opportunity and support this amend-

ment and choose to help our schools better serve children with disabilities, because I am tired of the false dichotomy that many people perceive between parents of children without disabilities and parents of children with disabilities.

By fully funding the Federal share of IDEA, and easing the financial burden on states and schools, we can stop talking about "children with disabilities" and "children without disabilities," and start talking instead about all children, period.

By Mr. ROBERTS:

S. 467. A bill to provide grants for States to adopt the Federal write-in absentee ballot and to amend the Uniformed and Overseas Citizens Absentee Voting Act to require uniform treatment by States of Federal write-in absentee ballots; to the Committee on Rules and Administration.

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

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

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT PROGRAM.

(a) GRANT AUTHORIZED.—The Secretary of Defense, through the Federal Voting Assistance Program, is authorized to award grants to States to enable States to adopt and use—

(1) the Federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2); and

(2) the absentee ballot mailing envelopes prescribed under section 101 of such Act (42 U.S.C. 1973ff);

in lieu of any State absentee ballot or envelope with respect to ballots of overseas voters for a primary or general election for Federal office.

(b) APPLICATION.—

(1) IN GENERAL.—The Secretary of State, or any other State official responsible for implementing and monitoring elections, of each State desiring a grant under this section shall submit an application to the Secretary of Defense at such time, in such manner, and accompanied by such information as the Secretary of Defense by regulation may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary of Defense determines to be essential to ensure compliance with the requirements of this section and section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2).

(c) AMOUNT OF GRANT.—The Secretary of Defense shall determine the amount of any grant to be provided under this section in such a manner to ensure that all costs for the purposes for which the grant is awarded will be reimbursed.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 2. TREATMENT OF FEDERAL WRITE-IN ABSENTEE BALLOT.

Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended by adding at the end the following:

“(g) REQUIREMENTS FOR STATES RECEIVING CERTAIN GRANTS.—If a State receives a grant amount with respect to use of Federal write-in absentee ballots under the program administered by the Federal Voting Assistance Program within the Department of Defense, the State shall, in addition to the other requirements of this section—

“(1) treat any otherwise valid Federal write-in absentee ballot, that meets the uniform requirements promulgated by the Presidential designee under this title for such ballot, as meeting applicable State law regarding acceptance of absentee ballots; and

“(2) accept and count any otherwise valid Federal write-in absentee ballot received by the appropriate State election official on a date that is not later than 10 days after the date of the election to which the ballot refers.

“(h) REGULATIONS.—The Presidential designee shall promulgate a regulation—

“(1) stating uniform requirements for treatment and acceptance of Federal write-in absentee ballots; and

“(2) to provide that the design of any absentee ballot or envelope under this title—

“(A) has a marking to distinguish the ballot and envelope as belonging to an overseas voter; and

“(B) allows the voter to attest on the ballot that the ballot is cast prior to the date of the election to which the ballot refers.”.

By Mrs. FEINSTEIN:

S. 468. A bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the “James C. Corman Federal Building”; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to honor the hard work and dedication of the late James C. Corman, an esteemed Member of the House of Representatives from California for 20 years.

Jim Corman was born in Kansas, and moved to California with his mother shortly after his father's death. He served in the Marines during World War II. After the war, Jim worked his way through the University of California at Los Angeles and the University of Southern California Law School. He first held public office in 1957, when he was elected to the Los Angeles City Council.

Jim was first elected to the House in 1960. In 1963, he began serving on the Judiciary Committee, which he felt handled the issues that were among the most important and relevant to Americans. As a member of the Judiciary Committee, he was an influential voice in drafting and passing the historic Civil Rights Act of 1964. Jim always considered this as the greatest accomplishment of his life.

In 1968, Jim became a member of the Ways and Means Committee, where he devoted his energy to Social Security, tax, and welfare reform. He became a crusader for the welfare of senior citi-

zens and the disadvantaged members of our society.

Recognizing that his constituents would have better access to federal services if there were a federal building in the San Fernando Valley, Jim was responsible for securing funds for its construction. It is only fitting that this building be named after the man who considered constituent service to be one of his top priorities.

