

SENATE—Wednesday, May 16, 2001*(Legislative day of Tuesday, May 15, 2001)*

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

PRAYER

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

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

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

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

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

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

SCHEDULE

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

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

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

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

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

Mr. REID. Mr. President, before my colleague leaves the floor, we on this side understand the importance of the education bill. We are doing our best to work through it. I think we have made good progress. We have had some short days which has interfered a little bit, but I think we are down to the end of that and we should be able to wrap it up next week. I would say to my friend—and I hope the majority understands this—we understand the importance of reconciliation. The American people deserve a tax cut. They are going to get one. The only thing I would add is that we have to make sure we are able to read the documents; we have a little bit of time to look at them. My suggestion, to avoid problems that some would call dilatory, others would call necessity, would be that we take this matter up as early on Monday morning as possible and finish it on Tuesday. Maybe we could even finish it Monday night with a long day. I hope we are not forced to do this bill by not having an opportunity to look at it. As you know, with the budget, we had some problems because we didn't have a chance to see it. Our problems over here were very minimal. On the House side, they had a lot of problems because they tried to jam that bill through.

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

Mr. NICKLES. Mr. President, I appreciate my friend and colleague's suggestion. I will just mention a couple of things. One, the bill that passed the Finance Committee last night passed by a vote of 14-6, a bipartisan bill by every definition. The bill that passed last night in the Finance Committee is the same one introduced by Chairman GRASSLEY and ranking member BAUCUS last Friday. It hasn't really changed. The information from the Joint Tax Committee is available. The analysis of the bill is available. The bill itself has now been reported, but it hasn't

changed. We did not change one provision. Not one amendment was adopted, so people don't have to worry about all the things that are different. It is a pretty simple bill. The rate reductions are pretty simple. They are there. They are not quite as good as I think they should be. I will be happy to explain the entire bill; I can do that. But the rate reductions are very timid, in my opinion. It takes 7 years to get the rate reductions enacted—6 years, I guess—2007 before they are finally enacted, with only a 1 point reduction for all the rates beginning in 2002. But we do have an immediate 10-percent rate.

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

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

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

Mr. BIDEN. I thank the Chair.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

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

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

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

The assistant legislative clerk read as follows:

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

Pending:

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

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

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

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

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

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

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

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

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

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

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

Dayton modified amendment No. 622 (to amendment No. 358), to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

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

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

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

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