Mr. President, James C. Corman was a well-respected Member of the House. I am pleased to honor his memory by introducing a bill to designate the federal building in Van Nuys as the James C. Corman Federal Building.

By Mr. EDWARDS:

S. 469. A bill to provide assistance to States for the purpose of improving schools through the use of Assistance Teams; to the Committee on Health, Education, Labor, and Pensions.

Mr. EDWARDS. Mr. President, today I am introducing the School Support and Improvement Act of 2001, a bill designed to help ensure that every child in America has access to a quality public school, with good teachers, adequate facilities and a safe environment to learn.

Mr. President, every child deserves and every parent has the right to expect a top-notch, quality education. For example:

Every child should enter 1st grade healthy and prepared to succeed;

Every child should attend a school that is well-built, well-lit, well-equipped and well-connected to our modern world; and

Every child should be instructed by a well-trained, well-paid and qualified teacher.

But some public schools in America do not meet that standard today. Some of our public schools are failing our children and shortchanging their future. We need to refocus our energy on turning these schools around and getting them back on track. This must be the nation's number one priority.

A quality public school is not a partisan goal; it's not a conservative or liberal goal; it's not a big city or rural goal; it's not a goal which separates rich from poor.

It's a simple, common-sense goal we can all agree upon. And if we can agree, then we should be able to do something about it.

The School Support and Improvement Act is one step in achieving this common sense goal. The legislation is based on a very important lesson we have learned in my home state of North Carolina.

As many of you know, North Carolina has been at the forefront of the effort to reform public education for many years. In fact, President Bush's new Education Secretary, Rod Paige, called North Carolina's education system “a model for the Nation.” The

School Support and Improvement Act is designed to translate one of the lessons we learned in North Carolina to the nationwide education reform effort.

At the heart of the North Carolina school reform program is a very simple idea: immediately after we identify a school that is in trouble, we assign a special team of experienced, specially trained educators, principals and administrators to go to the school and help them devise a plan to turn that school around.

The team begins with an intensive evaluation of teachers, administration and curriculum. Teachers and local school district officials work with the Assistance Team to develop a plan tailored to the school's needs and designed to improve student performance.

Assistance Teams have been remarkably successful in North Carolina. Since the program started in 1997, Assistance Teams have been assigned to 33 schools across North Carolina. Of those 33 schools, 29 have improved significantly and are no longer considered low-performing. The overall percentage of low-performing schools has also decreased, from 7.5 percent in the 1996-97 school year to 2.1 percent in the 1999-2000 school year.

In short, Assistance Teams are a proven method to get low-performing schools back on the path of providing quality education.

Our bill would accomplish two things: First, it would make the North Carolina model of sending Assistance Teams into low performing schools a priority throughout the country. Second, it would require that the utilization of Assistance Teams be a priority in every States' efforts to turn around low performing schools. In order to carry out this task, the bill provides additional resources to the States.

Mr. President, with the right tools, and adequate resources, we can begin to put low-performing schools back on the right track. Our legislation utilizes a proven model and provides the necessary resources while still ensuring flexibility for the state and local educational agencies.

I hope that this legislation will allow other states to benefit from the successful model we have implemented in North Carolina.

When the Health, Education, Labor and Pensions Committee considers the Elementary and Secondary Education Act in the coming days, I intend to offer this proposal as part of that effort. I ask all of my colleagues to join me in supporting this important legislation. Thank you.

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. 469

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Support and Improvement Act of 2001."

SEC. 2. FINDINGS.

The Congress finds—

(1) The percent of low-performing schools in this country is cause for national concern.

(2) Low-performing schools may not be in a position, or their own, to make the kinds of changes necessary to turn themselves around and improve student achievement.

(3) The federal government, States, and school districts must collaborate with schools to help them improve to meet the needs of their students.

(4) Schools must be held accountable for their performance and improvement, but must also be given the tools and resources they need to succeed.

SEC. 3. FUNDING FOR SCHOOL IMPROVEMENT.

Each State educational agency shall reserve 5 percent of the amount the State educational agency receives under subpart 2 of part A for fiscal years 2002 through 2008, to carry out the State agency's responsibilities under sections 1116 and 1117 (20 USC 6318), including carrying out the State educational agency's statewide assistance and support for local educational agencies, provided that an adequate percentage of that reservation is passed to local educational agencies.

SEC. 4. PRIORITY FOR SCHOOL ASSISTANCE TEAMS.

Sec. 1117 (20 USC 6318) is amended—

(1) in section (a) by adding at the end the following—

(3) **PRIORITY.**—In assigning and placing school assistance teams and providing additional support and technical assistance as described in subsection 1117 (c)(1)(B), a State educational agency shall give priority in assigning the State assistance teams under this paragraph to school in which the educational performance of the students is farthest from meeting the State standards as determined by the State—

(A) first, to schools subject to corrective action under section 1116(c)(5);

(B) second, to schools identified for school improvement under section 1116(c); and

(C) third, to schools that have failed to make adequate yearly progress under section 1111 for 1 year and where placement of a State assistance team is appropriate and requested by the local education agency or the school.

(2) section 1117(c) is amended to read as follows—

(c) **SCHOOL ASSISTANCE TEAMS.**—In order to achieve the purpose described in subsection (a), each State—

(A) shall give priority in its use of program improvement funds for the establishment of schools assistance teams for assignment to and placement in schools in the State in accordance with 1117(a)(3) and for providing such support as the State educational agency determines to be necessary and available to assure the effectiveness of such teams.

(i) **COMPOSITION.**—Each school assistance teams shall be composed of persons knowledgeable about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students including—

(a) teachers;

(b) pupil services personnel;

(c) parents;

(d) distinguished teachers or principals;

(e) representatives of institutions of higher education;

(f) regional educational laboratories or research centers;

(g) outside consultant groups; or

(h) other individuals as the state educational agency, in consultation with the local educational agency, may deem appropriate.

(ii) **FUNCTIONS.**—Each school assistance team assigned to a school under this Act shall—

(a) review and analyze all facets of the school's operation, including the design and operation of the instructional program, and assist the school in developing recommendations for improving student performance in that school;

(b) collaborate with school staff and the local educational agency serving the school in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to provide student performance and help the school meet its goals for improvement, including adequate yearly progress under section 111(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B));

(c) evaluate, at least semiannually, the effectiveness of school personnel assigned to the school, including identifying outstanding teachers and principals, and make findings and recommendations (including the need for additional resources, professional development or compensation) to the school, the local educational agency, and where appropriate, the State educational agency; and

(d) make additional recommendations as the school implements the plan described in paragraph (b) to the local educational agency and the State educational agency concerning additional assistance and resources that are needed by the school or the assistance teams.

(iii) **CONTINUATION OF ASSISTANCE.**—After 1 school year, the school assistance team may recommend that the school support team continue to provide assistance or that the local educational agency or the state educational agency, as appropriate, take alternative actions with regard to the school.

(B) may provide additional technical assistance and support through such approaches as—

(i) the designation and use of distinguished teachers and principals, chosen from schools served under this part that have been especially successful in improving academic achievement;

(ii) providing assistance to the local educational agency or school in the implementation of research-based comprehensive school reform models; and

(iii) a review process designed to increase the capacity of local educational agencies and schools to develop high-quality school improvement plan; and

(iv) other approaches as the state educational agency may deem appropriate.

By Mr. BOND:

S. 470. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940 to ensure that each vote cast by such voter is duly counted, and for other purposes; to the Committee on Rules and Administration.

Mr. BOND. Mr. President, I rise today to introduce the Support to Absentee Uniformed and Overseas Citizens Voters Act of 2001. This bill ensures that Americans serving overseas,

be they the men and women of the military who stand guard on foreign shores, or equally deserving citizens who serve our country in other venues, will have their vote counted. American citizens should not lose their right to vote under arbitrary or unfair standards. It is therefore incumbent upon lawmakers to ensure their rights are protected.

Although overseas mail is technically supposed to carry a postmark, the reality of the situation is that circumstances in foreign countries, or at sea aboard U.S. Navy ships, can result in mail being sent without a postmark. Currently several states require a postmark for an absentee ballot to be counted and without such a postmark citizens are denied their vote through absolutely no fault of their own. We saw the damaging affects of this standard in our most recent Presidential election.

My bill provides that states may not refuse to count a ballot submitted in an election for a Federal office by an absentee uniformed services member or overseas citizen voter on the grounds that the ballot was improperly or fraudulently cast "unless the State finds clear and convincing evidence" of fraud in the preparation or casting of the ballot by the voter. Specifically, the bill states under a "Clear and Convincing Evidence" standard, the lack of a witness signature, address, postmark, or other identifying information may not be considered clear and convincing evidence of fraud, absent any other information or evidence. Consequently the mere absence of a postmark will not disqualify an overseas citizen from casting his or her vote.

Mr. President, our most recent election illustrates the clear need for change in our voting procedures. Reform is needed. By making certain that American's stationed overseas will have their votes counted, this bill is one crucial step in that direction. There is need for more reform however and I am working on a comprehensive election reform bill targeting abusive practices at home. I look forward to introducing that legislation next week and working with my colleagues towards adoption of all these measures.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. WELLSTONE, Mrs. CLINTON, and Mr. DODD):

S. 471. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today we will be introducing the Public School Repair and Renovation Act. This legislation will provide grants to

local schools so they can make the repairs to ensure the safety of their students. I am pleased to be joined by Senators BINGAMAN, KENNEDY, WELLSTONE, DODD, and CLINTON on this legislation.

In 1998, the American Society of Civil Engineers issued a Report Card for America's Infrastructure which reported serious problems with the physical infrastructure in our nation. However, the most alarming finding is the failing grade to schools in the United States—the only area to receive a failing grade.

It is a national disgrace that the nicest places our kids see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is their school. What signal are we sending them about the value we place on them, their education and future?

Modernizing and repairing our nation's schools is something I've been advocating for over a decade now. I secured \$100 million in the fiscal year 1995 appropriations bill as a down payment on a school modernization program and was disappointed when those funds were rescinded.

But we made real progress last year with the passage of a \$1.2 billion initiative to make emergency repairs. That was a bipartisan agreement hammered out by Senator SPECTER and me in negotiations on the fiscal year 2001 appropriations bill with Congressman Goodling and the White House.

This was a 1 year authorization and the School Repair and Renovation Act will reauthorize this bipartisan plan for 5 years. This program provides grants to Local Education Agencies to help them make urgently needed repairs and to pay for special education and construction related technology expenses.

Funds will be distributed to the States. States will then distribute 75 percent of the funds on a competitive basis to local school districts to make emergency repairs such as fixing fire code violation, repairing the roof or installing new plumbing. The remaining 25 percent will be distributed competitively to local school districts to use for technology activities related to school renovation or for activities authorized under Part B of the Individuals with Disabilities Education Act.

The School Repair and Renovation Act is a key component in a two-prong strategy to modernize our nation's schools.

In the near future I will join forces with Representatives JOHNSON and RANGEL and introduce the America's Better Classrooms Act in the Senate to provide tax credits for school construction projects. This bipartisan legislation would leverage \$1.7 billion in tax credits over 5 years to pay the interest on \$25 billion in school modernization bonds.

I know this approach will work because it mirrors a successful school

construction demonstration program I started in Iowa in 1997. The Iowa demonstration is a two-prong response to our school modernization needs. First, we provide grants to local school districts to make urgent repairs to remedy fire code violations. Second, grants are made to local school districts to subsidize a portion of the cost for a new construction project.

The program has been a big success. During the first 2 years of the demonstration, federal funds of \$14.7 million supported projects totaling \$142 million—each federal dollar leveraged \$10.33.

There is a legitimate federal role in helping fix our nation's crumbling schools, and we can do so without undermining local control of education. This federal role is recognized by President Bush who is recommending an expanded use of private activity bonds for school construction projects.

Over the past few years we have had several partisan skirmishes related to school construction. This is a new year, a new Congress, and a new administration. I look forward to working with my colleagues to enact the School Repair and Renovation Act of 2001. I ask unanimous consent that a copy of the report card to which I referred be printed in the RECORD.

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

1998 REPORT CARD FOR AMERICA'S INFRASTRUCTURE

Subject	Grade	Comments
Roads	D-	More than half (59 percent) of our roadways are in poor, mediocre or fair condition. More than 70 percent of peak-hour traffic occurs in congested conditions. It will cost \$263 billion to eliminate the backlog of needs and maintain repair levels. Another \$94 billion is needed for modest improvement—a \$357 billion total.
Bridges	C-	Nearly one of every three bridges (31.4 percent) is rated structurally deficient or functionally obsolete. It will require \$80 billion to eliminate the current backlog of bridge deficiencies and maintain repair levels.
Mass Transit	C	Twenty percent of buses, 23 percent of rail vehicles, and 38 percent of rural and specialized vehicles are in deficient condition. Twenty-one percent of rail track requires improvement. Forty-eight percent of rail maintenance buildings, 65 percent of all rail yards and 46 percent of signals and communication equipment are in fair or poor condition. The investment needed to maintain conditions is \$39 billion. It would take up to \$72 billion to improve conditions.
Aviation	C-	There are 22 airports that are seriously congested. Passenger enplanements are expected to climb 3.9 percent annually to 827.1 million in 2008. At current capacity, this growth will lead to gridlock by 2004 or 2005. Estimates for capital investment needs range from \$40–60 billion in the next five years to meet design requirements and expand capacity to meet demand.
Schools	F	One-third of all schools need extensive repair or replacement. Nearly 60 percent of schools have at least one major building problem, and more than half have inadequate environmental conditions. Forty-six percent lack basic wiring to support computer systems. It will cost about \$112 billion to repair, renovate and modernize our schools. Another \$60 billion in new construction is needed to accommodate the 3 million new students expected in the next decade.
Drinking Water	D	More than 16,000 community water systems (29 percent) did not comply with the Safe Drinking Water Act standards in 1993. The total infrastructure need remains large—\$138.4 billion. More than \$76.8 billion of that is needed right now to protect public health.
Wastewater	D+	Today, 60 percent of our rivers and lakes are fishable and swimmable. There remain an estimated 300,000 to 400,000 contaminated groundwater sites. America needs to invest roughly \$140 billion over the next 20 years in its wastewater treatment systems. An additional 2,000 plants may be necessary by the year 2016.
Dams	D	There are 2,100 regulated dams that are considered unsafe. Every state has at least one high-hazard dam, which upon failure would cause significant loss of life and property. There were more than 200 documented dam failures across the nation in the past few years. It would cost about \$1 billion to rehabilitate documented unsafe dams.
Solid Waste	C-	Totals non-hazardous municipal solid waste will increase from 208 to 218 million tons annually by the year 2000, even though the per capita waste generation rate will decrease from 1,606 to 1,570 pounds per person per year. Total expenditures for managing non-hazardous municipal solid waste in 1991 were \$18 billion and are expected to reach \$75 billion by the year 2000.
Hazardous Waste	D-	More than 530 million tons of municipal and industrial hazardous waste is generated in the U.S. each year. Since 1980, only 423 (32 percent) of the 1,200 Superfund sites on the National Priorities List have been cleaned up. The NPL is expected to grow to 2,000 in the next several years. The price tag for Superfund and related clean up programs is an estimated \$750 billion and could rise to \$1 trillion over the next 30 years.

America's Infrastructure G.P.A. = D. Total Investment Needs = \$1.3 Trillion

- A = Exception
- B = Good
- C = Mediocre
- D = Poor
- F = Inadequate

Each category was evaluated on the basis of condition and performance, capacity vs. need, and funding vs. need.

SUBMITTED RESOLUTIONS

S. RES. 44

SENATE RESOLUTION 44—DESIGNATING EACH OF MARCH 2001, AND MARCH 2002, AS “ARTS EDUCATION MONTH”

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on the Judiciary.

Whereas the Congressional Recognition for Excellence in Arts Education Act (Public Law 106-533) was approved by the 106th Congress by unanimous consent;

Whereas arts literacy is a fundamental purpose of schooling for all students;

Whereas arts education stimulates, develops and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-

level literacy and communication, and the capacity for problem posing and problem-solving;

Whereas arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy;

Whereas arts education improves teaching and learning;

Whereas when parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions