United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, June 12, 2001*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 12, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

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

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

LIVABLE COMMUNITIES ON CAPITOL HILL

Mr. BLUMENAUER. Mr. Speaker, I came to Congress to promote more livable communities, the Federal Government being a better partner to make our families safe, healthy and economically secure. An important part of making those communities livable is making sure that people have the choices about where they want to live, work, and how they travel.

A recent study highlighted Washington, D.C. as the third most congested city in America for traffic congestion. Rush hour now is up to 6 hours or more out of the day.

To bring it down closer to home in our little community on Capitol Hill, we have problems with congestion, pollution and parking shortages. There are over 6,000 parking spaces reserved for House employees alone, which cost the taxpayer more than $1,500 a year per employee. With the temporary closing of the Cannon Building parking garage, now more than ever parking is at a premium on Capitol Hill.

Three years ago, with the help of the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maryland (Mr. HOYER) and Speaker Gingrich, we were able to change the policy so that we did not just give unlimited free parking to House employees and no alternative, but finally help give them a choice by providing a modest $21 Metro transit benefit for those offices that wish to provide it for their employees.

Still, the House lags far behind employers in the private sector and other Federal agencies in providing and promoting for transit benefits. As a result of work that we were able to do with the last administration, all Federal employees except our own here in the Washington, D.C. metropolitan area get at least $65 a month to promote transit. Soon, the amount of the transit benefit allowed by law will be increased to $100 a month. But the House should not always be playing catch-up. Even our Senate colleagues across the way provide $44 a month for their employees.

Recently, we have submitted over three dozen of our colleagues' signatures to the Committee on House Administration asking them to allow those offices that want to provide this transit benefit the full $65 allowed under law.

What better way for the House to be a part of the solution of saving energy, protecting the air, fighting against congestion than by expanding the transit benefit the way that we are asking the rest of America to do it.

It is also appropriate, I think, on this very muggy day to consider the role of our employees that actually walk or bike or run to work. There are only two facilities on all of Capitol Hill for over 6,000 employees to be able to shower at work when we close the facilities in the O'Neill Building.

Now, several years ago, we were able to work with the Subcommittee on Legislative Branch and the House Superintendent to be able to add some showers and lockers to the Rayburn Building. Now it is time for the committee to consider again adding more facilities, at least to avoid reducing the amount for our employees that are trying to do the right thing.

Not only does it help protect the environment, but we know that daily physical activity for adults is now at an all-time low. Forty percent of the adult population does not engage in leisure time physical activity. We know that moderate amounts of exercise can significantly promote the health and wellness as well as enhancing the productivity of our employees.

I would strongly suggest that my colleagues join me in urging the Committee on House Administration for us to at least not be left behind in promoting transit use of our employees and be able to provide adequate shower and locker facilities for our employees that are trying to do the right thing and promote physical activity and protect the environment.

It is important that we work on developing livable communities, not just in our districts, but for the men and women who work here on Capitol Hill. The environment and our employees deserve our best efforts.

RESTORING THE LAFAYETTE-ESCADRILLE MEMORIAL

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

Mr. STEARNS. Mr. Speaker, a little over a month ago I brought to the attention of my colleagues the deteriorating state of the Lafayette-Escadrille Memorial, which honors all United States aviators who flew for France in World War I.

On June 17, a wreath laying ceremony will take place at the memorial to commemorate the 85th anniversary of its dedication. Tomorrow I will be introducing a resolution in honor of the 68 Americans who were memorialized or buried on the site and to honor all our fallen aviators of World War I. In addition, the resolution will express support for the funding needed to restore this hallowed site.

In a poster right here, this storyboard depicts the history of the Lafayette-Escadrille and their ''Heritage of Valor and Sacrifice.'' Seven Americans formed the original American squadron. When the Escadrille, which means squadron, transferred to United States command in 1918, 265 American volunteers had served in the French Air Service with 180 of those having flown combat missions. In all, the Escadrille flew 3,000 combat sorties, amassing nearly 200 victories. In fact, the Escadrille became the birth of the United States Air Force.

A joint French-American committee was organized at the end of World War I to locate a final resting place for these American aviators. With the land donated by the French Government, the Lafayette-Escadrille Memorial was dedicated on July 4, 1928. The picture in the middle is the front of the memorial. It encompasses an arch of triumph with a series of columns placed on either side. Indeed, it is a sight to behold.

The memorial also contains a sanctuary and a burial crypt. Sunlight fills the tomb by way of 13 stained glass windows. Each of these works of art depicts the Escadrille flying its many missions over the battlefields of Europe. One of the most striking stained glass works depicts the U.S. aviators, escorted by an eagle, on a symbolic flight across the Atlantic to come to the aid of France.

Sadly, the memorial is in desperate need of repair. The structure sits in a meadow with a high water table. Heavy rains flood the tomb, exacerbated by the poor functioning drains and water leaking through the terrace behind the memorial. Structural repairs are needed for the crypt and the overall foundation, and double glass is needed to protect the remarkable, remarkable stained glass windows.

If we look again at the center, we will see that the front of the memorial is cracked and stained with pollution.

Let me show my colleagues the next poster. This graphic here shows the deterioration inside the crypt. The crumbling masonry and stucco and overall structural damage is evident.

Here we can see additional damage on the ceiling. Furthermore, the stained glass windows, like the one we see here, are not protected. These beautiful works of art could be lost forever if the structural deterioration is allowed to continue.

In 1930, U.S. Attorney Nelson Cromwell founded the Lafayette-Escadrille Memorial Foundation. He endowed the foundation with a $1.5 million trust fund for maintenance, which has all been exhausted. Today, the foundation has a mirror organization in France and a pledge of monetary support to restore this memorial.

Although studies to estimate the cost of restoring the memorial are ongoing, it is obvious that the resources required will exceed the meager means of this foundation. The French Government has already indicated its willingness to assist, and it is time for the United States Government to do the same.

Combining the efforts of private industry and the United States Congress, it is my hope to join the French in restoring the memorial to its original beauty. It is the right thing to do to honor our fallen aviators of World War I and to demonstrate our respect for the sacrifices of all Americans in service to our Nation and our allies.

Mr. Speaker, I hope my colleagues will join with me in supporting funding for the restoration of this great memorial.

MORE COMPARABLE EDUCATION SYSTEM

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

Mr. FATTAH. Mr. Speaker, I take the floor today to, on one hand, compliment the other body which for over 2 days now has debated the legislation that I offered here in the House to create a more comparable education system within our various States.

I want to thank in particular the Senator from the great State of Connecticut, Senator DODD, and Senator BIDEN from Delaware, Senator REED from Rhode Island. I would like to also thank Senator BOXER and a host of other members, Senator CORZINE, and then the colleague who I served on the Web-based Education Commission with, Senator ENZI, who is a Republican Member of the Senate from the State of Wyoming.

I would expect that when the matter is brought for a vote after some more debate this week, there will be a lot of the other Members from the other body that I would want to thank.

But I also have some concern that this legislation, unfortunately, did not get a full hearing here in this House. The Committee on Rules decided that, when we debated the education bill, that for some reason we were in a rush and that we could not offer amendments to title I as part of the reauthorization of the Elementary and Secondary Education Act.

So even though the House Committee on Education and the Workforce under the leadership of the gentleman from Ohio (Mr. BOEHNER), my great friend, the majority chairman, gave me the opportunity to testify before the committee and to raise this concern, it was not afforded the opportunity rightfully to be debated and voted on here on the floor of the House.

But let me move to the substance of this matter because I think that we perpetrate a fraud on the Nation to talk about education reform and some discussion about the inequities that exist within our States between poor, rural and urban school districts and their wealthier suburban counterparts, for in almost every State in the Union, there has been and continues to be litigation brought by small, rural and impoverished school districts and large urban districts seeking from their State a fuller share of educational funding, an adequate share.

When we talk about education reform, we talk about testing every child every year in every school as if every child every year and in every school is afforded the same education opportunity. Well, we know that is not the case.

□ 1245

We know that, for instance, in poorer school districts most of the children are being taught by teachers who are not certified in the subject that they are teaching; that, in fact, in math, in science, in the critical disciplines, that the teachers who are teaching the majority of the students in urban and rural school districts did not major nor minor in the subjects that they are teaching. So we have physical education teachers teaching science, and then we want to come along and test kids and compare them to others.

Now, I see my colleague, the newest of Members from the great State of California, where there has been plenty of litigation on this issue. Look at the example of Beverly Hills High, in which young people have the opportunity to have 23 advanced placement courses offered to them, but at Compton High not one advanced placement course is available to them. How can we create a situation where we are going to look at young people and say they are not performing as well as their counterparts when they are not given the same opportunity?

In Maryland, right next door, we have wide disparities on what is being spent in one district versus another. We have in the city of Baltimore 123 young people who had the opportunity to take AP courses; but in Montgomery County, the wealthiest suburb, 5,000 students had the opportunity to take AP courses.

In Philadelphia, my home, in the great Commonwealth of Pennsylvania, the 45 contiguous school districts to

the city of Philadelphia spent, on average, $70,000 more per year per classroom than the city district. Now, how can we have a circumstance in which these young people are going to be able to compete when in the suburban districts class sizes are at 18 and 19 and in the city it is above 30? How can we have a situation where in the Council Rock School District, right near my home outside of Philadelphia, they can spend $90,000 a year on a teacher and inside the city they can only afford to pay $30,000 a year for a teacher. How are they going to attract and retain quality teachers?

Then let us talk about curriculum, because the Federal Government has no role in curriculum; States have that responsibility. Our Department of Education says in a study on this matter that only 15 percent of low-income students ever get the opportunity to take algebra, geometry, and the higher-order math. And so, Mr. Speaker, I come today to compliment the other body, to issue a concern about our work here on education reform, and hope we too will have an opportunity in conference to add our voice on this matter.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). The Chair is constrained by the traditions and rules of the House to remind all Members that remarks in debate in the House may not include characterizations of the work of the Senate.

SAVING SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, yesterday the President's Social Security commission met for the first time. Last night I stayed up quite late listening to, 10 or 12 of those commission members talk and speak about what they saw as their challenge to try to fix the Social Security problem. I was disappointed, number one, that some of the commissioners apparently were not in attendance; number two, I was disappointed that some of the commissioners appeared not to understand the complexity of the problem facing Social Security and, therefore, facing America.

Social Security is probably one of our most successful programs to help retirees. We are faced with the challenge of keeping Social Security solvent. What I would like to stress is what I displayed on this first chart, and that is the biggest risk is doing nothing at all. Some of the commissioners I heard suggested the dangers of investing and do not risk Social Security. The problem is that if we do not do something, then we are going to end up increasing payroll taxes and probably also reducing benefits.

The challenge is ahead of us. Social Security has a total unfunded liability of over $9 trillion. That means we would have to put $9 trillion today in an investment account, earning at least 2.7 percent interest to accommodate future payments in Social Security. The Social Security Trust Fund contains nothing but IOUs. This is an issue often overlooked when people suggest, look, the problem is not really going to confront us until 2035 or 2036 or 2037 because the trust fund owes Social Security some of that money. The problem is where are we going to come up with those funds 15 years from now, maybe as soon as 12 years from now when there is less Federal payroll tax revenues coming in for Social Security than is needed to pay the promised benefits? That is the challenge.

And that is the point; if we continue to put off this decision, on what I consider the largest financial challenge of this country, we are going to end up with doing a disservice not only to workers by increasing the payroll tax that they pay but also for retirees as future Congresses look to reduce those particular benefits. This will be a huge burden on our kids and our grandkids that this Congress should not abide.

I compliment the President for moving ahead to develop a solution. One of the challenges of the Social Security commission is going to be to inform the American people of the seriousness of this current problem and the fact that the longer we put off a solution the more drastic that solution must be. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent.

This chart depicts a little temporary surplus, because we have increased social security taxes so much, by waiting too long for the last Social Security commission in 1983 we have a temporary blip of more money coming in from the Social Security tax than is required to pay benefits. That surplus is going to be depleted someplace between 2011 and 2016, and then we go into deficit spending.

I mentioned $9 trillion that we need today to put in an investment account to keep Social Security solvent, if you use tomorrow's dollars, what we will need in future dollars over the next 75 years is $120 trillion to pay benefits, $120 trillion more than is going to be raised by the current Social Security tax. A serious problem.

I urge these commissioners to attend the meetings. I urge these commissioners not to send staff, but to understand what the Social Security problem is and to give it their all to come up with a reasonable solution.

Personal retirement accounts; a quick comment as I conclude. They do not come out of Social Security. They become part of the Social Security retirement benefits. A worker will own his or her own retirement account, and it is limited to safe investments that will earn more than the 1.7, percent that is going to be paid by Social Security as a return in the form of benefits on the taxes that the employer and the employee paid in.

And just a final comment. Seventy-five percent of American workers today pay more into Social Security tax than they do into income tax. Again raising taxes should not be an option.

H.R. 1699, COAST GUARD REAUTHORIZATION

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

Ms. WATSON of California. Mr. Speaker, I would like to speak to a bill that has already passed this House, H.R. 1699, by the gentleman from New Jersey (Mr. LOBIONDO) and the gentlewoman from Florida (Ms. BROWN). It had to do with the reauthorization of the Coast Guard budget.

I just returned as a U.S. ambassador from the Federated States of Micronesia; 607 islands stretching across a million miles of ocean. Without the United States Coast Guard, we would have lost many citizens and many visitors.

We found a package of white substance being handled by a group of children on the beach of Yap. We found it to be cocaine. It was the Coast Guard that moved in. Right after that, we found a headless, armless, legless body. A torso. It was the Coast Guard that my embassy called to contact the FBI and DEA to investigate.

We had many, many occasions to call on the Coast Guard for search and rescue. Many of the native boats would go out, and in these shabby craft would end up missing. The motor broke down, the boat came apart, there were high waves. Without the Coast Guard being called in for search and rescue, we would have lost many of our countrymen there in the Federated States of Micronesia.

Boat safety training was something that was done often on the request of the embassy, and we went to the Islands of Chuuk, where we trained 19 young people to go back to their respective islands and to train others to do boat safety.

There were so many occasions on which I had to request the services of the United States Coast Guard. Their services were done courageously, bravely, and effectively, saving the lives and crafts of many, many people,

many islanders, but most of all serving our country well and with distinction.

I am very pleased and proud to have my first vote recorded on this particular bill, H.R. 1699. I commend the authors, and I also commend the House for their support of the reauthorization and for supplementing the budget of the United States Coast Guard.

AMERICAN FOREIGN POLICY ON NORTH KOREA

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

Mr. BEREUTER. Mr. Speaker, there was a range of interesting reactions to the Bush administration's statements last week that they were willing to resume talks with the government of North Korea, the DPRK, some suggesting this was a reversal of policy, perhaps a return to the North Korean foreign policy of the Clinton administration. Rather, the last 4- to 5-month period should be recognized as an appropriate pause in our intensive contacts with North Korea to reexamine the goals, tactics, achievements, and failures of American policy toward North Korea.

During the last few years, there have been substantial and growing congressional concerns, especially among Republicans, over the Clinton administration's North Korea policy. North Korea is arguably the most dangerous and erratic nation in Asia, perhaps the world, with a ruling clique that is intent on surviving even at any cost to its people. Indeed, their policies have killed huge numbers of their people through starvation. I believe it remains the place where there is the greatest chance of U.S. troops becoming militarily engaged in a terrible conflict. The DPRK continues to forward-deploy a 1.2 million-man army.

While finally agreeing to an indefinitely defined moratorium on missile flight tests, North Korea continues to develop and produce ballistic missiles, some of which are now capable of reaching the United States. In addition, there are certain indications that the DPRK may be maintaining a covert nuclear program.

Economically and socially, the ''Hermit Kingdom'' has come to the crossroads and must decide whether it continues on its path towards oblivion or whether it wants to dramatically reform its conduct and join the community of responsible nations. Logically, the United States should be in a position to significantly influence the DPRK's behavior. Instead, however, we find ourselves in a position where over the last few years North Korea has consistently been rewarded for outrageous behavior or for threatening such conduct.

□ 1300

North Korean behavior resembles that of the 18th century Barbary pirates, demanding ever-increasing levels of tribute from America, and some of its neighbors, in return for marginally tolerable behavior.

Overall, the preceding administration seemed too willing to tolerate North Korean misbehavior and demands for tribute. The United States has provided heavy fuel oil and humanitarian food aid in increasing quantities. Quietly, escaping the notice of the American people, North Korea became the largest recipient of foreign aid in Asia, although humanitarian aid was given through indirect means. Despite that level of assistance, we are prevented now from adequately monitoring the distribution of that assistance, even though there is a very high probability of aid diversions to the North Korean military.

Mr. Speaker, as the Bush administration stands poised and ready to reengage North Korea in discussions, if there is any sign such talks would be productive, it needs to be mindful of the need to let the North Koreans know in no uncertain terms that the cycle of extortion for their good behavior is over. Pay tribute or extortion is an outrageous violation of the American heritage, and we will not continue it. We will not pay, directly or indirectly, for what the North Koreans should do to improve their own plight: live on the Korean Peninsula peacefully with their neighbors to the south; end its tactics of terrorism, weapons proliferation, and blackmail; sign a peace treaty to finally end the Korean War; and give evidence that it wants to build a positive relationship with the United States and the international community.

Finally, Bush administration contacts with North Korea should be much more careful than the Clinton administration to closely involve the South Koreans, the Republic of Korea, in those talks directly or as closely as possible. We must not succumb to the old North Korean strategy to drive a wedge between the United States and South Korea or to denigrate the legitimacy of the government of South Korea.

Mr. Speaker, that is my advice, gratuitous though it is, to the Bush administration. We need to change our policy.

HOUSE NEEDS A TRUTH METER

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

Mr. FOLEY. Mr. Speaker, over the last several weeks this Chamber, and, in fact, the President of the United States, has been under withering criticism from the Democratic Party over a few issues that are important to me and to our Nation.

They have launched attacks first on oil drilling off the coast of Florida, a proposal that they say is the hallmark of the President's oil strategy. They have also taken great pains to describe the Kyoto Treaty as a very important tool in helping the issue of global warming, and they have criticized the President of the United States for his reluctance to agree to this treaty. Let me take up the first issue.

Recently in Florida, the President came to the Florida Everglades, a very important national park, a very important part of Florida, one we in the Florida delegation are proud of and have been aggressively working to support. Two of our Senators arrived with the President on this very ambitious occasion of announcing his commitment to the Everglades.

Their immediate attack after the press conference on the positive nature of the Everglades was to single the President out with withering criticism of his decision, they say, to drill for oil in the Gulf of Mexico, potentially destroying thousands of miles of pristine shoreline. Now interestingly enough, when I woke up this morning to The Palm Beach Post, my hometown newspaper, the headlines read, ''Democratic Control of Senate May Not Help Stop Florida Drilling. Democratic control of the U.S. Senate has turned out to be no windfall for Florida politicians trying to block oil and natural gas drilling off the State's shores.

''The change from Republican control made a drilling advocate, Senator JEFF BINGAMAN, chairman of the Senate Energy and Natural Resources Committee. Senator BINGAMAN is sponsoring a broad energy bill that would permit leasing 5.9 million acres for drilling in the Gulf of Mexico about 100 miles south of the Florida Panhandle.''

Well, let me suggest to the Democrats, since they seem to be preoccupied with blaming us, that they ought to look to the new chairman of their own committee for advocating this very same policy. We in Florida, in the congressional delegation, the Governor of our State, Jeb Bush, strongly oppose oil drilling off our coast; and we remain steadfast in opposition.

But for the Democrats to attack the President as the only one advocating this position is wrong; it is false; and it should cease. Certainly they want to take advantage of a political opportunity to cast this President as an anti-environmentalist. And I say shame on you for that attack when one of your own members is the prime sponsor moving to, in fact, drill off the coast of Florida.

Before you launch these attacks and these negative air attacks on TV buys and radio buys, look first in the mirror before aspersions are cast. The new Senate chairman, evidenced by his own

bill, is interested in this proposal and wants to foist it on the people of Florida.

The second issue I will present was in USA Today. It appeared in this morning's paper. ''Ex-Clinton Aides Admit Kyoto Treaty is Flawed.''

''Economists from the Clinton White House now concede that complying with Kyoto's mandatory reductions in greenhouse gases would be difficult and more expensive to American consumers than they thought when they were in charge.''

President Bush said, ''America's unwillingness to embrace a flawed treaty should not be read by our friends and allies as any abdication of responsibility.''

First and foremost, when you look at the Kyoto Treaty, several of the largest polluters on the planet are not willing or able or interested in complying: China being the lead among them.

Somehow we are attacking the President as he embarks on a European trip by suggesting he is allowing the world to become more polluted. To the contrary. Our President suggested that we look at a treaty that is not only verifiable, but is capable of causing some of these problems to subside and start creating a cleaner environment.

These two issues indicated that we need a truth meter around this place because those who would charge our party with abandoning environmental concerns are doing so for political gain and expediency. They are so desperate to control both sides of the aisle, they are willing to lie their way through these processes and procedures in order to point the blame at one party and one President alone.

I think this clearly indicates that, yes, politically popular as the Kyoto Treaty may be in some quarters, the most important job of the President of the United States is to make certain that we can do it and do it affordably.

One of the things in the Kyoto Treaty it suggests is if another country cannot clean up their own act, that they will help pay for another nation to help clean up theirs, which means it transfers the responsibility of payments from one country to another to clean up global pollution.

Mr. Speaker, I want to see cleaner air and cleaner water, and I want our Nation to participate. But I support the President as he endeavors to make it a reasonable, meaningful, comprehensive agreement that includes all parties. Let us not leave the table waiting and wanting with political sound bite and rhetoric. Let us make certain that we send a signal strongly and clearly to the administration that we want to support a treaty, but we do not want it to be one-sided and we do not want the consumers of the United States to foot the egregious bill that will be left because of these types of treaties.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). The Chair reminds Members that remarks in debate may not be directed to the other body, and may not include characterizations of the Senate or its actions or its Members.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 9 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

The Reverend Charles C. Hobbs, First Baptist Church, Rogersville, Tennessee, offered the following prayer:

Almighty God, we praise You that You chose to redeem us through Your act of love.

You have blessed us with the opportunity to help others even as we enjoy the blessings of this land.

You have given us intelligence to use the products of Your universe for the benefit of all mankind.

You have given us a spiritual dimension, challenging us to combine opportunity and intelligence to achieve the goals for which You created us.

Deliver us, O God, from the foolishness of spiritual arrogance, which overlooks opportunity, minimizes intelligence, and refuses the benefit of spiritual guidance.

Help us nationally to know that our best days are before us, that our past days can instruct us, and that we must use today to help us become laborers together with God.

In our Lord's name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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.

WELCOME TO REVEREND CHARLES C. HOBBS, FIRST BAPTIST CHURCH, ROGERSVILLE, TENNESSEE

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

Mr. JENKINS. Mr. Speaker, I would like to welcome our chaplain for the day and thank him for coming.

Mr. Speaker, the Reverend Charles Hobbs, who is our chaplain for the day, over a long period of time as a teacher at Carson-Newman College, a Baptist college in Jefferson City, Tennessee, and as a minister in numerous Baptist churches throughout east Tennessee, has influenced literally tens of thousands of lives in a very positive way.

I want to take this opportunity to thank Dr. Hobbs for coming here today, for imparting to us his wisdom through this opening prayer, this prayer for this House of Representatives and for this Nation. I certainly want to thank Chaplain Coughlin and the gentleman from Illinois (Speaker HASTERT) for extending this invitation to him.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 11, 2001 at 9:37 a.m.

That the Senate passed without amendment H.R. 1914.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

APPOINTMENT OF MEMBER TO CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT

The SPEAKER pro tempore. Without objection, pursuant to section 313(2)(a) of Public Law 106–554, and upon the recommendation of the majority leader, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Board of Trustees of the Center for Russian Leadership Development:

Mr. AMO HOUGHTON, New York.

There was no objection.

APPOINTMENT AS MEMBERS TO NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN AIRLINE INDUSTRY

The SPEAKER pro tempore. Without objection, and pursuant to Section 228(d)(1) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106–181), the Chair announces the Speaker's appointment of the following Members on the part of the House to the National Commission to Ensure Consumer Information and Choice in the Airline Industry:

Mr. Gerald J. Roper, Illinois;

Mr. Paul M. Ruden, Virginia.

There was no objection.

COMMUNICATION FROM THE HONORABLE JAMES V. HANSEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House a communication from the Honorable JAMES V. HANSEN, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Second Judicial District Court, Weber County, Utah.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JAMES V. HANSEN,
Member of Congress.

CHINA SELLING ARMS TO CUBA

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

Mr. PITTS. Mr. Speaker, many of us were shocked when we opened the newspaper this morning to read that China is selling arms to Cuba. The Cold War has been over for more than a decade. Very few Communist nations still survive, countries like Cuba, North Korea and Vietnam. Each of these countries continues to oppress its people. For many in these countries there is not enough food to eat, and the freedoms the rest of the world enjoys do not exist.

Since the fall of the Soviet Union, Cuba has lost billions of dollars in annual subsidies. Its people are hungry, poor and oppressed. Yet somehow it can afford to buy dangerous weapons from the last big Communist power, China.

What does Cuba need these arms for? Is Fidel Castro planning to return to his old ways of exporting Communist revolution and terrorism? Or does he need these weapons to keep on suppressing the freedoms his people are yearning for?

China should stop selling weapons to Cuba. Cuba should stop buying them from China. Communist leaders should worry about feeding their people before buying weapons to make war. What is next? A Chinese Bay of Pigs missile crisis in Cuba?

THE GOLDEN JACKPOT AWARD

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

Mr. WAXMAN. Mr. Speaker, it is time to award another Golden Jackpot. Today we have two outstanding nominees. The first nominee is the Pacific Gas and Electric Company, which is insisting on giving its senior executives over $65 million in bonuses at the same time the utility is filing for bankruptcy. That is a pretty good reward for a management team that both helped create the California energy crisis and drove the company into bankruptcy.

Our second nominee is President Bush. President Bush has been faced with a choice on gasoline for California. By granting a waiver which was requested on a bipartisan basis by the delegation, the State requested a waiver on oxygenate requirements in gasoline and the President could have lowered gasoline prices, increased gasoline supplies and ensured that gasoline would cause less air pollution.

Instead, urged on by Archer Daniels Midland and other special interests, the President rejected the waiver. So now California families may face a second energy crisis. We may have gasoline shortages, gasoline prices will go up, and we will not cut air pollution. This was a difficult decision, but this Golden Jackpot award is going to be presented to President Bush.

SUPREME COURT DECISION ON GOOD NEWS CLUB

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of the recent Supreme Court ruling allowing the religious youth group, the Good News Club in Upstate New York, to conduct after-school meetings with children to pray and read the Bible.

The Supreme Court ruled that the Good News Club has every right to enjoy the same privileges as other groups such as the Boy and Girl Scouts that take part in the school district's policy of allowing community use of its buildings after class for social, civic and recreational meetings.

Mr. Speaker, as a Member of Congress, a person of faith and a parent, the fact that it takes the highest court in the land to realize that the concept of separation of church and State does not warrant the blatant disregard of the First Amendment disturbs me. The First Amendment requires the freedom of religion, not the freedom from religion.

In a time of moral deprivation, we should embrace our young people's desires to study religion, not discourage them through actions deemed anti-religious.

UNISEX RESTROOMS, WHAT IS NEXT?

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

Mr. TRAFICANT. Mr. Speaker, last week a girl was crowned prom king in Washington. This week we learn a whole new classification term for men and women: Transgenders. That is right, transgenders. Ohio University has designated 30 restrooms as transgender-type restrooms, able to be used by both men and women at the same time.

They are officially called unisex restrooms. Unbelievable. What is next? Unisex locker rooms with thong/jock support dispensers? How about Maxipad vending machines in locker rooms? Beam me up.

I yield back this higher education business as yet simply getting high.

HONORING COLONEL GARY B. WOOD

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

Mr. NETHERCUTT. Mr. Speaker, I rise today to honor the career of Colonel Gary B. Wood. Colonel Wood currently serves as Vice Commander of the 53d Wing at Eglin Air Force Base, Florida, but his journey began in Washington State, my home State.

Colonel Wood was born in Tacoma, Washington. Even as a young boy, he knew that he wanted to be a fighter pilot. He earned a Bachelor of Arts Degree from Washington State University and a Master's Degree from Golden Gate University. While in college, he was active in the ROTC and Sigma Nu Fraternity.

His service in the military has taken him all over the United States and the world. From Alabama to Korea and North Carolina and Saudi Arabia, people everywhere have benefited from the kindness and commitment of this 6′4″ colonel, who is known primarily as ''Tiny.''

As a youth football coach or a crisis line volunteer, Colonel Woods' compassion has always shone brightly.

For 30 years, he has dedicated himself to his family, his work and his country. I knew Gary best as a college fraternity brother. He was always well liked by all who knew him, and he set a high standard and a strong example for all underclassmen.

Mr. Speaker, it is an honor today to salute Colonel Gary Wood on his distinguished career. I am proud to call him a friend, and I wish him the very best in his life ahead.

THE SUGAR PROGRAM HELPS PRODUCERS BY HURTING OTHER PEOPLE

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

Mr. DAVIS of Illinois. Mr. Speaker, the sugar program, as we know it, is hurting workers. We have farm programs for wheat, corn, cotton and many other crops. These programs give direct assistance to farmers and allow market prices to be set by supply and demand. Farmers receive help but not at the expense of workers and consumers.

The sugar program is different. The sugar program helps producers by hurting other people. That is not right and we ought to be able to find another way to help sugar farmers.

The sugar program keeps our market prices higher than world prices. Domestic sugar prices are about 21 cents a pound compared to world prices of about 9 cents a pound. That is now beginning to cost us jobs.

In my community, Brach's Candy Company has announced that it is closing its plant and moving to Argentina so that it can get sugar more cheaply. It is time for us to retain and keep businesses in our country, and one way to do it is to make sure that sugar prices are fair and equal.

□ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WHITFIELD) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 8, 2001 at 12:32 p.m. and said to contain a message from the President whereby he submits pursuant to provisions of the Trade Act of 1974 a Proclamation and a Trade Agreement with Vietnam.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

AGREEMENT BETWEEN UNITED STATES AND VIETNAM ON TRADE RELATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–85)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 407 of the Trade Act of 1974, as amended (19 U.S.C. 2434) (the ''Trade Act''), I am transmitting a copy of a proclamation that extends nondiscriminatory tariff treatment to the products of Vietnam. As an annex to the proclamation, I also enclose the text of the ''Agreement Between the United States of America and the Socialist Republic of Vietnam on Trade Relations,'' which was signed on July 13, 2000, including related annexes and exchanges of letters.

Implementation of this Agreement will strengthen political relations between the United States and Vietnam and produce economic benefits for both countries. It will also help to reinforce political and economic reform in Vietnam.

I believe that the Agreement is consistent with both the letter and spirit of the Trade Act. The Agreement provides for mutual extension of nondiscriminatory tariff treatment, while seeking to ensure overall reciprocity of economic benefits. The Agreement includes safeguard arrangements designed to ensure that imports from Vietnam will not disrupt the U.S. market.

The Agreement also facilitates and expands the rights that U.S. businesses will have in conducting commercial transactions both within Vietnam and with Vietnamese nationals and business entities, and includes provisions dealing with settlement of commercial disputes, investment, financial transactions, and the establishment of government commercial offices. Vietnam also agrees to adopt standards for intellectual property protection that match the standards set forth in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.

On June 1, 2001, I waived application of subsections 402 (a) and (b) of the Trade Act with respect to Vietnam. I urge that Congress act as soon as possible to approve, by a joint resolution referred to in section 151 (b) (3) of the Trade Act, the extension of nondiscriminatory treatment to the products of Vietnam as provided for in the Agreement.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 8, 2001.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2001

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 643) to reauthorize the African Elephant Conservation Act, as amended.

The Clerk read as follows:

H.R. 643

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 ''African Elephant Conservation Reauthorization Act of 2001''.

SEC. 2. REAUTHORIZATION OF AFRICAN ELEPHANT CONSERVATION ACT.

Section 2306 of the African Elephant Conservation Act (16 U.S.C. 4245) is amended by striking ''1997'' and all that follows through ''2002'' and inserting ''2001, 2002, 2003, 2004, 2005, 2006, and 2007''.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 2306 of the African Elephant Conservation Act (16 U.S.C. 4245) is further amended—

(1) by striking ''There are authorized'' and inserting ''(a) IN GENERAL.—There is authorized''; and

(2) by adding at the end the following:

''(b) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.''.

SEC. 4. COOPERATION.

Part I of the African Elephant Conservation Act (16 U.S.C. 4211 et seq.) is further amended by adding at the end the following:

''SEC. 2104. ADVISORY GROUP.

''(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of African elephants.

''(b) PUBLIC PARTICIPATION.—

''(1) MEETINGS.—The Advisory Group shall—

''(A) ensure that each meeting of the advisory group is open to the public; and

''(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

''(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

''(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

''(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.''.

SEC. 5. PROJECT SUSTAINABILITY.

Section 2101 of the African Elephant Conservation Act (16 U.S.C. 4211) is amended by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

''(e) PROJECT SUSTAINABILITY.—To the maximum extent practical, in determining whether to approve project proposals under this section, the Secretary shall give consideration to projects that will enhance sustainable conservation programs to ensure effective long-term conservation of African elephants.''.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AND CLERICAL AMENDMENTS.—The African Elephant Conservation Act is amended as follows:

(1) Section 2101(a) (16 U.S.C. 4211(a)) is amended by striking ''African Elephant Conservation''.

(2) Section 2102 (16 U.S.C. 4212) is amended by striking the section heading and all that follows through ''(d) ACCEPTANCE AND USE OF DONATIONS.—'' and inserting the following:

''SEC. 2102. ACCEPTANCE AND USE OF DONATIONS.''.

(3) Section 2304 (16 U.S.C. 4243) is repealed.

(4) Section 2305(4) (16 U.S.C. 4244(4)) is amended by striking ''the African Elephant Conservation Fund established by section 2102'' and inserting ''the account established by division A, section 101(e), title I of Public Law 105–277 under the heading 'MULTINATIONAL SPECIES CONSERVATION FUND' ''.

(b) TECHNICAL CORRECTION.—Title I of section 101(e) of division A of Public Law 105–277 (112 Stat. 2681–237) is amended under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND'' by striking ''Rhinoceros and Tiger Conservation Act, subchapter I'' and inserting ''Rhinoceros and Tiger Conservation Act of 1994, part I''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, the bill H.R. 643, as amended in committee, is a bipartisan, non-controversial bill that will reauthorize one of the most successful wildlife conservation laws ever enacted by the Congress.

Since 1988, the African Elephant Conservation Act has stopped the slaughter of this flagship species, and it has kindled hope that African elephants can be saved from extinction in the wild.

With only a limited appropriation of $11 million, the U.S. Fish and Wildlife Service has generated an additional $51.7 million in private funds. These resources have funded 115 conservation projects in 22 range states throughout Africa. These projects are making a real difference in the world, according to U.S. Fish and Wildlife Service. The service says this is not a hand-out policy, it is a helping-hands policy, which does significant progress toward encouraging the local people to develop an economy that will be based on tourism to see these magnificent creatures.

At the subcommittee hearings on this legislation, every witness testified in strong support of extending this essential conservation program. I was particularly impressed by the comments of Jim Rapp of Salisbury, Maryland, who is the manager of the Salisbury Zoo. In his statement on behalf of the American Zoo and Aquarium Association, Jim noted that without ongoing funding, we are likely to face something that he called an ''empty forest syndrome.'' I found that phrase to be a deep, hollow loneliness, wrapped in despair. But this legislation goes a long way in preventing that type of lonely-forest syndrome.

In summary, H.R. 643 will extend the act at existing authorization levels for 5 years, will allow the Secretary of the Interior to establish an advisory panel to assist in this program, will cap administrative expenses at 3 percent, or $80,000 per year, and will emphasize the issuance of grants for long-term sustainable elephant conservation.

Finally, Mr. Speaker, I would like to strongly condemn what is occurring within the Democratic Republic of the Congo. In their quest to obtain a highly priced mineral, colombo tantalite, which is used in cell phones and computers, rebel miners are killing thousands of highly endangered eastern lowland gorillas and elephants. In one park alone, 7,000 elephants out of a population of 12,000 have been slaughtered for the illegal bushmeat trade. This tragic killing of these keystone species must be stopped.

Mr. Speaker, I would like to end with this quote from an author, Thomas Berry: ''Extinction is a difficult concept to grasp. It is an eternal concept. It is an absolute and final act, for which there is no remedy.''

Because of that statement and the efforts of many thousands of people across this country and the world, on behalf of the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the staff, I would urge an aye vote on this legislation, to prevent the silent forest syndrome from happening.

Mr. Speaker, I include for the RECORD an article entitled, ''Coltan Boom, Gorilla Bust.''

COLTAN BOOM, GORILLA BUST

The Impact of Coltan Mining on Gorillas and other Wildlife in Eastern DR Congo—A Report for the Dian Fossey Gorilla Fund Europe and the Born Free Foundation

EXECUTIVE SUMMARY

The lucrative trade in coltan, a formerly obscure mineral, has recently become headline news. Organizations ranging from the Dian Fossey Gorilla Fund Europe to the United Nations Security Council are talking about the need for a boycott of something most people have never heard of. This report explores the link between rising sales of mobile 'phones and PlayStations and falling numbers of gorillas in an African war zone.

It must be made clear from the outset, however, that there are two controversies relating to coltan from Central Africa. First, there is the broad question of whether or not it is legal to trade with rebel-held territories. This is the subject of a report by a 'panel of experts', commissioned by UN Security Council to examine the exploitation of natural resources in war-torn DRC (extracts in Annex A). It is not within the remit of this study to discuss this wider issue. Instead, this report focuses on the second controversy—the exploitation of natural resources, especially coltan, in legally protected areas such as Kahuzi-Biega National Park (KBNP). This park is a UNESCO World Heritage Site and was, before this crisis, home to 8,000 or so Grauer's gorillas (also known as Eastern Lowland Gorillas, Gorilla beringei graueri) along with thousands of other species (Steinhauer-Burkart et al, 1995). The KBNP population of Grauer's gorilla was contiguous with those in the adjacent Kasese forests, and together they represented 86 per cent of the world total for this sub-species (found only in DRC, Hall et al, 1998, see map below).

This report is based on a nine-day visit to Rwanda, Democratic Republic of Congo (DRC) and Kenya, during which discussions were held with conservationists, coltan traders, NGOs and government ministers and officials.

It is clear from the information gathered that only immediate action at the highest level will halt the destruction of this beautiful area, and offer a chance of the recovery of its unique biodiversity. It remains to be seen how many—or how few—of Kahuzi-Biega's 3,600 elephants and 8,000 gorillas have survived the massacre in the lowland area, but it is hoped that relict populations could have retreated to, or survived in, the most inaccessible parts, furthest from the mining areas. The only accurate data is from the highland area, which has lost all of its 350 elephants and half of its 258 gorillas (ICCN census funded last year by WCS and DFGFI).

From the new indirect evidence, it appears that the KBNP and Kasese population of Grauer's Gorilla may have been reduced to under 1,000. The other nine populations listed by Hall et al (1998) numbered in the tens or hundreds a decade ago and are also likely to have declined or been exterminated. The population Maiko National Park is thought to have escaped the heavy poaching, but if our worst fears prove founded, the sub-species may have been reduced from about 17,000 to only 2,000–3,000, an 80–90 per cent crash in only three years.

Moreover, the indications are that the biodiversity of the Kahuzi-Biega region has been seriously, if not irreparably, damaged. If action is taken immediately, however, recovery in the long term may be possible even now. But if further procrastination and bureaucratic delays prevent effective and coordinated action, the word from the conservationists on the ground is that it will be too late.

If this happens despite their well-publicised warnings, the world will have stood by and watched the systematic destruction of one more natural wonder. And the magnificent Grauer's gorilla will become the first great ape to be driven to extinction—a victim of war, human greed and high technology.

On reading the first draft of this report, Chief Warden Kasereka Bishikwabo made this comment, ''I hope you shall plead for an improved organization of the exploitation of natural resources in the DRC. As long as the exploitation of natural resources is disorganized, protected areas will bear the burden. Any excuse to pursue non-organized mineral exploitation in any of the countries of the African Great Lakes countries will lead to destruction of protected areas in the whole region.''

RECOMMENDATIONS

The simple message from all the conservationists on the ground is that immediate action is required to save KBNP. If the political will to stop the mining, and if resources for ICCN are not forthcoming now, then the chances of Grauer's gorillas surviving and the park recovering are virtually nil. The medium- and long-term plans are, therefore, dependent on the successful implementation of the short-term acts.

Note.—These recommendations are complementary to those by A. Kanyunyi Basabose and Juichi Yamagiwa, included in a new report by BRD, available at *www.bergorilla.de/kahuzie.pdf*.

URGENT—Short-term priorities

(i) Immediate, high-level international political pressure on the presidents of RCD-Goma, Rwanda and Uganda to order action to halt the destruction in DRC's national parks and reserves, especially KBNP.

(ii) Immediate release of the funds promised by UNESCO more than two years ago.

(iii) Increase NGO support to ICCN.

(iv) Co-ordinate with humanitarian agencies if people leaving KBNP are in need of assistance.

(v) Identify the chemical signature of coltan from KBNP and ensure trade in it ceases.

Medium-term actions

(i) Establishment of a Commission with representation by all stakeholders (UNESCO, ICCN, local Government, NGOs and community leaders) to settle once and for all the disputed boundaries of KBNP.

(ii) Locate funds to enable ICCN to increase manpower and extend the excellent monitoring and protection currently afforded to the mountainous sector to the lowland sector of KBNP. A census of large mammals is a high priority to assess the potential for recovery of the park's ecosystems.

(iii) Implement DFGFE proposal to establish an endowment to finance a micro-credit scheme similar to the successful one pioneered by DFGFE in Goma, providing the means for local people to set up small businesses and thereby reducing their dependence on illegally acquired resources in KBNP.

(iv) Identify the best location for a sanctuary to care for orphaned primates, thereby enabling ICCN to confiscate them (modelled on the Uganda Wildlife Authority's Ngamba Island Chimpanzee Sanctuary).

(v) Assist local NGOs such as the PolePole Foundation, to source funds for conservation education, reforestation and improved farming practices around the park boundary.

Long-term objectives

When peace returns to the region, the successful gorilla tourism of the 1970s and 1980s should resume, financing the conservation work and bringing benefits to the surrounding communities. Revenue sharing schemes such as those already operating in South-west Uganda should be introduced and Kahuzi-Biega National Park will have been saved.

BACKGROUND

Coltan and its uses

Coltan is an abbreviation of columbo-tantalite, an ore containing a mixture of two very similar heavy metals, namely Niobium (Atomic No. 41, Atomic Weight 92.91, melting point 2,500 degrees C) and Tantalum (Atomic No. 73, Atomic Weight 180.95, melting point 2,850 degrees C).

Columbite is the name for ore containing more of the element Niobium (formerly known as Columbium) than of Tantalum.

Tantalite is the name for ore containing more of the element Tantalum, a metal with many useful properties, used in things from electronic components to surgical implants. In nature it is found only as Tantalum Oxide Ta 205. Columbo-tantalite (and hence the term coltan) is peculiar to Central Africa.

According to the Tantalum-Niobium International study Centre in Brussels, only 15 per cent of the world's tantalum supply comes from Africa, but demand is high due largely to its use in electronic components, mainly tantalum capacitors (devices which store electrical charge and release it quickly to buffer fluctuations in power). Of the 525 tons of tantalum used in the USA in 1998, 60 per cent was used for this purpose, with a predicted growth rate of 14 per cent per annum (from Uganda Gold Mining Ltd web site).

Other uses include various alloys, which benefit from tantalum's high melting point and corrosion resistance, and are used in aerospace components, jet engines and gas turbine parts.

Price of coltan

Fluctuations in the world market have a significant effect on the level of activity in Africa. Poor deposits may become economical to work if the price is high enough, but will then be abandoned if the price falls again. At its highest last year, the price reached $800 per kilo, but it is now around $100 per kilo (still significantly higher than the 1998 price of around $40 per kilo). This price reflects what the final dealers receive, not what is paid to the peasant miners, which is currently around $12 per kilo.

Prices paid for the ore by dealers are also related to the percentage of tantalum present, which is determined by spectrographic analysis in one of the trading centres (e.g. Bukavu, Goma or Kigali).

COLTAN MINING AND TRADE IN RWANDA

Minerals found in Rwanda include cassiterite (a tin ore), gold and wolfram (tungsten) as well as coltan. Before the civil war, minerals—primarily cassiterite—were Rwanda's only significant export other than coffee and tea. As with agriculture, most mining is undertaken by peasant farmers, who dig relatively small quantities by hand. They take bags of ore to local centres to be weighed and bought. Dealers then drive around the centres buying the accumulated larger volumes. Preliminary purification of the ore takes place at a factory at Gatumba, on the border between the Prefectures of Gisenyi and Gitarama. There it is ground up and passed over magnets to remove any iron before export to factories elsewhere for separating the different metals.

Rwandan law regards ownership of land to stop at the level of the topsoil. In other words, any mineral wealth belongs to the state, not the individual (although he or she can profit from mining it). There is now a legally constituted formula for calculating compensation should crops, buildings or trees be damaged by mining. Deposits are found in 34 Communes of nine Prefectures across the country, from Cyangugu in the south-west to Umutara and Kibungo in the east (see map and list in Annex G), with most mines being in the Prefectures of Gitarama and Kigali-rural (see map on page 7a, below).

Pits and mines are very dangerous, especially after heavy rain, and accidents are common. So many people have been killed recently by rock-falls and landslides that the Ministry of Mines has ordered a halt to mining until the safety issue has been addressed. On the ground, however, mining continues because there is no enforcement of the temporary ban, and people with few other resources are unlikely to stop doing something that brings in an income.

There is little, if any, coltan mining in forested parts of Rwanda. In Nyungwe Forest, soon to be declared Rwanda's third National Park, there is a history of illegal gold mining, which also destroys habitat and pollutes streams, but no coltan. Fortunately for the mountain gorillas, there are no valuable mineral deposits in the Volcanoes National Park (or the contiguous gorilla habitat in DR Congo and Uganda).

Much of my information on the Rwandan mining industry came through meetings with Viateur Nsengimana, Administrator for EXCOM (Exploitation and Commercialisation of Minerals) and President of TWISUNGANE, a co-operative of peasant miners working three coltan mines around Kamonyi, in the Province of Gitarama. This kind co-operation culminated in him driving me to a number of mining sites on Sunday 6th May (see map below). As we drove past Mt Kigali, he pointed out that it has cassiterite deposits but they are not currently being mined. At Mugina he spoke of heavy coltan deposits at the top of a hill, leading the mining co-operative to install a pump to get water up to the mine. Near Taba there are many coltan deposits around the big Protestant church and hospital at Remera. At Shyorongi the mines produce cassiterite, coltan and wolfram. Rutongo has the only cassiterite refining factory in the country. At Kayenzi, the coltan ore has up to 61 percent tantalum (usually 40–60%).

Historically, the Belgian mining companies Minetin and Somuki were replaced after independence by SOMIRWA—the sole mineral trading company until the war. It has now been replaced by Redemi (part state owned, part private) and COPIMAR (made up of many small miners' co-operatives). After the war, mining became a free-for-all because crops had been left to rot and hungry people mined wherever they could find minerals they could sell for food. Things are improving now, but it is still not properly regulated or controlled, which is why accidents are so common. I asked about the ecological damage which mining leaves behind, and was told that the new mining law requires licensed miners to restore topsoil after the valuable minerals have been extracted, but this has not yet happened because it has just been introduced.

Unfortunately, torrential rain prevented close inspection of all but one mine near Mwaka, but the deluge certainly illustrated the danger from rock-falls and land-slips whilst digging in such soft rock. The mine consisted simply of the partially exposed flanks of several small hills. I learned that people have been mining here for more than 40 years, and it took only a few moments conversation for people to run off and fetch a couple of specimens of coltan which I purchased. These were pebble-sized lumps—different from the Kahuzi-Biega grit I saw—one

weighed about 40gms and the other about 240gms. Around Mwaka, mines are worked by a small co-operative called CEMAC, a member of COPIMAR.

After the visit, I discussed the call for a boycott of coltan from Central Africa with Mr. Nsengimana and Francois Nkinziwiki, President of a local NGO called The Dian Fossey Challenge. Whilst understanding the need to halt the destruction of the two World Heritage Sites in DR Congo, they were concerned that any regional boycott would hit thousands of poor Rwandan families very hard. After a decade of civil war, genocide and social disruption, it would be singularly cruel to impose further hardship on people who were simply carrying out a legal occupation that has been going on for decades. Mr. Nkinziwiki put it succinctly, saying, ''To ban the coltan trade in Gitarama would be like banning potatoes in Ruhengeri!''

COLTAN MINING AND TRADE IN KIVU PROVINCE, DRC

The terrain to the west of Lake Kivu might be summarised as rolling hills, many of them deforested long ago for cultivation and cattle ranches with only a few patches of forest here and there. There are very few cattle today though, because tens of thousands were appropriated and butchered to feed the refugee camps, allegedly with the help of the relief agencies, during the Rwandan refugee crisis in the mid-90s. One formerly wealthy landowner, Kasuku wa Ngeyo is pursuing his as yet unresolved grievance over this matter. Gorillas and chimpanzees lived in some of the forest patches on his land near Masisi and Walikale in the 1980s, but he doubts very much if any survive now.

Deposits of coltan here are concentrated in South Kivu Province, but not all are in PNKB. Many are in undesignated forest or on agricultural land, and mining is simply an optional change in land-use for the landowner. Indeed, finding that you have coltan beneath your soil might be seen as the Kivu equivalent of striking oil—with the advantage that little equipment beyond a shovel is required to start mining. The law in Congo requires, however, that even on our own land, you need to pay for a license from the relevant government authority to extract minerals. During the two recent civil wars, however, such laws have been widely ignored and mining rights have been claimed by whichever militia holds sway over a particular area at the time.

As in Rwanda, the history of mining in this area goes back to the colonial period when a Belgian company MGL established permanent settlements to mine mainly gold and tin. After independence the mining was carried out by the SOMINKI, and included one centre at Kabunga which was a base for prospecting in the area now included in the Kahuzi-Biega National Park.

A long-standing controversy

The extension to the park was designated in 1977, but without a detailed study of the consequences. The boundary as drawn included mines and permanent stone-built houses belonging to SOMINKI. The park authorities at the time asked for a Commission to study the boundary issue and resolve disputes with local community leaders, but this never happened. M. Anicent Mburanumwe Chiri, the Regional Head of ICCN in Eastern DRC, proposes that, as soon as the crisis is over, this long overdue commission should be established. The commission should be composed of representatives from UNESCO, ICCN, NGOs (local and international), local government and community leaders. Its task would be to define once and for all the limits of this World Heritage Site and—if agreement is reached by all parties—to establish zones within the boundary where controlled exploitation is permitted. ''Modern conservation opinion would never condone the creation of a vast national park that no-one knows the exact boundaries of, and which does not take into account the needs or opinions of local communities?''

Pygmy communities in the PNKB

During the Belgian colonial period, the authorities' attitude to forest-dwelling pygmies living a traditional way of life was to regard them as a part of the forest eco-system that the parks were created to protect. This was at once an enlightened and racist attitude—enlightened because seeing humans as a part of nature than separate from it is a recent trend, but deeply racist because it carried with it the condescending implication that pygmy people were little more than animals. The future of their culture looks bleak in this region, but the fortunate few who find an education can do well; I was told that some had joined the army and that one had reached the rank of captain.

Pygmy people have not had much involvement with mining of any minerals because their traditional way of life centered around hunting animals. These soon disappear from around permanent settlements such as mines, through hunting or disturbance by miners, and so there is little incentive for hunter gatherer communities to stay.

Mining techniques

The coltan is found in fairly soft rock, streambeds and alluvial deposits. Miners (in French ''creuseurs'' or ''boulonneurs'' from boulot-job, or ''njengeneur'') dig with shovels, sometimes with picks and crowbars to loosen the substrate. The loose mix is sieved through mesh of approx. 5mm squares. The grit is then washed in a bowl, box or piece of curved bark until only the heavy coltan particles remain. The need for water to separate out the coltan means, of course, that mining tends to be concentrated along streams and rivers. This exacerbates the erosion of soils and the risk of landslips during heavy rain, and tends to silt up pools downstream.

The coltan grit is bagged in small nylon bags sewn from larger food sacks. There are two rough measures—a desert spoon and a ''le gosse'' (a small tin, originally a condensed milk brand, which has come to mean the tin itself; it contains 78gms of sweetened milk concentrate when sold, but holds about 200gms of coltan grit). When the bags are full they may weigh from 15kg to 50kg according to the strength of the carrier, and a spring balance is usually present at the site to weight them. The bags are sewn shut and transported on the back in a ''makako''—a sort of basket-rucksack made from forest lianas (another significant impact on the eco-system when one considers the thousands of people involved).

The northern park boundary is along the River Luka, and pirogues (dug-out canoes) are used to cross to Isangi, which sits on a hill between the confluence of the Luka and the River Ilawimbi. The journey to Itebero is by foot and canoe, and from there it is transported by road to Walikale airstrip.

Summary of environmental damage from coltan mining in DRC forests

Forest clearance and use of timber and poles to build camps to accommodate workers;

Forest clearance to expose substrate for mining;

Pollution of streams by silt from washing process;

Erosion of unprotected earth during rains leading to land-slips;

Cutting of firewood for warmth and cooking in camps;

Hunting of animals for bushmeat to feed miners and camp followers;

Animals maimed or dying after escaping from snares;

De-barking trees to make panning trays for washing coltan;

Cutting of lianas to make carrying baskets for coltan;

Disturbance of animals due to large number of people resident in and moving through forest;

Silting up of streams likely to kill invertebrates and reduce photosynthesis in aquatic plants;

Reduced productivity of fish stocks in lakes and rivers affected by silt pollution;

Ecological changes due to loss of keystone species such as elephants and apes;

Long-term changes in watershed due to rapid run-off in deforested areas.

SECURITY SITUATION IN KAHUZI-BIEGA NATIONAL PARK

For the past two years, only part of the highland area of the park has been accessible to wardens and rangers. The area monitored has varied from five to 10 per cent of the total 6,000 square kilometres. The other 90–95 per cent has been under the control of various armed factions, including branches of the Mai-Mai and the Interahamwe (as detailed in the ICCN/GTZ newsletter 'Le Gorille', last year's Digit News by DFGFE, Wildlife Times by BFF and Gorilla Journal by BRD).

In the three weeks prior to my visit, there were two incidents in which ICCN gorilla monitoring teams encountered Interahamwe within a few kilometres of the park HQ at Tshivanga. They reported well equipped, uniformed patrols of ten men, each with an AK47 and two magazines. They had radios, and even mobile phones—not the image of ragged gangs living in the bush. But if they control some of the coltan trade, they would certainly have the money to purchase such things. The reports beg the question of where the radios are being charged. On each occasion, a tracker was kidnapped by the patrol, was held for three days and escaped. This led the warden to reduce the area of regular patrolling to the bare minimum to monitor the habituated gorillas, and prevents any visitors from seeing the gorillas (in the monthly meeting I learned that least month, five brave tourists went gorilla tracking!).

Little has been known of what was going on in the vast lowland sector, except that bushmeat, ivory, timber and other products were reported to be being exploited at an alarming rate. It was not until March this year, however, that an accurate picture emerged, and the extent of the shocking damage was revealed.

THE ''INDEPENDENT CONSULTANT'S'' REPORT AND INTERVIEW

By far the most impressive source of information was the report by an independent Congolese consultant. In the words of M. Bedy Makhuba Mbele, Chef du Department de l'Agriculture et du Development Rural in the RCD-Goma government on hearing of his work, ''He is a hero!'' He deserves some kind of official recognition.'' Unfortunately, such recognition would likely lead to his untimely demise, so he is referred to only as 'IC' in this report, and his name and signature have been masked in the copy of his report attached as Annex B.

Most digging sites are around old SOMINKI camps (in Belgian times, called

MGL Mines des Grands Lacs) where cassiterite was mined. At that time, MGL was also mining gold in Kamituga, south of the park, which meant that miners were active in the whole region.When MGL closed down after independence, local people continued to dig for gold, and noticed other minerals but the low price of coltan did not justify mining it. When the price of tantalum rose, it became a desirable commodity and led to the current boom, but it is important to see this in the context of the history of mineral exploitation in this area.

The link between Mai-Mai presence, coltan and military deployment: My notes on this subject are as follows: RPA/RCD presence between Tshivanga and Hombo. 4km North of Hombo, the Mai-Mai have their own roadblock at Tchambusha. Presence of roadblocks does not deter vendors taking goods to mines, but taxes have to be paid to Mai-Mai (organised, not just personal bribes).

In far west of PNKB is a sub-division of Mai-Mai called Manyowa-Manyowa. The term Mai-Mai, I was told, is from Maji-Maji (water) which was a password used by them. There are about 12 sub-groups within the general term Mai-Mai, which have been likened by US military analysts to 'warlords'.

Porters are paid a tin of coltan (then worth $30) to carry 20 kilos for two days (plus food) to Itebero.

The weekly fee to work in the forest is 2 spoons of coltan (then about $7.50)—one to the military and one to the 'chef de colline' (chef of hill). This is paid in coltan so its value changes. Multiply this by the 10,000—15,000 or more workers estimated to be in PNKB and the monthly income to those controlling the mining area was of the order of $600,000 to more than $1 million for the month of March.

Transportation between Kavumu and mining sites: More than 13 flights per day from Kavumu to the four airstrips in Shabunda region: Salambila, Kampene, Namoyo and Lulingu, plus Walikale. Laden planes then flew east, presumably to Kigali.

Sample for analysis: I asked IC if he could buy a sample of coltan from KBNP. The following morning he met me with about 850gms of heavy, dark-grey grit and small stones (particle size from sand to 8mm) which he had been told was from Kakelo, a site near Camp Vuma (see map in IC's report). The sample cost $25, and on return to Kigali I had it analysed with the following results:

% Ta205=6.359
% Nb205=7.457
% Sn02=51.347
% Ti02=17.969
% W=−0.0096
Ta=Tantalite
Nb=Niobium
Sn=Tin
Ti=Titan
W=Wolfram

Therefore your sample had 6% tantalite and 51% tin.

THE ''NEGOTIATOR''

One of the most useful sources of information was a dealer in Bukavu who described himself as a ''negotiateur''. Whilst under the impression that I was interested in buying a considerable quantity of coltan while the price is low, he provided much information, from current price lists and locations and bad quality coltan mines to anecdotes about the trade. For example

He explained that there are two systems of trading. One can either buy a license for $40,000 per year and pay an export tax of $4 per kilo of coltan as an official ''comptoire''. Or one can export without these expensive details as, for example, he had just done with six tonnes of coltan he has just taken to Kigali. He mentioned buying from miners at $12 per kilo and showed me a recent price list from a buyer in Kigali, with prices paid in US dollars per pound weight, varying according to the percentage of Tantalum thus:

10% Tantalum=$20 per lb ($44 per kilo)
16% ''=$50 per lb ($110 per kilo)
18% ''=$60 per lb ($132 per kilo)
20% ''=$75 per lb ($165 per kilo)

Best quality coltan, with 40 or 45% tantalum is found around Numbi (30km from the main road, halfway between Goma and Bukavu on the west shore of Lake Kivu), but this, he said, is ''private''. It is alleged to be under the control of RPA officers, and is the site at which Rwandan prisoners were reported to have been used as forced labour (see UN Report). He warned against buying coltan from Nkumwa, which was very low quality. The cost of analysis by spectrometer was $5—$10, and there are machines in Bukavu as well as Kigali. To explain the process of analysis, he produced two small samples, which had been ground to a fine powder, and showed me the resulting printouts showing about 16 per cent tantalum.

After taking so much of his time, I thanked him for his advice and left without buying any coltan.

THE POSITION OF ICCN

The Institut Congolaise pour le Conservation de la Nature (ICCN) has proved extraordinarily capable of adapting to the problems imposed by two civil wars. Despite being responsible for national parks in areas controlled by three political authorities—two rebel groups and the government in Kinshasa—an agreement has been reached which allows it to function (see Annex D). This is despite it having been starved of resources for many years.

When the pillage of Kahuzi-Biega was first brought to the attention of the international community during the 1994 Rwandan refugee exodus, little was done because the humanitarian crisis made conservation seem a low priority in comparison. When things got worse during the first Congo civil war in 1996, little was done to help the hard pressed warden and rangers. If it were not for the continued, if scaled down, GTZ project, and the courage of the GTZ and ICCN staff in keeping a sense of normality through the most difficult and dangerous times, it is unlikely that that the park would have remained functioning. Great strides were made in the optimistic, but brief, period between the wars. When the second civil war destroyed much of the new infrastructure, it destroyed much of the morale of the park staff too. But there were much cheered by the announcement that UNESCO had come up with an ambitious scheme, largely funded by the UN Foundation, to save the five World Heritage Sites in DRC. Roughly speaking, it provided just over $4 million over four years to the five sites—i.e., about $200,000 per site per year. Much of this was to be spent on salaries, giving the rangers something like $20 per month. Not a fortune, but to those who have not been paid for years, it was significant news. Headline news, in fact, as articles in local and international press attest. Hopes were raised. Things were looking up. Unfortunately, up to this point, only one advance payment of $20,000 per site has been made (and spent) and as the months pass, frustrations mount.

In late 1999, prompted by Dr Jo Thompson, the Ape Alliance also began working to raise funds to help ICCN, setting up and an ad hoc DRC Parks Emergency Relief Mission with the Belgian NGO Nouvelles Approaches. The idea took off quickly, and starting with a $25,000 grant from IFAW, within days various groups had pledged amounts to a total of $70,000. More has since been raised, but as soon as it comes in, it is spent on equipment ranging from boots to bicycles. More is still being raised, and because Kahuzi-Biega is relatively easy to reach, it has had most of its emergency needs met. For example, with money raised by the Rachel Hunter Gorilla Appeal, the Born Free Foundation last year provided a Landover 101, a one-tonne 4x4 (see above) and made a commitment to fund its fuel and parts, as well as new uniforms and guard housing for the next three years. The German NGO Bergorilla & Regenwald Direkthilfe sent medical supplies and with IPPL, covered the cost of publishing 'Le Gorille'—an influential local newsletter. This raised morale, but apart from small payments from the GTZ budget, the question of salaries has yet to be resolved. Some ICCN staff have not been paid for 70 months! At the moment, any mention of UNESCO is currently met with a negative response. Chief Warden Kasereka explained that although the $4 million scheme was designed to solve ICCN's problems, it has actually created a greater problem: disillusionment. Explaining to staff every month for more than two years that the UNESCO money will be there soon has not been easy when, month after month, it fails to materialise. GTZ Project manager Carlos Schuler-Deschryver summed it up, ''It is as if UNESCO heard there was a crisis in Congo, and set off immediately to help, but they decided to walk instead of taking the plane, and they only set off when they had finished their cup of coffee! By the time they get here, there will be nothing left to save!''

Despite the lack of resources, however, and the danger the men face when on patrol in a war zone, the conservation work being done in the limited areas is first rate. On 2nd May 2001, I happened to arrive at Tshivanga (the park HQ) in time to sit through what seemed like a cross between a scientific seminar and a management workshop. After each warden had presented a summary of his or her work for the month of April, using hand-drawn maps and charts on rolls of brown paper, I asked if this was a typical month. Yes, came the answer. It would have been impressive in any park in any country of the world. But in a war zone? With few resources, and little or no pay? I told them that the quality and quantity of work was almost incredible. And it gave me hope that if the world does wake up and provide some substantive assistance, this well managed, well motivated and courageous team would be the one to do the job.

One of the innovative acts that the warden implemented last year was to take on about 20 new members of staff—all of them known poachers. They were trained, and provided with uniforms, but as yet they have not been paid what they were promised because the UNESCO money for salaries has not arrived. Kasereka told me, ''They are losing faith. If we don't pay them soon, we will lose them and they'll return to poaching.''

THE POSITION OF RCD-GOMA

The RCD-Goma is not just a group of armed rebels, it is a political body described in UN parlance as a ''non-state entity with aspirations of statehood''. The President, M. Adolphe Onusumba, is a known to Vital Katembo, DFGFE's Mount Tshiaberimu Project Manager, but was in Lusaka for peace talks and so could not be seen during my stay. Instead, I had a very positive meeting with M. Francis Bedy Makhubu Mabele,

Chief du Department de l'Agriculture et du Development Rural (equivalent to the Minister for Agriculture and Rural Development) and his aide, M. Gaby Djanga Lombe. The RCD-Goma is supportive of ICCN, and signed the agreement (Annex D) to permit conservation to continue despite the political and military divisions in the country. M. Bedy Makhubu pointed out that the attack last September, in which ten of his countrymen died whilst working on the boundary of the corridor linking the eastern and western sectors of Kahuzi-Biega, indicates what risks conservationists take (see Redmond, 2000). He preferred the term 'bandits' rather than terms such as Interanhamwe or Mai-Mai for what the UN Security Council report terms 'negative forces'. He described how armed gangs of these 'bandits' rob and murder people, and how the RCD is unable to prevent it through lack of resources.

If the international community would provide the means, he felt sure that the situation could be turned around given the obvious dedication of ICCN staff.

THE RWANDAN GOVERNMENT'S POSITION

Rwanda has long been extremely supportive of great ape conservation. Since the death of Digit on the last day of 1977, and the rallying of support of mountain gorillas through the work of Dian Fossey, Rwanda has largely been held up as a shining example to other developing countries. Since 1979, the government has been an active partner in first the mountain Gorilla Project and then the International Gorilla conservation Programme (both consortia with FFI, AWF and WWF). Throughout the civil war and genocide, except in the most extreme circumstances the Rwanda parks authority, ORTPN, has continued to protect the Parc des Volcans with its own rangers, and co-operate with the anti-poaching patrols of the Karisoke Research Centre, funded by the Dian Fossey Gorilla Fund International.

It is strange, then, to read of Rwanda being accused of involvement with the demise of Grauer's gorillas in eastern DRC. I put this to the Minister of the Interior, M. Jean de Dieu Ntiruhungwa, and he was firm in his reply, ''The Rwandan Government considers gorilla conservation to be very important, and this applies both in Rwanda and in neighbouring Congo.'' The same point was made by H.E. Mrs Rosemary Museminali, the Rwandan Ambassador in London. How, then, do the allegations stand up to scrutiny?

The area of KBNP in which coltan mining is destroying wildlife and habitat is not in the hands of Rwanda's army or their allies the RCD-Goma. It is occupied by Mai-Mai and Interahamwe—Rwanda's enemies. It is also difficult terrain in which to fight a guerrila war, and would require a major military campaign if it were to be taken by force—with the consequent further destruction (human and wildlife) that this would entail. Is Rwanda exonerated then?

As detailed in the controversial UN Security Council report (see *www.un.org/News* and extracts in Annex A) there is a debate over whether Rwanda and Uganda should trade at all with eastern DRC while it is in the hands of rebels hostile to the Kinshasa government. Rwanda points out that eastern DRC is closer to the ports of Mombasa, Kenya and Dar es Salaam, Tanzania, than to Kinshasa, and that trade has always flowed eastwards from the region (which is why Swahili is the first language of many in eastern Congo). The latest reports of the UN Security Council debate on this issue can be found at *www.un.org/News/Press/docs/2001/sc7057.doc.htm.*

Whatever the outcome of this wider trade debate, however, the fact remains that there are calls for a specific boycott of coltan from the region in an attempt to protect Congo's bio-diversity. But as we have seen, this would cause intense hardship to Rwanda's legal miners. What is required is for the scientific community to pinpoint the chemical signatures of coltan samples known to originate in KBNP (and other protected areas such as the Okapi Wildlife Reserve and Maiko National Park), and for international buyers to agree to avoid shipments that match them. This is not as far-fetched as it may seem to the distant observer.

Geological collections and published data are likely to hold some of the results, and as ICCN has shown—the area can be infiltrated by an undercover agent. The international community should respond by making the expertise and resources available to the relevant authorities—whatever their politics—for the sake of saving these areas of outstanding bio-diversity now. Conservation cannot wait for the outcome of political wrangling. And as the tripartite agreement between the three regions of ICCN has shown (Annex D), it can be done.

BUSHMEAT, ORPHANED APES AND IVORY

The trade in bushmeat is widely acknowledged to pose the most serious threat to Africa's great apes and many other endangered species. Even though apes form only a small percentage of species traded, the impact on species with slow reproduction rates is enormous. In some areas, apes may be killed for food, in others, they may be killed or maimed by snares set for other species. Either way, populations of gorillas, chimpanzees and bonobos are reported or thought to be declining in most areas, leading to predictions of extinction over most of the range within 10 to 20 years (Ape Alliance campaign details available at *www.4apes.com*).

The rise of the commercial bushmeat trade in West and Central Africa prompted the Ape Alliance in 1996 to commission a review by Cambridge zoologist Evan Bowen-Jones (Ape Alliance, 1998). At that time, a survey of Grauer's gorilla populations gave an estimate of 8,660—25,499 gorillas (mean 16,902) in 11 populations (Hall et al, 1998). Of these, 86 percent were found in the Kahuzi-Biega lowland forests, and those which extend beyond the park boundary westwards to Kasese (see map, page 4). An oft repeated estimate for the number of gorillas in KBNP itself is +/− 8,000. This was a higher estimate than earlier surveys indicated, and there was some optimism that this sub-species might be relatively safe. Sadly, the optimism was short lived.

When the first reports of the exploitation of Kahuzi-Biega mentioned bushmeat, it was thought that the meat was probably destined for local markets. The independent consultant (IC) confirmed that this was the case when hunting first increased in 1998. Reports of ivory, timber and gold coming out of the park left the impression that anything of value was being looted by these armed 'bandits'. It is only now that the picture since 1999 has emerged. Most of the miners in the park were eating large mammal meat for a year or more, including elephants, gorillas, chimpanzees, buffaloes and antelopes. By the time the IC did his undercover work this March, people were eating tortoises, birds, small antelope and monkeys. He reported that hunters used to go out daily from the mining camps and return with large mammals. Now they go out for up to a week, and even then sometimes return empty handed. No elephant meat was seen during his four weeks of fieldwork, nor were tracks observed. Putting that in the context of the map above, with its scattering of dots representing mining camps and settlements, it seems likely that elephants may be all but extinct and other large mammals have declined dramatically and are heading for local extinction. If these reports are verified, the world population of Grauer's gorilla may have declined by 80–90 per cent, with perhaps as few as 2,000–3,000 survivors in scattered pockets of a few hundred each. The IC report (Annex B) mentions an estimated 200 men setting snares to feed the mining camps. In a park of 6,000 km2, this gives an average hunting ground of only 5km x 6km per hunter (although in reality the distribution would not be even). Clearly, sustained trapping at this intensity will exterminate every terrestrial animal capable of triggering the snares. In addition, the IC mentions poachers and ex-military using fire-arms—these will ensure the arboreal species, such as monkeys and larger birds, do not escape the carnage.

In the mining camps in KBNP, money is seldom used because coltan has become the currency. Most of the bushmeat is not, therefore, being exported to towns for sale, but is being exchanged directly for coltan to feed the miners. But I did hear a story of a large piece of elephant meat being flown out in a military aircraft for consumption by officers.

Ivory

There were also rumors of nearly two tonnes of ivory in a store in Bukavu. In the latest issue of the ICCN PKNB–GTZ Newsletter 'Le Gorille, 4' Chantal Shalukoma writes that 'about 1,340 kg of ivory exist in the commune Ibanda and about 500 kg at the home of a businessman in Bukavu, who acts as an intermediary between the poachers and foreign buyers. These caches are thought to have come from the massacre of 46 elephants in the mountainous region of KBNP.' Hard evidence, however, is harder to come by, although the quantity of ivory on sale in Rwanda is an indication of the increase in illegal trade in that commodity (see Annex E).

Orphaned apes

The IC mentioned that he had seen a live baby gorilla being carried out of the forest on someone's back in a baby wrap. It was not a very small one (maybe 1–2 years) and seemed in good health. This was shortly before an expatriate soldier was offered a baby gorilla for sale in Gisenyi, Rwanda on 10th April 2001, and could well have been the same one. Unfortunately, the well-meaning soldier lectured the vendors on the error of their ways, and so was not taken to see the orphan and its whereabouts now is not known. Sadly, the whereabouts is known of many orphan chimpanzees, who seem better able to survive the traumas of capture and ill-treatment.

At the quarterly meeting of ICCN Conservators on 22nd and 23rd November 2000, the subject of illegally held protected species was on the agenda. It was estimated that there may be as many as 50 orphan chimpanzees in the region—Vince Smith spoke of at least 20 in Bukavu and up to 10 in Goma alone. One of the action points for that meeting was to organize a census of such captives, most of which are not receiving adequate care. The problem is then what to do about them. Without a sanctuary to keep them in, the authorities are unable to confiscate them, and so there is an urgent need for an animal welfare NGO to step in to help here.

The lesson of Uganda's Ngamba Island sanctuary should be considered, however.

Built to cope with just one or two confiscations per year, the war in DRC has led to a sharp increase in chimp orphans being smuggled or brought home by soldiers as pets, and the sanctuary is now full. Resources are now being sought for a second island sanctuary to cope with the anticipated rush of new confiscations by the Uganda Wildlife Authority.

If a similar ICCN approved sanctuary is built near Lake Kivu, it must also become an education centre designed to deter people from killing chimpanzees, and so help to cure the problem of which these sad orphans are a symptom.

SOCIO-ECONOMIC CONSEQUENCES OF THE COLTAN BOOM

The destructive nature of the coltan-rush is not just to be measured in its environmental impact. Instead of being a rate opportunity for bringing benefits to hard-pressed communities, Coltan has brought out the world attributes of human nature—decadence, immorality, drug abuse and crime.

Thousands of families have been deserted by their main wage-earner in the desire to ''get-rich-quick''.

Agricultural production is therefore down as many fields remain un-tilled.

Prostitution has increased; the IC reported that in the camps, sex was available for a spoonful of coltan.

As a consequence, an increase in sexually transmitted diseases has been reported, especially AIDS.

Drug abuse and crime has reportedly risen as more ''fast money'' has been circulating.

Education has been badly affected; in Le Gorille 4, Bakongo Mudahama reports that school attendance has dropped by 30 per cent as students have deserted their studies for ''la chasse du Coltan''.

Many lives have been lost in mining accidents; Bakongo (ibid) reports 90 miners killed in collapsed coltan mines in Mumba and Luwowo.

Almost all of the major profits of this valuable resource accrue to foreigners, not to local people.

It is a double tragedy that the sudden increase in coltan prices has led to social and ecological destruction, rather than providing an opportunity to bring lasting benefits to the people of this region by careful exploitation of legally mined deposits. It is the responsibility of those in the developed world, whose demand has created this chaos, to step in with the skills and resources to turn the situation around.

Coltan mining, with safe mines and environmentally responsible practice, could yet turn out to be a boom to the region. But only a responsible attitude on the part of the buyers will achieve this in a region where guns rule and might is perceived as right. The concept of 'Certified Coltan' needs to be introduced immediately to the world market, and mineral dealers must act quickly if they are not to be tainted with the decadence of the DRC Coltan Boom.

CONCLUSION

The future of Kahuzi-Biega National Park hangs in the balance. It is up to the international community to decide which way that balance will tip.

Although no census has been possible in the occupied lowland section, the warden is now estimating that gorilla numbers in KBNP may have dropped below 1,000, of which 130 live in the better protected mountain sector.

The habituated groups are in this sector, and may end up as the only survivors in the short term. But 130 is considered by geneticists as too small for a founder population of a genetically heterogenous species, and the danger of in-breeding may threaten their long term survival even with protection from bushmeat hunters. There is a slim possibility that a few of the other scattered, isolated populations of Grauer's gorilla have survived, but if so, numbers are likely to be small and declining and they may face the same fate as those in KBNP.

Given that the forests in and adjacent to KBNP were estimated to contain 86 per cent of the world's Grauer's gorillas, and that the other 14 per cent is also likely to have been hit by poaching, the evidence indicates a possible 80–90 per cent reduction in only three years.

If this park and its magnificent gorillas are to be given one last chance, it must be with both parts of the park, and the corridor of land that links them, intact. Now is the time of action!

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In Bukavu: Remy Mitima, Kasereka Bishikwabo, Carlos and Christine Schuler-Deschryver, John Kahekwa, Mbilizi Wenga and the staff of GTZ and ICCN.

For security reasons, some cannot be named here, but named and anonymous, they should know that the world is indebted to them for their continued commitment to conservation in the face of threats to their personal safety.

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

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

Mr. Speaker, I am very pleased to rise in support of H.R. 643, legislation which would reauthorize the African Elephant Conservation Act. I would certainly like to compliment and commend the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, the gentleman from Maryland (Mr. GILCHREST), who also happens to be the author of this piece of legislation, a dear friend and a colleague, and certainly also would like to commend the chairman of our Committee on Resources, the gentleman from Utah (Mr. HANSEN), and our ranking Democrat, the gentleman from West Virginia (Mr. RAHALL), for their support in bringing this legislation to the floor.

Mr. Speaker, it was not too long ago when the annihilation of the African elephant population was predicted, if not expected, to occur by the close of the 20th century. Such was the devastation, that by the end of the 1980s the population of African elephants, which once had ranged over virtually the entire Sub-Saharan region of the African continent, was reduced to small remnant populations suffering from widespread poaching and other conflicts with the needs of the growing human population.

In response to this conservation crisis, the Congress of the United States passed the African Elephant Conservation Act in 1988, and the fate of this flagship species has been improving ever since.

Grants initiated under the African Elephant Act have been responsive, effective, and successful in supporting conservation activities throughout Africa. As a result, many range states today have taken great strides in reducing poaching, which was at one time approaching epidemic proportions. Grants have also supported activities to confront and fight the illegal trade in wildlife and to build conservation capabilities to the village level, where there is still much more that needs to be done.

Mr. Speaker, H.R. 643 is a straightforward reauthorization of this act. The administration fully supports this legislation, and I commend the staff of the Fish and Wildlife Service for their cooperation in working with us to improve this legislation. As a result, the few refinements that were adopted during consideration by the Subcommittee on Fisheries Conservation, Wildlife and Oceans should stimulate greater public involvement, help create new partnerships and ensure fair and equitable support for local conservation activities.

In closing, Mr. Speaker, great progress has been made in recovering African elephants from the precipice of disaster. That is an achievement for which we can all be proud. Yet future progress is contingent on the United States maintaining its strong leadership and support for this very successful and effective international wildlife conservation effort.

Again, I commend my good friend from Maryland for sponsorship of this

legislation, and I urge my colleagues to support this legislation.

Ms. PELOSI. Mr. Speaker, I rise in support of H.R. 643, legislation which would re-authorize the African Elephant Conservation Act. I am pleased that today we are also considering H.R. 700 to reauthorize the Asia Elephant Conservation Act. These bills are vital to insuring the survival of one of the earth's "flagship" species.

Less than two decades ago, the African Elephant population teetered on the brink of extinction. Rampant poaching fueled by the black market trade of ivory and the encroachment of human development had reduced the once abundant population to a small trace of its former prosperity.

The African Elephant Conservation Act was enacted in 1988 in response to this crisis. The grants initiated under the act have dramatically reduced poaching by working with local communities to eliminate the illegal trade in endangered wildlife and to foster sustainable conservation practices.

At a time when we are confronting the loss of many species, every effort must be made in Congress to preserve species of plants, animals and their habitats throughout the world. We must continue to strengthen endangered species laws and to support the strongest possible measures to ensure the survival of the world's elephants and other wildlife populations.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 643, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2001

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 700) to reauthorize the Asian Elephant Conservation Act of 1997, as amended.

The Clerk read as follows:

H.R. 700

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 ''Asian Elephant Conservation Reauthorization Act of 2001''.

SEC. 2. REAUTHORIZATION OF ASIAN ELEPHANT CONSERVATION ACT OF 1997.

Section 7 of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266) is amended by striking ''1998'' and all that follows through ''2002'' and inserting ''2001, 2002, 2003, 2004, 2005, 2006, and 2007''.

SEC. 3. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 7 of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266) is further amended—

(1) by striking ''There are authorized'' and inserting ''(a) IN GENERAL.—There is authorized''; and

(2) by adding at the end the following:

''(b) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.''.

SEC. 4. COOPERATION.

The Asian Elephant Conservation Act of 1997 is further amended by redesignating section 7 (16 U.S.C. 4266) as section 8, and by inserting after section 6 the following:

''SEC. 7. ADVISORY GROUP.

''(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of Asian elephants.

''(b) PUBLIC PARTICIPATION.—

''(1) MEETINGS.—The Advisory Group shall—

''(A) ensure that each meeting of the advisory group is open to the public; and

''(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

''(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

''(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

''(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.''.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS.—The Asian Elephant Conservation Act of 1997 is amended as follows:

(1) Section 4(3) (16 U.S.C. 4263(3)) is amended by striking ''the Asian Elephant Conservation Fund established under section 6(a)'' and inserting ''the account established by division A, section 101(e), title I of Public Law 105–277 under the heading 'MULTINATIONAL SPECIES CONSERVATION FUND' ''.

(2) Section 6 (16 U.S.C. 4265) is amended by striking the section heading and all that follows through ''(d) ACCEPTANCE AND USE OF DONATIONS.—'' and inserting the following:

''SEC. 6. ACCEPTANCE AND USE OF DONATIONS.''.

(b) TECHNICAL CORRECTION.—Title I of section 101(e) of division A of Public Law 105–277 (112 Stat. 2681–237) is amended under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND'' by striking ''Rhinoceros and Tiger Conservation Act, subchapter I'' and inserting ''Rhinoceros and Tiger Conservation Act of 1994, part I''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, I am pleased to support this legislation, H.R. 700, to extend the Asian Elephant Conservation Act. This act was first proposed in 1997 by the gentleman from New Jersey (Mr. SAXTON) in response to the dramatic decline in the population of Asian elephants.

There are many reasons why the population of this keystone species has fallen to less than 40,000 animals in the wild. However, the overriding reason has been the loss of essential habitat. In the short time the Asian Elephant Conservation Fund has been in place, the Fish and Wildlife Service has spent $3 million on 27 conservation projects in nine different range countries. These projects have assisted in the construction of anti-poaching camps, equipped field staff, and educating local indigenous people about the critical importance of conserving this species.

During our subcommittee hearing, Ms. Ginette Hemley of the World Wildlife Fund testified that ''when tigers and elephants thrive, the whole ecosystem thrives. When they suffer, the entire ecosystem suffers, including the people that live in or around it.''

Mr. Speaker, I urge an aye vote on H.R. 700. I am confident by reauthorizing this small investment of money we will provide huge conservation benefits.

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

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

Mr. Speaker, I rise in support of H.R. 700, a bill to reauthorize the Asian Elephant Conservation Act.

I certainly would like to commend my good friend, the former chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, the gentleman from New Jersey (Mr. SAXTON), for being the author and the sponsor of this legislation, and certainly for his continued leadership in protecting the world's imperiled wildlife heritage. I also thank the gentleman from Maryland (Mr. GILCHREST), our current chairman of the subcommittee, for his leadership in bringing this legislation forward.

Mr. Speaker, unlike African elephants, the plight of Asian elephants was not widely known until 1997, only 4 years ago. Sadly, we have learned that the population of Asian elephants, at one time flourishing throughout Southern and Southeast Asia, is now fragmented into populations scattered across 13 countries, most of which are shrinking.

□ 1430

In addition, Mr. Speaker, domesticated use of Asian elephants for

transport and other industrial activities has removed animals from traditional areas and further stressed wild populations. With so many changes to the natural habitat, domesticated uses are now one of the several factors which are a threat to the future viability of Asian elephants in the wild. This issue needs to be addressed in a manner which addresses traditional cultural values and the continued survival of the species.

Fortunately, Mr. Speaker, the Asian Elephant Conservation Act has helped address these threats. Grants initiated under the act have provided valuable financial assistance to impoverished areas to support a wide range of conservation activities. Most notably, the development of conservation strategies and education tools to address the growing frequency of elephant-human conflicts, a scenario which often proves deadly for the elephants, the local villagers, or both, has been especially effective.

The grants have also supported important ecological studies, construction of anti-poaching camps, and provided conservation training in several range States. Progress, albeit slow, has been made.

Mr. Speaker, H.R. 700 is a bill which was ordered reported by the Committee on Resources by unanimous vote. In addition, the administration fully supports this legislation, as do many international conservation organizations, including the World Wildlife Fund and the Wildlife Conservation Society.

Everyone agrees that the technical amendments to the existing act contained in H.R. 700 will only improve the effectiveness of the grant program throughout southern and southeast Asia.

Mr. Speaker, unfortunately there are still many remaining challenges to overcome if we hope to sufficiently recover stable and ecologically viable populations of Asian elephants throughout the animal's historic range. Yet, that is a global conservation challenge that the United States should not shy away from.

Conservation assistance made available under the Asian Elephant Conservation Act is desperately needed, and again, I urge my colleagues to support this legislation.

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

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I thank the chairman and the ranking member of the subcommittee for the great work they have done in expeditiously bringing this bill to the floor.

I am pleased to rise today to speak in favor of H.R. 700, the Asian Elephant Conservation Reauthorization Act of 2001, which I introduced on February 14 of this year. I was pleased it was reported favorably out of Subcommittee on Fisheries Conservation, Wildlife and Oceans on March 29, 2001, and was pleased that it was finally reported out of the full committee on May 16.

Four years ago, I introduced this bill because I was startled to learn that there were less than 40,000 Asian elephants living in the wild. Furthermore, nearly 50 percent of those elephants were living in various national parks in India, while the remaining animals were scattered in fragmented populations throughout 12 other countries in south and southeastern Asia.

The primary reason for this serious decline in population is the loss of essential habitat. It is no secret that elephants and man are in direct competition for the same resources. In most cases, it is the elephants who lost. In addition, Asian elephants are poached for their bones, hide, teeth, meat, and they are still captured for domestication, and conflicts between elephants and people are escalating at an alarming rate, even today.

Furthermore, it was clear millions of people were not aware of the plight of the Asian elephants. In addition, range countries lacked the financial resources to help conserve this flagship species. Without an international effort, the future of the Asian elephant was in serious jeopardy.

In response to this problem, along with a number of other Members, I proposed the establishment of the Asian Elephant Conservation Fund. This concept was modeled after the highly successfully African Elephant Conservation Act. The primary goal of my legislation was to obtain a small amount of Federal assistance for on-the-ground conservation projects.

Fortunately, this legislation was overwhelmingly approved by both bodies and was signed into law on November 19, 1997. Under the terms of this new law, the Congress could appropriate up to $25 million to the Asian elephant conservation fund until September 30, 2002. In fact, some $1.9 million in Federal funds has been allocated, and those monies have been matched by an additional $1.1 million in private donations.

Those funds have been used to underwrite 27 conservation grants in nine different range countries. The type of prospects funded have included development of an elephant strategy in Sri Lanka, identification of a suitable managed elephant range in Malaysia, equipment for the local population assessment of Asian elephants, school education to support Asian elephant conservation in India and trace the mobility patterns of Sri Lanka's elephants.

These projects were carefully analyzed and competitively selected from a list of nearly 100 proposals that were submitted to the U.S. Fish and Wildlife Service.

While the early indication is that the worldwide population of Asian elephants has stopped its precipitous decline, it is unrealistic to believe that $3 million can save this species from extinction. Nevertheless, this law has sent a powerful message. I am pleased to have introduced this reauthorization, and am hopeful that it will pass the House today.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 7 minutes to my good friend, the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, before I begin my formal remarks, I would like to pay tribute to my good friend, the gentleman from New Jersey (Mr. SAXTON). I think he is being a bit modest by simply citing the fact that he introduced this Asian elephant conservation bill and gave me the privilege of being able to sign it with him as the ranking member on his committee at that time.

I am very grateful to the gentleman from Maryland (Mr. GILCHREST) and his staff, both for the majority and the minority, not only for the reauthorization on the present H.R. 700, but for the incredible, great work that the staff did with the introduction of the original bill.

My respect for the gentleman from New Jersey (Mr. SAXTON), I can say without reservation, was considerable before this took place, and has only risen since that time. If there is anyone in this body that carries through on the implications of any legislation with which he or she is associated, it is the gentleman from New Jersey.

In this particular instance, as he cited in his remarks, the Asian elephant simply did not have the kind of profile, either in world opinion or in the consciousness of those interested in the environment and conservation throughout the world, that the African elephant did.

The reauthorization in the previous bill is, of course, needed, and the work that has been done with regard to the African elephant and the role played by the United States of America in that has been considerable and most positive, as has been cited. But in this particular instance, because of the insight and the carry-through of the gentleman from New Jersey, the Asian elephant was able to achieve at least some place in the sun that it would not otherwise have occupied.

The implications for southeast Asia in particular are considerable because, as I will state in my more formal remarks, the Asian elephant is in fact a flagship species with respect to all kinds of considerations in the environment and conservation of other species, and I firmly believe that in time to

come, the gentleman from New Jersey (Mr. SAXTON) will be recognized not only as a pioneer with regard to Asian elephant conservation, but as one of the primary figures in the world environmental and conservation movement.

I wish to add one other thing, Mr. Speaker. I also want to pay tribute to, and I wish he was on the floor so I actually could look him in the eye when I was saying it, because of the pleasure it would give me, I want to mention in particular the gentleman from California (Mr. POMBO), who has been instrumental in educating me for one, I can tell the Members, on the questions of conservation of wild animals and the environment.

I think he has played a particularly positive role in support of the kinds of things that the gentleman from New Jersey has taken the lead on, and especially in the realm of wild animal conservation, the gentleman from California (Mr. POMBO) is a leader. It is a pleasure to be associated with him in this regard, as well.

That said, Mr. Speaker, with recent awareness of the increasing threat to the welfare of the Asian elephant, an already endangered species, a bill entitled the Asian Elephant Conservation Act of 1997 was introduced into the House of Representatives in June of 1997. It passed the House in October, on October 21, and the Senate on November 8, and was signed into law by the President on November 19, 1997.

The act is designed to assist the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of the Asian elephant, and projects of persons with demonstrated expertise in the conservation of Asian elephants. A grants program was established for awarding proposals that fulfilled the purpose described by the act.

This act has been very successful, Mr. Speaker, and is not a foreign giveaway program. The funds appropriated under this act are matched by the recipient countries. It gives them the necessary support so they can leverage this money with their own resources to establish conservation and research programs, communication networks and administration, to save these endangered animals.

Unless immediate steps are taken to conserve this magnificent animal, it will surely continue to disappear from much, if not most, of its traditional habitat. This program helps establish a win-win situation where recipient countries can explore management strategies that minimize poaching and negative elephant and human interaction in farming communities. In short, recipient countries are able to find solutions that are in their economic best interests.

Also assisting these countries on a wide range of projects are numerous non-governmental organizations and the United States Fish and Wildlife Service.

In closing, Mr. Speaker, I want to thank our good friends, the chairman and the ranking member, for giving us the opportunity to appear here. I want to say that while, for many, bills which come on the consent calendar may seem to be pro forma in presentation, over and over and over again when we examine the content and context of the bills before us, we find that they are addressing issues of prime importance, not only to people of the United States, but in many instances we can say to people of the world. This bill is in fact one of them. I am very, very pleased and proud to have been associated with it, and count it as among the genuine privileges of holding public office, particularly in the House of representatives, to be associated with the individuals who have made this day possible.

Mr. Speaker, the Asian Elephant Conservation Act of 1997 was authored by U.S. Representative JIM SAXTON (R–NJ) and myself.

With recent awareness of the increasing threat to the welfare of the Asian elephant, already an endangered species, a bill entitled Asian Elephant Conservation Act of 1997 was introduced into the House of Representatives June 4, 1997. Passed by the House on October 21 and by the Senate on November 8, it was signed into law by the President on November 19, 1997. The act is designed to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants. A grants program was established for awarding proposals that fulfill the purpose described by the Act.

This act has been very successful and is not a foreign "give-away" program. The funds appropriated under this Act are matched by the recipient countries. It gives them the necessary support so that they can leverage this money with their own resources to establish conservation and research programs, communication networks and administration to save these endangered animals.

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This program helps establish a win-win situation where recipient countries can explore management strategies that minimize poaching and negative elephant and human interaction in farming communities.

In short, recipient countries are able to find solutions that are in their economic best interests. Also assisting these countries on a wide range of projects are numerous non-governmental organizations and the U.S. Fish and Wildlife Service.

The United States must continue their leadership in this very important conservation program. I cannot overemphasize that this is where a relatively small appropriation has helped leverage a very successful program that has stopped the decline of the Asian elephant saving it from possible extinction.

We cannot allow the Asian elephant, which has such a direct impact on so many other species, to become extinct. The goal of this legislation is to stop the decline and hopefully rebuild the population of this irreplaceable species by financing with a small amount of federal money a number of conservation projects.

According to international experts, there are fewer than 45,000 Asian elephants living in the wild. On a daily basis, these animals face the loss of their forest habitat, poachers who kill them for their bones, hide, ivory and meat, capture for use in Burma's timber industry, and conflicts between elephants and man.

Unless immediate steps are taken to help conserve this species, it will continue to disappear from its historic habitat. We should not allow this magnificent animal to disappear from this planet. This investment by the United States will significantly improve the likelihood that wild Asian elephants will exist into the 21st century.

The act was modeled after the highly successful African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994.

It established an Asian Elephant Conservation Fund to be administered by the U.S. Department of Interior. The measure would be authorized for 5 years and $5 million per year.

The funding could be used for: Anti-poaching efforts, conservation management plans, translocation of threatened populations, monitoring of census figures and known populations, and public education for elephant conservation.

This legislation is endorsed by organizations like the World Wildlife Fund, Safari Club International and other conservation groups.

Mr. Speaker, I include for the RECORD the following information on the Asian elephant:

FACTS ON THE ASIAN ELEPHANT

There are an estimated 35,000 to 45,000 Asian Elephants living in the wild in 13 Asian nations.

The Asian Elephant is listed as "endangered" under the United States' Endangered Species Act.

The major causes for elephants' "endangered" status are: Loss of habitat caused by population growth (all Asian Elephants required a shady or forest environment and the forest habitat in Asia is rapidly disappearing); fragmented populations of elephants (there are only 14 populations that have more than 1,000 elephants each); and poaching for meat, hide bones, ivory and teeth (bones and teeth are used in traditional Chinese medicine).

The largest population of Asian Elephants in the wild are found in: India (20,000 to 24,000), Burma (5,000 to 6,0900), and Indonesia (2,500 to 4,500).

Wild elephants are still captured and trained for use in logging operations in Burma.

The Asian Elephant is a flagship species and its conservation has a positive impact on other animals like tigers, rhinoceros, clouded leopards, Malayan Sunbears, Hoolock gibbons, lion-tailed macaques and peacock pheasants.

The Asian elephant can weigh up to 5400 kg (11,900 lb). It currently occupies forested habitats in hilly or mountainous terrain, up to about 3600 m (11,800'). An adult eats approximately 150 kg (330 lb) per day—mainly grasses but also leaves, twigs and bark. It

feeds during the morning, evening and night and rests during the middle of the day, requiring shade during the hot season to keep from overheating. Elephants cannot go for long without water (they require 70–90 liters (19–24 gal) of fluid/day) and sometimes must travel long distances each day between their water supplies and feeding areas.

One calf is born every 3–4 years after a pregnancy lasting about 22 months. Although mature male elephants may live alone, females live in family groups consisting of mothers, daughters and sisters, together with immature males. Wild elephants can live to be sixty years old.

The Asian elephant once ranged from the Tigris and Euphrates Rivers in ancient Mesopotamia in the west, east through Asia south of the Himalaya to Indochina and the Malay Peninsula, including Sri Lanka and Sumatra and possibly Java, and north into China at least as far as the Yangtze River. In the 19th century it was still common over much of the Indian subcontinent, Sri Lanka and the eastern parts of its range. By 1978, Asian elephant were found in the same countries as they are at present.

Female Asian elephants are not affected by ivory poaching (due to their lack of tusks), so poaching has not affected the overall population numbers of Asian elephants as drastically as it has in the case of the African elephant. The single most important cause of the decline of the Asian elephant has been the loss of habitat. They have also been affected by persecution due to the crop damage they are perceived to cause.

Countries where it is currently found: 1996: Occurs in Bangladesh, Bhutan, Brunei, Cambodia, China, India, Indonesia, Laos, Malaysia, Myanmar, Nepal, Sri Lanka, Thailand and Vietnam.

Maximum age: Sixty years in the wild (more than 80 years in captivity).

Social organization: The Asian elephant is gregarious, and, although males sometimes live alone, females are always found in family groups consisting of mothers, daughters, sisters and immature males. In the 19th century, these family groups usually consisted of 30–50 animals, but much larger groups, as large as 100 individuals, were not uncommon. Sometimes an adult male can be associated with a herd. When not, adult males usually remain solitary and disperse over relatively small, widely overlapping home ranges; sometimes they gather together in small but temporary bull herds. They do not seem to be territorial, and there is a great amount of toleration between them, except possibly when the cows are in estrus.

Asian elephants are very sociable and live in basic family units of one adult cow and her offspring. Daughters remain with their mothers, but sons leave at puberty, often joining bull groups or remaining solitary. Bull elephants associate with a family when a cow is in oestrus. This species does not appear to be territorial. Males have home ranges of about 15 square km, and herds of females of about 30 square km, which increases in the dry season. Seasonal migration has been made virtually impossible, due to human development.

Females usually have one calf after a gestation period of 18–22 months and give birth every three to four years. The calves weigh about 100 kg at birth and suckle for about 18 months. They can eat some vegetation after several months.

Asian elephants are now listed as endangered, and have long since vanished from Southwest Asia and most of China. Sri Lanka was once recognized for its large elephant populations, but today the numbers are being reduced. As the number of humans increases, the area of natural habitat that the elephants rely on is being depleted. Elephants are being forced onto farming areas, where they cause damage.

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

Mr. Speaker, I certainly would like to compliment my good friend, the gentleman from Hawaii (Mr. ABERCROMBIE), for his eloquence and for his substantive remarks concerning this important issue of the Asian elephant.

I realize that perhaps some of the members of the public are wondering, in the midst of the $1.3 trillion tax cut, Social Security, the health care problems, the hundreds of billions going to defense and all this, why are we talking about elephants.

I would like to compliment again both the gentleman from New Jersey (Mr. SAXTON) for his sponsorship of the Asian Elephant Conservation Act, and my good friend, the gentleman from Maryland (Mr. GILCHREST), for his leadership in not only the subcommittee, but for bringing the reauthorization of the African Elephant Conservation Act.

I recall that, and maybe this is something unique in our Nation and something that we ought to be grateful for, I recall years ago when there were problems with the dolphins. It was amazing, Mr. Speaker, that it was not government that brought this to the attention of the Congress, it was not business, it was the children of America.

□ 1445

They were concerned about the slaughtering needlessly of some 200,000 dolphins a year by fishermen, and if they wanted to get after the tuna, they had to slaughter these mammals that are so beautiful. Beautiful creatures that the Lord has made as part of our environment.

Mr. Speaker, I think the same could be said about elephants, and I think we need to compliment and, again, thank the gentleman from Maryland (Mr. GILCHREST) and the gentleman from New Jersey (Mr. SAXTON) for their leadership in bringing these two pieces of legislation for consideration.

Again, I want to urge my colleagues to support this legislation, and I urge my colleagues to vote in favor of this bill. I want to thank also the members of our staff, from this side of the aisle, Mr. Dave Jansen and Mr. Jeff Petrich, for their staff expertise and the understanding of this piece of legislation for where we are now, in bringing this bill for consideration by the Members. Again, Mr. Speaker, I urge my colleagues to support this bill.

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

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

Mr. Speaker, I want to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his assistance, certainly the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from New Jersey (Mr. SAXTON).

We did not get the Asian Elephant back again this time, as the gentleman from New Jersey (Mr. SAXTON) did, but certainly our thoughts are in the right place. It used to be that people thought that the habitat of the Asian and the African Elephant was an endless frontier.

Now we know it was not endless, and the frontier is gone. So it is highly appropriate for us, along with the international community, to set aside a small sliver of habitat that can in some small way reflect the bounty that used to be so that generations unseen in the future will be able to enjoy the magnificence of the creation that we now see.

Mr. DAVIS of Illinois. Mr. Speaker, and colleagues, four years ago we unanimously approved the Asian Elephant Conservation Act of 1997, in order to protect the endangered Asian Elephant that proves so vital for ecosystems in Southeast Asia. Our efforts were not in vain.

Four years ago the Asian Elephant was caught in a downward spiral towards extinction. Poachers indiscriminately hunted them for their hides, meat, tusks, and teeth. Farmers and urban expansion destroyed their habitats. The effects of these actions were evident in 1997 when there were only an estimated 35,000 elephants left in existence. Today there are an estimated 35,000–50,000 elephants, demonstrating that while our efforts have succeeded to some extent, much more needs to be done.

Extinction of the Asian Elephant is still entirely possible, and we must not simply stand idle while this happens. Like most ecosystems of the world, the Asian Elephant is a vital part of its natural habitat, and its existence and interaction with other species proves crucial in maintaining an ecological balance within the Southeast Asian region. For example, the elephants feed on bark from trees that they uproot; smaller species of mammals, insects, and birds rely on "leftover" debris from these trees as a dietary staple. Extinction of the Asian Elephant would have multiple and severely negative effects on the populations of countless other species.

We must continue to protect this species from poachers and the deforestation that threatens to permanently displace it. By appropriating funds we will also actively discourage poachers, and encourage education that will bolster conservation efforts.

Mr. Speaker, distinguished colleagues, please join me in support in passing H.R. 700, so that we may ensure the survival of this beautiful and vital species.

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 700, as amended.

The question was taken.

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

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R 643 and H.R. 700.

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

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

RECOGNIZING CONTRIBUTIONS, ACHIEVEMENTS, AND DEDICATED WORK OF SHIRLEY ANITA CHISHOLM

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 97) recognizing the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm.

The Clerk read as follows:

H. RES. 97

Whereas Shirley Anita Chisholm has devoted her life to public service;

Whereas Shirley Anita Chisholm served in the New York Assembly from 1964 to 1968;

Whereas Shirley Anita Chisholm became the first African American woman to be elected to Congress in 1968;

Whereas Congresswoman Chisholm was a fierce critic of the seniority system in Congress, protested her assignment in 1969 to the Committee on Agriculture of the House of Representatives, and won reassignment to a committee of the House of Representatives on which she could better serve her inner-city district in Brooklyn, New York;

Whereas Congresswoman Chisholm served as a Member of Congress from 1968 until 1983;

Whereas Congresswoman Chisholm proposed legislation to increase funding for child care facilities in order to allow such facilities to extend their hours of operation and provide services to both middle-class and low-income families;

Whereas in 1972 Congresswoman Chisholm became the first African American, the first woman, and the first African American woman to be a candidate for the nomination of the Democratic Party for the office of President of the United States;

Whereas Congresswoman Chisholm campaigned in the primaries of 12 States, won 28 delegates, and received 152 first ballot votes at the national convention for the nomination of the Democratic Party for the office of President of the United States;

Whereas Congresswoman Chisholm has fought throughout her life for fundamental rights for women, children, seniors, African Americans, Hispanics, and other minority groups;

Whereas Congresswoman Chisholm has been a committed advocate for many progressive causes, including improving education, ending discrimination in hiring practices, increasing the availability of child care, and expanding the coverage of the Federal minimum wage laws to include domestic employment;

Whereas in addition to the service of Congresswoman Chisholm as a legislator, Congresswoman Chisholm has worked to improve society as a nursery school teacher, director of a child care facility, consultant for the New York Department of Social Services, and educator; and

Whereas it is appropriate that the dedicated work and outstanding accomplishments of Congresswoman Chisholm be recognized during the month of March, which is National Women's History Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the enduring contributions and heroic achievements of Shirley Anita Chisholm; and

(2) appreciates the dedicated work of Shirley Anita Chisholm to improve the lives and status of women in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 97.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider House Resolution 97, which recognizes the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm.

I want to thank my distinguished colleague, the gentlewoman from California (Ms. LEE), for introducing this legislation which gives us an opportunity to honor Ms. Chisholm's achievements.

Shirley Chisholm has brought honesty, integrity, and compassion to her lifetime of public service. In 1959, Ms. Chisholm joined the New York Department of Social Services and the Department of Day Care. There, the living conditions of poor and minority women and children were a constant concern that became a priority for the rest of her life.

She was elected to the New York Assembly, where she served from 1964 to 1968. In 1969, she still spoke for the less fortunate in our society when a 3–1 margin of victory made Ms. Chisholm the first African American woman to serve in the U.S. House of Representatives.

House Resolution 97 reflects the extensive accomplishments and inspired activism of Ms. Chisholm as a Representative of the Bedford-Stuyvesant District. Ms. Chisholm was determined to make the system work for those who needed it most.

In addition to all her accomplishments, Ms. Chisholm was a pioneer and an idealist. Not only was she the first African American woman to serve in Congress but she was also the first woman and the first African American woman to seek her party's nomination for President of the United States.

As one of the first candidates to address the issues of young adults, Shirley Chisholm has always and continued to reach out to students and youth as a professor at Mount Holyoke College after choosing not to run for reelection in 1982.

In fact, Shirley Chisholm never ceased to find new ways to serve her district, her State, and her Nation before, during, and after her time as a Member of the House.

The same issues that propelled Shirley Chisholm into office are the same issues she addressed each year while in office. Ms. Chisholm helped pass the Adequate Income Act of 1971, which guaranteed a minimum income for impoverished families. She helped convince Congress to override President Ford's veto of the bill which finally provided support for State day care agencies.

She tirelessly worked to protect programs that supported minority children; and even after holding office, Ms. Chisholm continued her fight for minority rights by establishing the National Political Congress of Black Women. All of these efforts in and out of office are manifestations of Shirley Chisholm's dedication to improving poor living conditions and the rights of women and minorities.

Great gains have been made since Ms. Chisholm's first term in the House. There are now 62 female Members of the House. Of these 62 women, 15 are African American. And we just added one the other day, the gentlewoman from California (Ms. WATSON) to replace our very distinguished Mr. Dixon, who I am sure is looking down with great favor.

While this statistic is encouraging, we can do more to honor Ms. Chisholm's legacy. She broke down the barriers of race and gender relative to congressional representation, and we have to continue in her footsteps. As a pioneer, an idealist, she reminds us of what true public service and political leadership could be and should be.

Mr. Speaker, I urge my colleagues to support House Resolution 97.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in support of this resolution. In 1968, a court-ordered reapportionment of New York's Congressional District created a new 12th district centered in the Bedford-Stuyvesant section of Brooklyn. Shirley Chisholm, the daughter of immigrants, won the election in that district.

As the first black woman to serve in Congress, Shirley Chisholm is quoted as saying at that time ''tremendous amounts of talent are being lost to our society just because that talent wears a skirt.'' Shirley Chisholm's advocacy on behalf of her constituents and the examples she has set for the women that have followed her have not been lost on this body, as is evident from this resolution.

When Shirley Chisholm arrived in the House of Representatives from her inner-city district, the Democratic members of the Committee on Ways and Means assigned her to the Committee on Agriculture. Shirley Chisholm, already a critic of the committee system and its emphasis on seniority, appealed to her party caucus for reassignment to a committee of greater relevance to her district.

She then received a seat on the committee on Veterans Affairs, followed by several terms on the Committee on Education and Labor and the Committee on Rules. Throughout her service in Congress, Shirley Chisholm fought to extend or protect the same kind of social programs that were at the center of her State and local activism.

Among her efforts to aid families were her proposed funding increases to extend the hours of day care facilities and open such facilities to the children of working mothers of low-income and middle-income groups.

She sponsored the Adequate Income Act of 1971, which guaranteed an annual income for families; and her defense of the Office of Economic Opportunity against the Nixon administration's efforts to eliminate that agency will always be remembered.

On January 25, 1972, Shirley Chisholm declared her candidacy for the Democratic Presidential nomination. She campaigned extensively and entered primaries in 12 States, winning 28 delegates and receiving 152 first ballot votes at the convention.

Shirley Chisholm was indeed a role model as an elected official and an activist. I am pleased to join in support of this resolution.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from California (Ms. LEE) for the purposes of controlling time.

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

There was no objection.

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

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. DAVIS), for yielding the time to me and for allowing us this time today and for his assistance and in pushing this resolution forward to honor a great human being.

Mr. Speaker, I rise in strong support of H. Res. 97, a bill that recognizes the enduring contributions, the heroic achievements, and the dedicated work of my friend and mentor Shirley Anita Chisholm.

I am honored to sponsor this bipartisan resolution, and I want to thank the gentlewoman from Maryland (Mrs. MORELLA) for being here with us today in celebrating the numerous accomplishments of a dynamic woman who has devoted her life to public service and who broke many glass ceilings.

Ms. Chisholm is now retired but continues to touch the lives of many individuals. I would like to recognize Ms. Chisholm for her courageous leadership as an African American pioneer, a heroic woman, and an outstanding American.

Ms. Chisholm became the first African American woman elected to Congress in 1968. And today, as the gentlewoman from Maryland (Mrs. MORELLA) just indicated, we have 15 phenomenal African American congresswomen who serve the Nation in an amazing way.

Shirley Chisholm was elected during a time when there were few women elected officials, as well as few ethnic minority women in public office.

The gentleman from Illinois (Mr. DAVIS) outlined the many committees that Congresswoman Chisholm served on. He mentioned the powerful Committee on Rules. She knew how to exercise power for the good of the country and she exhibited remarkable political skills, clarity on the issues, and tough love as she masterfully engaged in the legislative process.

Ms. Chisholm worked hard to get elected to Congress as a woman and as an African American and as an American. While in office, she stood up for the principles she was guided by, despite the numerous battles she faced in office.

She fought the fight for what she believed in, despite the struggles she faced as a woman and as an African American. She represented the voice of minorities, women, and children while in public office and worked hard to make sure that their issues were addressed and incorporated in all aspects of public policy.

Ms. Chisholm was really a woman far ahead of her time. She was truly a visionary. I was so proud and amazed each time I heard her speak fluent Spanish. She is proudly bilingual.

One of Ms. Chisholm's slogans used in her campaign was a catalyst for change. That indeed she was. Her extraordinary work has inspired and empowered many, many women to become active citizens by engaging in the political process.

□ 1500

Mrs. Chisholm inspired me through her wisdom and vision to strive for success and stand up for fundamental rights. She was my role model and convinced me that I could achieve anything if I work hard for it even in a white male dominated society.

I have so many personal, wonderful and inspiring memories of Shirley Chisholm, but just for a minute let me just mention one. Imagine a young woman on public assistance raising two small boys as a single mother, trying to get through college. One day, this young woman meets an inspirational and brilliant African-American Congresswoman from New York who was running for President. She was really in awe.

Yes, that young woman way back there in 1972 was me. That powerful woman was Mrs. Shirley Chisholm, Congresswoman Shirley Chisholm, Candidate Shirley Chisholm, who visited my college at Mills College in Oakland, California to convince students to become organized by getting involved in her campaign.

I reflect upon this today because I see so many young girls and women who need role models and mentors to encourage them to develop their potential.

Shirley Chisholm's courage and wisdom enabled many women to enter careers that were really nontraditional. Her mission to incorporate women, children, African Americans and all minorities into public policy opened the door to a whole new debate that was lacking in Congress during her time.

Mrs. Chisholm was truly unbought and unbossed.

Through her example, she encouraged me, like many, to believe in myself and work hard in our mission to expand women's rights and minority rights as an African American.

In 1972, Mrs. Chisholm wanted to incorporate her ideals and beliefs into a larger scale. So, as we know, in 1972, she became the first African American, the first woman, the first African-American woman to be a candidate for the Democratic presidential nomination.

I was proud to have been part of her campaign. In fact, that was the very first political endeavor of my entire life.

Like so many young people, I was not sure that politics could make a difference in my life or the lives of my

communities. But she convinced me to take a chance. She told me first that I better register to vote, and then she encouraged me to become more involved.

So I want to congratulate Mrs. Chisholm for her great accomplishments and take this time to celebrate her courage, her wisdom and her strength.

I thank Shirley Chisholm for giving me a glimpse of the grand possibilities that public service really does provide individuals, and I thank her for her challenging life's work as well as for her kind and gentle spirit.

Each time that I speak with Shirley Chisholm, I am inspired to go back to the drawing board, to regroup, to bounce back with a new-found sense of passion, fire and enthusiasm until of course that there is liberty and justice for all.

For these reasons and for many more today, I want to just thank Shirley Chisholm. Like so many others, I deeply love, respect and honor her.

I urge my colleagues to join me in celebrating the accomplishments of Mrs. Chisholm by supporting this resolution. I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) very much for allowing me to take these 4 minutes to speak about my friend Shirley Chisholm. I thank the gentlewoman from California (Ms. LEE) for organizing us around this special recognition.

I am delighted to join with my colleagues here today as we recognize the accomplishments of someone who has been truly a leader, a role model, and my friend. Shirley Anita Chisholm is one of the most inspirational women that I have ever met, and this is a woman with an impressive legacy.

Early on, she spoke out on behalf of the people who most needed a voice. She spoke out for children, minorities and women. To this day, her commitment to the underrepresented has never failed.

In 1964, Shirley Chisholm won by a landslide a seat on the New York State Assembly. There one of her initiatives was to author legislation that instituted a program known as SEEK, a program providing college funding to disadvantaged youth.

Four years later, Shirley Chisholm made history. She became the first woman, the first African American and the first African-American woman to be elected to Congress. Mrs. Chisholm served seven terms as a Member of the House of Representatives.

During that time, Shirley Chisholm advocated not only for the rights of blacks, but also for the rights of other people of color, including Native Americans and Spanish-speaking migrants. She would not stand for discrimination of any kind.

In her congressional office, Ms. Chisholm went against tradition of the time that paid men higher wages than women. In addition, she broke down barriers that prevented women from being promoted to certain positions.

While in Congress, Shirley Chisholm continued the struggle for equality, leading the drive to expand the coverage of minimum wage legislation to include domestic workers. She also was a leader in the effort to end forced sterilization of mental health patients.

The woman we honor today took other bold steps as well. In 1972, she broke boundaries by campaigning for the Democratic presidential nomination. Her efforts opened the door to later campaigns.

Shirley Chisholm has been involved in numerous endeavors. She has written two books, including the one that we will hear discussed most when people talk about Shirley Chisholm, ''Unbought and Unbossed,'' her autobiography to 1970. From 1983 to 1987, she held the Purington Chair at Mount Holyoke College.

In 1984, Shirley Chisholm and I joined with a group of 34 African-American women leaders to form the National Political Congress of Black Women. Ms. Chisholm later served as the first chair of that organization. That organization is still going strong today with C. Dolores Tucker as its leader.

Shirley Chisholm's efforts must not be forgotten. The fact that they are so extraordinary provides us with a clear sign that we have not yet done enough. It is my hope that by honoring her today, we are taking one more step to the justice and equality we need in this country.

Mr. Speaker, I heard the gentlewoman from California (Ms. LEE) talk about how she was inspired by Shirley Chisholm. I think that all of us as women Members of Congress could not help but be inspired by Shirley Chisholm no matter on which side of the aisle we serve. Certainly we all knew about her, and certainly we all aspire to be like her.

There is one thing that I would like to have said about me, is that I am as feisty as Shirley Chisholm and that I too am unbought and unbossed. If I could get that said about me, that would be worth everything.

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

Mr. Speaker, let me just say to the gentlewoman from California (Ms. WATERS) I vividly remember the day I met her, and it was at an event for Congresswoman Shirley Chisholm in Los Angeles. That is a testimony to, I think, the type of people that Congresswoman Shirley Chisholm brought together all over our country, men, women, minorities, people of conscience throughout our country.

Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a woman who serves with distinction the Washington, D.C. area, our Washington, D.C., the home of all of us, and a woman who serves in the tradition of Congresswoman Shirley Chisholm.

Mrs. MORELLA. Mr. Speaker, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California for her generosity, and I thank her for her prescience for bringing this resolution to the floor.

I also thank the gentlewoman from Maryland (Mrs. MORELLA), my good friend, who characteristically has come forward for a woman pioneer. I use the word ''pioneer'' here in its literal meaning. I know the term is used loosely. But I mean to avoid cliches here. This woman gives real meaning to the word ''pioneer'': first woman, first African-American woman in the House of Representatives, first African-American woman to run for President, first African-American woman to found a national political women's organization, the National Political Congress of Black Women, now with C. Dolores Tucker as chair.

I was one of the co-founders with the gentlewoman from California (Ms. WATERS) and a number of others, but the leader of that group was the woman who was chief in charge of us all; and that was Shirley Chisholm.

Just think of it. A little over 30 years ago, there was not a single black woman who had ever served in this body. Now there are 13 of us. That means that we are coming up on being almost half of the Congressional Black Caucus and over a quarter of the women in the Congress.

I am telling my colleagues, it took guts and intelligence and all the other characteristics that one can think of to be the first one to step up here and say I am coming. Nobody has come before, but here I come.

For me, it is almost like for the gentlewoman from California (Ms. LEE), Shirley Chisholm is not simply a distinguished African-American woman who I admire as a role model. This is a woman who has been a friend since the days when she and I both served in New York, she in the State Assembly, me as New York City Commissioner on Human Rights. I saw this woman rise in the State Assembly, and I saw her rise to the Congress, and I saw the characteristics that made that happen.

Every woman in this body is personally indebted to Shirley Chisholm because of how she made women count in America. When she stepped forward, one did not have to be her color to be proud.

Shirley Chisholm was a leader in giving feminism a black face. For that, I am personally indebted. This was a

prominent black woman who was unafraid to step up and say, hey, listen here, I am black and I am a woman and I am proud of both, and I do not want to hear about how you are not supposed to be a woman if you are black.

She made it safe to be a black feminist. She cleared the way for all of us who regard ourselves as feminists. She was not turned back by the notion of matriarchy or words of that ilk.

She of course came to Congress out of her work with women and children in the social services department in New York, seeing the hardships of women and children. She became the special advocate of women and children for her entire life. It was her lifelong mission: minimum wage for women in the New York State Assembly, minimum wage for women right here in this country, minimum wage for domestic workers in the New York State Assembly, minimum wage for domestic workers in the House of Representatives, affordable child care.

Child care for poor women, sure. But Shirley Chisholm stood up and said, you know what, the average woman needs child care, too, the average middle-class woman; and she needs it for all day because those are the workdays.

Shirley Chisholm of course never stayed in her place. She did not know how to stay in her place. So she did not just stop with her women and children, her lifelong mission. She was there up in front for the all-volunteer army, for the prohibition on arms sales to South Africa before that became an issue in this body, for consumer protection.

She was one of the few Members to become a national figure as a result of her service in this place. She became a national Congresswoman. She represented Bedford Stuveysant and Bushwick. If my colleagues know anything about Brooklyn, they know that is a tall order.

But millions of Americans of every color thought of Shirley Chisholm as their Congresswoman. Some of us are especially indebted to Shirley Chisholm for countless contributions to the African-American community and to black women in particular. But the United States of America itself is indebted to Shirley Anita Chisholm for 15 years of pioneer service to her country.

I want my last words to be understood because I spoke of her service to African Americans and to black women in particular. But I want it to be understood that I believe the United States of America itself is indebted to Shirley Chisholm for 15 years of pioneering service to her country in the House of Representatives.

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

Ms. LEE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), whose life has been touched in many ways by Shirley Anita Chisholm.

Ms. MCCOLLUM. Mr. Speaker, I thank the gentlewoman for arranging this and yielding me time today.

Mr. Speaker, in 1972, Congresswoman Shirley Chisholm announced her candidacy for President. She said, ''I stand before you today as a candidate for the Democratic nomination of the Presidency of the United States. I am not the candidate of black America, although I am black and proud. I am not the candidate of the women's movement, although I am equally proud of being a woman. I am not the candidate of any political bosses or special interests. I am the candidate of the people.''

I was 18 years old when Shirley Chisholm announced her candidacy and became one of my political role models. Her passion, her commitment for Democratic ideals, justice and equality continue to offer me guidance and inspiration as I serve the people of Minnesota.

This past November, I became only the second woman elected to Congress since Minnesota became a State in 1858. Just as my election has been important to the young women in Minnesota, Shirley Chisholm's service in Congress and outspoken leadership for racial and gender equality inspired millions of Americans, including me.

While introducing the Equal Rights Amendment in 1969, Congresswoman Chisholm said, ''a woman who aspires to be the chairman of the board, or a member of the House, does so for exactly the same reasons as any man. She thinks she can do the job and she wants to try.''

□ 1515

And in this year, 2001, 32 years after its original introduction, I am proud to work with others to continue Shirley Chisholm's struggle for equality as an original cosponsor of this most recent equal rights amendment.

Congresswoman Chisholm, you did the job well, and today I honor you and I thank you; and I once again thank both the gentlewomen for making it possible for me to speak today.

Ms. LEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATSON), our newest Member of Congress, our newest woman here in the United States Congress, our newest member of the Congressional Black Caucus, a person who I served with for many years in the California legislature; and I believe that today is probably her actual first speech on the floor since her swearing-in speech last Thursday.

Ms. WATSON of California. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE). It is a pleasure and a delight to be here joining her in her commendation to Representative Shirley Chisholm, a woman that I met too many years ago to really account for.

In meeting Shirley Chisholm, it was an experience. And when I say an experience, she was a teacher and a mentor, and there is never a time when you meet with Shirley Chisholm that you do not feel her inspiration, that you do not hear her wisdom, that you do not notice how profound she really is. Shirley Chisholm serves as a major role model for all women and all Americans. As has been said here before, she did not only focus on African Americans and women, but all Americans. She showed those of us who were young and aspiring how to get the job done. She was knowledgeable almost in every area that one could raise with her.

She tells the story of how she was called on in New York to train a young man who was a labor leader to prepare himself to run for elected office. And she told him that she did not have much time because she was teaching, but she would take on a new project. This new project was so enamored with her, so touched by her warmth, her knowledge, and her concern for him, that at the end of their session he asked to marry her. She eventually married him.

He prepared her for life alone, and the story really brings tears to your eyes. He discovered that he was a cancer victim. And rather than let her know, he said he was going to work on a private job every Wednesday. He was preparing for his departure and trying to get affairs ready so Shirley could take over after he had passed on and be able to run things on her own. He did pass on, and Shirley took on a new life. And I tend to think of that new life as enjoying life as he would have enjoyed it with her as he had lived.

These are the kinds of stories that one heard often from Shirley. Not only did she advise you on how to work through the political arena, but she advised you on how to live life. And I think we all owe a great debt of gratitude to Shirley Chisholm, because whoever met her learned a little more about life and how to live life more successfully and beneficially.

The SPEAKER pro tempore (Mr. WHITFIELD). The gentlewoman from California (Ms. LEE) has 1 minute remaining, and the gentlewoman from Maryland (Mrs. MORELLA) has 11 minutes remaining.

Mrs. MORELLA. Mr. Speaker, does the gentlewoman from California seek any time from this side?

Ms. LEE. Yes, I would like to yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MORELLA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank my colleague, the gentlewoman from Maryland, for yielding me this time; and I thank my colleague, the gentlewoman from California (Ms. LEE) for setting up this opportunity for us to remember someone who was truly an illustrious individual who served in the Congress of the United States.

I believe, Mr. Speaker, that I am the only one who served with her, and so I have great occasion to celebrate this moment and to tell my colleagues what a wonderful person Shirley Chisholm was. There was something about her, her gate, her mannerism, the smile that went across her face. It just sort of electrified the House when she took the well to express some disgruntled feeling about this Chamber that was not doing its job. And everyone took it with good cheer and responded by doing what we were supposed to do.

I recall very vividly when Shirley first came to the House and she was assigned to the Committee on Agriculture. It was with great dismay that she felt she was being more or less relegated a position on a committee which was of no interest to her. She took the well, castigated the leadership on her side for having made this appointment, and then proceeded to take charge of that committee, and soon found out that food stamps was in the House Committee on Agriculture and just sort of revolutionized the whole approach of helping poor people with the food stamp program.

That is an example of where Shirley Chisholm took every occasion to fight for the things that were important not only to her and her district but to all people throughout the United States. I consider her truly one of the really outstanding persons, women, that I had the privilege of serving with in the House.

Her most outstanding contribution to America was the fact that she was the one who decided that it was time for America to have a new face on the political ballot for the Presidency, and so she declared that she was going to run, and she campaigned really vigorously all over the country. Shirley Chisholm made headlines all over the newspapers, making a real impression on young people that here was a woman willing to stand up against all odds to make her point that America was for all people and that women should consider the opportunity to run for President.

So I am so proud to have had a chance to serve with Shirley, to understand what a remarkable person she was. She took on every occasion to present the issues as we would want them presented by this wonderful champion.

Mr. Speaker, I rise to express my strong support for H. Res. 97, recognizing the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm.

I am fortunate enough to have served with Shirley Chisholm when she began her fourteen year tenure in the House. From day one, Shirley spoke out for her constituents. After being assigned to the Committee on Agriculture, Shirley protested, rightfully claiming that this committee assignment would not allow here to fully serve the members of her inner-city Brooklyn district.

Shirley, first and foremost, is an educator. She began her career as a nursery school teacher and eventually became educational consultant for New York's Division of Day Care. She realized early on the benefits of quality early childhood education and proposed funding increases to extend the hours of child care facilities. She later led the fight to override President Ford's veto of a bill that would assist states in meeting minimum day care requirements.

In 1972 Shirley declared her candidacy for the Democratic presidential nomination. As the first African-American woman elected to Congress, Shirley knew her presidential candidacy was going to be an uphill battle. But she entered primaries in 12 states, won 28 delegates, and received 152 first ballot votes at the Democratic convention.

She has inspired many women to enter the political arena, and once said, "At present, our country needs women's idealism and determination, perhaps more in politics than anywhere else."

I urge unanimous support for this resolution, which recognizes a true pioneer and a true friend to women, children and minorities.

Mr. Speaker, I thank again my colleagues on both sides for yielding me this time.

Ms. LEE. Mr. Speaker, I yield myself the balance of my time to once again thank all my colleagues for sharing this time this afternoon with us. I think it is so important that America, our young women, our girls, all of America understand who this great woman was. Fortunately, we will have the CONGRESSIONAL RECORD now. Fortunately, her legacy will be recorded. We just heard a glimpse of that today in terms of her life's work.

One thing I want to mention in closing is that I remember very vividly Congresswoman Shirley Chisholm working in a bipartisan fashion. I know the gentlewoman from Hawaii (Mrs. MINK) served with her, as she indicated; and I know she knows how effective Congresswoman Chisholm was in working across the aisle. I think she also has taught us all a lesson that we probably need to look at and study at this point in our work here in the United States Congress.

So I will close now by thanking once again all of our cosponsors on this resolution. I want to once again honor and thank Congresswoman Shirley Chisholm for everything that she has done and say that not only should Congresswoman Shirley Chisholm be celebrated and honored during black history or women's history, but she should go down in American history as one of the greatest human beings who ever walked the face of this Earth.

Mrs. MORELLA. Mr. Speaker, I yield myself the balance of my time to reiterate my thanks to the gentlewoman from California (Ms. LEE) for introducing this resolution, and note the number of people who have spoken and those who will be putting statements into the record. It reflects how all of us feel about this extraordinary woman, Shirley Anita Chisholm, an extraordinary public servant, a woman who dared and a very caring human being.

I urge all of our colleagues to support this resolution.

Mr. TOWNS. Mr. Speaker, I rise today to join my colleagues in praising the achievements of a former member of this body, the Honorable Shirley Anita Chrisholm. I am particularly pleased to lend my support to this resolution because Congresswoman Chisholm represented sections of my Brooklyn district for 16 years before her retirement in 1982. She served as a role model for aspiring politicians like myself in New York; and she became an inspiration for thousands of young people throughout this nation and around the world.

Not only did Shirley Chisholm make history with her election in 1966 as the first Black woman to serve in Congress, she set a standard of legislative achievement in the area of education and advocacy for the disadvantaged. Minimum wage for domestic workers, bio-medical education programs for junior high students, an endowment fund for historically Black colleges, and freedom and justice for Haitian refugees were just a few of their stellar legislative accomplishments.

Before Shirley's run in the '72 Presidential election, neither women or Blacks were considered viable candidates for the nation's highest office. In her usual trailblazing fashion, here Presidential run changed those political dynamics forever and our nation is the better for it. Today, no one hesitates to consider the possibility of a woman or a Black candidate on a national Presidential ticket.

I want to thank my colleague, the gentlelady from California for introducing this resolution to honor one of New York's and Brooklyn's finest, the Honorable Shirley Chisholm.

Mr. CROWLEY. Mr. Speaker, I am proud to rise in support of House Resolution 97 honoring the great achievements and exemplary record of public service of Shirley Anita Chisholm. A consummate and ardent supporter of women and minorities in our society, Representative Chisholm is truly deserving of this honor.

Shirley Chisholm was a pioneer in many ways. She was the first African American woman ever to serve in Congress and not only the first African American woman to run for President, but also the first woman to run for the Nation's highest office.

Shirley Chisholm was born to immigrant parents in Brooklyn, New York in 1924. She attended public schools and graduated from Brooklyn College with a degree in Sociology in 1946. She also went on to receive a masters degree in child education from Columbia University in 1952.

Her service to our Nation did not start with public service however. With a belief that a better future can be achieved through the proper education of our children, Shirley Chisholm dedicated herself to the education and development of young children in New York. She first worked as a nursery school teacher until she received her master's degree; in which she then served as the director of various child care centers in New York City. Her tremendous abilities and desire to serve continued to open up greater opportunities for her

to serve as she entered her last job in the educational sector as an educational consultant for the New York Department of Social Services.

In 1964 she decided that she could serve a broader segment of the population by entering politics and was elected to the New York State Assembly while campaigning for domestic workers to be included in the minimum wage laws. In 1968 she ran against a strong candidate and won a seat in the House of Representatives where she served with distinction until 1983. While in the House, Representative Chisholm developed into a strong opponent and critic of the seniority system and the Vietnam War. As an active member of the Black Caucus she became a champion of the downtrodden in our society. She sponsored or worked on types of legislation that sought to further combat discrimination in hiring practices, increase the availability of child day care to low and middle income families, and set up a national commission on consumer protection and safety. She also authored two books entitled Unbought and Unbossed and The Good Fight.

Typical of Shirley Chisholm though, she decided that she could be of even greater service to the American people by running for President of the United States. She announced her candidacy in January of 1972 and thus became the first African American and first woman ever to run for the nation's highest office. Though she did not win the nomination, she did win twenty-eight delegates and received 152 first ballot votes at the Democratic Convention of that year.

When she retired from serving in the House, she went back to her original field of work and accepted a teaching position at Mount Holyoke College in Massachusetts where she taught until 1987. She continues to remain active in politics however, as she helped to found the National Political Congress of Black Women and serves on the advisory board for the National Organization of Women.

Mr. Speaker, clearly Shirley Anita Chisholm was a dedicated servant to our nation and to the people who needed a voice the most. She once said this about herself, ''When I die, I don't want to be known as the first black woman who was elected to the Congress, although I am. I don't want to be known as the first woman, who happened to be black, to make a serious bid for the presidency, although I am. I want to be known as a woman who lived in the 20th century, who happened to be black, and was a major catalyst for change for women. That's how I want to be remembered.'' She certainly will be remembered for all those things and more. Let us do the right thing to honor and give our thanks to Shirley Chisholm and pass this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to an innovator, trailblazer, and contributor to the advancement of African Americans, Shirley Chisholm, who in 1968 became the first Black woman elected to Congress. During her seven-term career, Chisholm worked diligently on several committees including Agriculture, Veterans' Affairs Committee, Rules, Education, and Labor. The Brooklyn native has truly touched the lives of her fellow Americans.

Chisholm is truly an exceptional person for many reasons. Her positive impact on issues involving healthcare, education, and daycare has implemented changes throughout various areas of the community. In 1976 she urged the House to over-ride President Ford's veto of a $125 million bill to assist states in meeting federal health, safety and personnel standards for day care centers. Her fight to tougher fair housing legislation is a continuum in America today. Because of her victory in this fight, today millions of children spend their days in safe and decent daycare facilities.

Her conscientious efforts have truly left indelible imprints upon society. Mr. Speaker, Chisholm's contributions to society and this institution were truly spectacular. As an African American woman in this Congress, I stand on her shoulders and hope to honor and continue her legacy.

Mrs. CHRISTENSEN. Mr. Speaker, it gives me great pride and honor to rise today in support of H. Res. 97, a resolution to recognize the invaluable contributions and the monumental achievements of Ms. Shirley Anita Chisholm. I would like to commend my colleague, Representative BARBARA LEE, for taking the leadership in this effort.

As the first African American woman to be elected to Congress in 1968, Ms. Chisholm blazed the trail that opened many doors for women of color, particularly in the political arena. It is because of Ms. Chisholm that I, along with the other fourteen African-American Congresswomen, have sought elected office and dedicate our lives to public service. Ms. Chisholm gave women the courage, fortitude and inspiration to say, ''Women can do it too.'' She fought throughout her life for fundamental rights for women, children, seniors, African Americans, Hispanics, and other minority groups.

First and foremost, Ms. Chisholm was an educator. She worked to improve our society as a nursery school teacher, director of a childcare facility, consultant for the New York Department of Social Services, and educator. Ms. Chisholm then used this experience and knowledge as a platform for her advocacy to improve education and increase the availability of childcare. In addition, Ms. Chisholm also served on many progressive causes. She was indeed a visionary.

Ms. Chisholm is, perhaps, most remembered for becoming the first African American, the first woman, and the first African American woman to be a candidate for the nomination of the Democratic Party for the office of the President of the United States. She has truly created a legacy.

Mr. Speaker, achievements and contributions such as those made by Congresswoman Shirley Anita Chisholm should never be forgotten or go unrecognized. I thank Ms. Chisholm for being a role model to me and the many little girls and women across the nation who aspire to make a difference in our society. I would also like to thank Ms. Chisholm for choosing the district that I represent, the U.S. Virgin Islands, as one of her homes. We hope that the beauty and warmth of our territory will bring you the peace, serenity and comfort of home away from home.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Shirley Anita Chisholm, the first African-American woman elected to Congress. Ms. Chisholm was elected in 1969, and continued to serve in the House of Representatives for fourteen years.

Shirley Chisholm paved the way for African-American women in Congress. The daughter of a domestic worker, she grew up believing that women needed their voices to be heard and that women should have more flexibility to enter the workforce. While serving in Congress, Ms. Chisholm founded the National Women's Political Caucus, to ensure that the role of women in Congress was clear.

Ms. Chisholm never compromised her beliefs. She sponsored legislation to establish a national commission on consumer protection and product safety. She fought for the rights of minorities by calling for the end of British arms sales to South Africa. She believed that day care programs should be improved and the hours extended so mothers could go to work. She also supported expanding the minimum wage to include domestic workers.

Shirley Chisholm set an example for everyone to follow. Throughout her terms in Congress, she remained an outspoken advocate of women's rights, labor, and minority rights, and held steadfast to her dreams. In 1972, she became the first woman to run for president.

Congresswoman Chisholm, thank you for following your goals, and fighting for minorities and working women's rights. It is with great pride today that I commend Ms. Shirley Anita Chisholm, for all of her achievements and accomplishments.

Ms. PELOSI. Mr. Speaker, I rise to speak in honor of a true pioneer and a pathbreaker for women in politics: Shirley Chisholm. I commend Congresswoman LEE for bringing this resolution forward.

In 1968, Shirley Chisholm became the first African-American woman to win a seat in the United States Congress, joining 8 other African-American House members. Three decades later, 39 African-American members belong to this body, including 15 women. This is a clear sign of progress, but we have a long way to go to achieve full representation for women and people of color.

In 1972, Shirley Chisholm became the first black woman to run for President, saying later, ''I knew I wouldn't be president, but somebody had to break the ice, somebody with the nerve and bravado to do it.''

At each bold step in her career, she was regularly told, ''You've just committed political suicide,'' But she carried on. She said, ''Service is the rent that you pay for room on this earth.'' Thank you for the opportunity to honor Shirley Chisholm for her achievements and her indomitable spirit, and for paving the way for other people of color—and for women of all ethnic backgrounds—to serve in public office.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, House Resolution 97.

The question was taken.

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

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PRESIDENT'S PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO RISK OF NUCLEAR PROLIFERATION CREATED BY ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN TERRITORY OF RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–87)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 11, 2001.*

NOTICE OF CONTINUATION OF EMERGENCY WITH RESPECT TO PROPERTY OF RUSSIAN FEDERATION RELATING TO DISPOSITION OF HIGHLY ENRICHED URANIUM EXTRACTED FROM NUCLEAR WEAPONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–86)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2001.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond June 21, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 11, 2001.*

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

In accordance with the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the Annual Report of the National Endowment for Democracy for fiscal year 2000.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 11, 2001.*

□ 1530

RECESS

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

Accordingly (at 3 o'clock and 30 minutes p.m.), the House stood in recess until approximately 6 p.m. today.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1088, INVESTOR AND CAPITAL MARKETS FEE RELIEF ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–97) on the resolution (H. Res. 161) providing for consideration of the bill (H.R. 1088) to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2052, SUDAN PEACE ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–98) on the resolution (H. Res. 162) providing for consideration of the bill (H.R. 2052) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1157, PACIFIC SALMON RECOVERY ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–99) on the resolution (H. Res. 163) providing for consideration of the bill (H.R. 1157) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 643, de novo;

H.R. 700, by the yeas and nays;

H. Res. 97, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill H.R. 643, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 643, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 700, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 700, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 15, not voting 16, as follows:

[Roll No. 156]

YEAS—401

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

NAYS—15

Akin
Coble
Collins
Culberson
Flake
Hall (TX)
Herger
Hostettler
Kerns
Paul
Schaffer
Shadegg
Stump
Tiahrt
Toomey

NOT VOTING—16

Burton
Cunningham
Diaz-Balart
Ferguson
Jackson-Lee (TX)
Johnson, E. B.
Kingston
Largent
Mollohan
Pence
Royce
Rush
Tanner
Udall (CO)
Velázquez
Walsh

□ 1829

Messrs. COBLE, KERNS, and AKIN changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS, ACHIEVEMENTS, AND DEDICATED WORK OF SHIRLEY ANITA CHISOLM

The SPEAKER pro tempore (Mr. STEARNS). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 97.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 97, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 157]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest

Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—17

Burton
Cunningham
Diaz-Balart
Ferguson
Jackson-Lee (TX)
Johnson, E. B.
Kingston
Largent
Linder
Mollohan
Pence
Royce
Rush
Tanner
Udall (CO)
Velázquez
Young (FL)

□ 1840

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PENCE. Mr. Speaker, I was unavoidably detained at the funeral of a good friend and former Indiana State Representative, Mr. Fred Wenger. Had I have been present for rollcall Nos. 156 and 157, I would have voted as follows: On rollcall No. 156—"yea"; on rollcall No. 157—"yea."

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1716

Mr. KIRK. Mr. Speaker, I ask unanimous consent to withdraw the name of the gentleman from Texas (Mr. EDWARDS) as a cosponsor of H.R. 1716.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 145, CONDEMNING RECENT ORDER BY TALIBAN REGIME OF AFGHANISTAN TO REQUIRE HINDUS TO WEAR SYMBOLS IDENTIFYING THEM AS HINDU

Mr. KIRK. Mr. Speaker, I ask unanimous consent that it be in order at any time, without intervention of any point of order, to consider in the House Concurrent Resolution 145, condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu; that the concurrent resolution be considered as read for amendment; that the concurrent resolution be debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and that the previous question be considered as ordered on the concurrent resolution to final adoption without intervening motion.

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

There was no objection.

RANKING OF MEMBER ON COMMITTEE ON SCIENCE

Mr. KIRK. Mr. Speaker, I offer a resolution (H. Res. 164) and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 164

Resolved, That on the Committee on Science Mr. Gilchrest shall rank after Mrs. Biggert.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

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

INTRODUCING LEGISLATION TO STRENGTHEN NUCLEAR SCIENCE AND ENGINEERING PROGRAMS AT AMERICAN UNIVERSITIES, COLLEGES, AND NATIONAL LABORATORIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce legislation to strengthen nuclear science and engineering programs at American universities, colleges, and National Laboratories.

Nuclear science and engineering in the United States is a 50-year-old success story that has been written by some of the brightest minds the world has ever known. America has truly been blessed as the world leader in this area. But even as there is renewed interest in nuclear energy as one of the solutions to our Nation's energy problems, there are fewer Americans entering the nuclear science and engineering field, and even fewer institutions left with the capacity to train them.

In fact, the supply of 4-year-trained nuclear scientists has hit a 35-year low, and there are only 28 universities that operate research reactors, less than half the number there were in 1980.

□ 1845

These statistics tell but the beginning of the story, however. Current projections are that 25 percent to 30 percent of the nuclear industry's workforce and 76 percent of the nuclear workforce at our national laboratories are eligible to retire in the next 5 years. And a majority of the 28 operating university reactors will have to be relicensed in the next 5 years, a lengthy process that most universities cannot afford.

When I consider these facts, I wonder how long we can continue the success

story that is nuclear science in the United States. Not long is my guess, and that is why action must be taken to reverse this troubling trend.

That is why I am introducing the Department of Energy University Nuclear Science and Engineering Act. This legislation is the House companion bill to legislation introduced in the Senate by my friend and colleague, Senator JEFF BINGAMAN.

This bill provides financial support for the operation, maintenance, and improvement of expensive, yet essential, university nuclear research reactors; resources for the professional development of faculty in the field of nuclear science and engineering; incentives for students to enter the field and opportunities for education and training through fellowships and interaction with national laboratory staff; and general research funds for students, faculty and national laboratory staff.

Now, more than ever, nuclear scientists and engineers are needed for much more than simply operating nuclear power plants. Trained in American universities and national laboratories, these specialists are needed to help design, safely dispose of, and monitor nuclear waste, both civilian and military; to develop radio isotopes for the thousands of medical procedures performed every day; to operate and maintain the Nation's existing fission reactors and nuclear power plants; to help stem the proliferation of nuclear weapons and respond to any future nuclear crisis worldwide; and to design, operate, and monitor current and future naval reactors.

These are not small tasks, but if we continue on the path we are on, there will not be enough people to do the job down the line.

The legislation I am introducing today incorporates a number of approaches recommended by reports from the National Research Council, the Department of Energy and its Nuclear Energy Research Advisory Committee, all leaders in the nuclear field. The bill advances four components essential to strong nuclear science and engineering programs: students, faculty, facilities, and finally research.

Mr. Speaker, my written statement goes into greater detail about these components, so I want to conclude by saying that this legislation is important, not only to a handful of American universities, but to our national labs, our industry, our Navy, our national security and those engaged in life-saving medical research involving radiation.

This legislation ensures that America continues to realize the benefits of a competent, well-trained, highly skilled nuclear workforce. More important, this bill is critical if we are to maintain America's standing as number one in the world in the area of nuclear science and engineering.

Mr. Speaker, I want to thank my colleagues on both sides of the aisle who are cosponsors of this important legislation, including the gentlewoman from Wisconsin (Ms. BALDWIN), the gentleman from Maryland (Mr. BARTLETT), the gentleman from Michigan (Mr. KNOLLENBERG), the gentleman from Michigan (Mr. EHLERS), the gentleman from Idaho (Mr. SIMPSON), the gentlewoman from Oregon (Ms. HOOLEY), the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Idaho (Mr. OTTER), and the gentleman from California (Mr. CALVERT).

Mr. Speaker, I urge the rest of my colleagues to join us in this endeavor by cosponsoring the bill.

TROPICAL STORM ALLISON

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

Mr. GREEN of Texas. Mr. Speaker, I rise this evening to talk about the recent flooding in my hometown of Houston and the devastation it has caused. I know the national news has covered some of it, but watching my colleagues around the country with their devastation in previous years, I had no idea until this last week and this last weekend what major flood waters can do.

Starting last Tuesday, June 5, Tropical Storm Allison made landfall on the Southeast Texas coastline, bringing with it 5 days of rain and damages estimated to be $1 billion or more and the countless loss of property and disruption of people's lives and as many as 20 people have lost their lives.

While many areas of Houston and Harris County have significant flooding, our 29th district, that I am honored to represent, was hit particularly hard, because of the residential nature of our district. Many of the city's bayous run through our district, and two of these bayous, Hunting and Greens bayous, overflowed their banks causing widespread flooding.

Over 10,000 residents were forced to leave their homes by Greens Bayou alone, as flooding in the area reached a 1,000 year level. Even those who were not flooded out of their homes suffered thousands of dollars worth of damage to their homes in personal belongings.

The damage from this storm, however, is not limited just to our residential areas. The whole community has been hit, area hospitals, not only our regional hospitals on Interstate 10, but the Texas Medical Center suffered interruptions in power that make treating existing patients along with flood-related casualties extremely difficult. Several were forced to close because of the flooding problems in the Texas Medical Center.

There are backups working now. But over the weekend, when you can imagine with the devastation that we had, the communications across the city were disrupted as well, with Houston's emergency communications network knocked out; and fire and rescue workers were forced to often rely on handheld radios.

Over 100,000 residents were without phone service and the 911 system was overwhelmed, and only quick action by our Harris County employees prevented loss of more long-distance and cellular communications.

Even today, 15,000 Houston and Harris County residents, including our district office, are without phone service, as the central office in Houston was under 5 feet of water for most of the weekend.

Even though classes are out for the summer and schools have not yet begun for the summer school, our public schools have not been spared. Over 300 Houston Independent School Districts have suffered flood damage.

Other districts were not spared. North Forest ISD is now using two of their schools that were not hit for shelters, manned by the Red Cross and school employees, suffered a great deal of damage, including office equipment and computers.

Sheldon Independent School District suffered serious flooding in their whole district, and only two schools were not flooded. Right now, the waters have receded; and the Federal Emergency Management Agency is on the ground, helping those who have lost their homes and their property and their businesses to rebuild.

Disaster recovery centers, where residents can go and begin accessing Federal aid, are being established in time through this week and will be up and running, and people have begun the long process of putting their lives back together.

While we cannot prevent a catastrophe of this magnitude, there are actions we can take both locally and in Washington to lessen the impact of future flooding.

At the local level, I encourage every resident possible to purchase flood insurance. It is affordable. The average cost about $350 a year.

And for more information, they can call 1–888–CALL–FLOOD or go online which is http://www.fema.gov/nfip.

On the Federal level, we can do more. For the last several years, funding for our Harris County Flood Control has been steady, but we know we need to do better.

I have walked the streets yesterday and today visiting with our FEMA representatives in areas in Aldine, Mesa Road and Sheldon, to CE King areas and seeing the devastation, Mr. Speaker, and I encourage my constituents and all people to call the 1–800 number for FEMA, 1–800–462–9029 to make sure they get their information there so FEMA can do the job that we expect them to do.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I just wanted to take a minute to thank the gentleman from Texas (Mr. GREEN) for the special order, because as the gentleman knows residents of Louisiana suffered along with residents of Texas. All over my district, we had similar flooding.

This morning, the President declared a disaster area in the parishes that I represent in South Louisiana. In my hometown, we had a rain gauge that measured 38 inches of rainfall at one location, in my hometown, an amazing amount of rain. No one could have prepared for it.

I want to thank the gentleman for reading those numbers. I hope people have listened carefully. FEMA is on the job, and we hope relief is coming soon.

Mr. GREEN of Texas. Mr. Speaker, whatever time I have left, I know that Storm Allison moved from Texas to Louisiana, and we are seeing that devastation along the Gulf Coast, and I know we will be here to provide that funding.

DISCUSSING SPEECH OF COMPTROLLER GENERAL OF THE UNITED STATES, DAVID WALKER

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

Mr. HORN. Mr. Speaker, I am going to discuss and I am putting in the RECORD this evening a very fine address of the Comptroller General of the United States, David Walker. He has a 15-year term, as you know. He is part of the legislative branch, and he has had a great career before joining us. He is a certified public accountant.

He was an Assistant Secretary of Labor under President Reagan for Pension and Welfare Benefit Programs, and I just want to talk about some excerpts from his address recently.

Speaking for his agency, the United States General Accounting Office, he noted, ''We do not keep the books and records of the Federal Government. That is the primary responsibility of the chief financial officers of the various departments and agencies in the government. And the Congress is our primary client.

''American people are our beneficial clients. Our mission is to help maximize the performance and assure the accountability of the Federal Government for the benefit of the American people.

''We are in the accountability business. Many people like accountability until they are the ones being held accountable.''

He continued on that, ''While we should have zero tolerance for fraud, waste, abuse and mismanagement, it will never be zero.

''We perform audits, investigations evaluations, policy analyses, and provide legal services to the Congress.''

He notes that over 90 percent of his work in the GAO with his excellent colleagues is done at either the mandate of Congress or a request of Congress.

''As a result, we are very client focused. We are also very results oriented, and we strive to lead by example.

''Being the leading accountability organization in the United States, and arguably one of the leading in the world, we believe that we have a responsibility to be as good or better than anybody else that we evaluate, or else we would be a hypocrite, and none of us wants to be called a hypocrite.''

Mr. Speaker, I will now mention some of the points he made in both dealing with management and dealing with our major thrust, which must be the infrastructure, the human infrastructure of the executive branch. We are losing first-rate people, thousands a year.

And he goes on to note, this is a major thing for Congress and the General Accounting Office to do these and concern these and get an incentive system where the senior civil servants can help manage the world's largest complex information, which is the executive branch of the United States.

He believes that where certain key trends and are undeniable and which have significant implications for the United States as well as many other industrialized nations around the world; these include the following: First, globalization. Globalization of markets, information and enterprises. There are no islands in a wired interconnected and, yes, interdependent world.

Changing dynamics, aging societies, longer life spans, decreasing worker-to-retiree ratios.

Third, changing security threats. The Cold War is over, and we won.

The next is rapidly evolving technology. These new technologies provide opportunities to increase productivity and decrease costs.

Quality-of-life considerations are also of increasing importance. From education to the environment to work-family issues to urban sprawl, quality of life is becoming increasingly important for many people.

Rising healthcare costs, we all know that is a major problem.

Last but not least, evolution, devolving more activities closer to the people and from the government to the private and not-for-profit sectors leads to shared responsibility and more difficulties associated with accountability.

□ 1900

Although there are differences sometimes between the Congressional Budget Office, the Comptroller General notes that the first one he is going to touch on is the long-range budget challenges.

While the CBO's, the Congressional Budget Office's, most recent 10-year projections showed higher projected services over the next 10 years, the fact is that the long-term situation has gotten worse. It is worse primarily due to known demographic trends and rising health care costs.

Our budget picture has changed dramatically since 1962, he notes. In that year, over two-thirds of the Federal budget was represented by discretionary spending.

Mr. Speaker, I include the following for the RECORD:

NATIONAL PRESS CLUB LUNCHEON REMARKS BY DAVID WALKER, COMPTROLLER GENERAL OF THE UNITED STATES

Mr. WALKER. Thank you very much. It's a pleasure to be here to address all of you at the Club, as well as those of you viewing the C-SPAN and those listening via National Public Radio.

I would like to acknowledge at the outset that I am pleased that so many of you are here. I wish to also acknowledge Congressman Steve Horn, who is able to join us from California, and Sarah McClendan, the grand dame of the Washington press corp, who is able to join us as well.

I've been asked to address you today on a number of the challenges facing the United States and many other industrialized nations in the 21st century. My remarks today will be based primarily upon GAO's work, and our work can be found on our Web site, *www.gao.gov*.

Before I begin, I think it's important to add a few words as to what we do and what we don't do at GAO, because quite frankly our name is somewhat confusing. Despite our full name, which is the U.S. General Accounting Office, we do not keep the books and records of the federal government. That is the primary responsibility of the chief financial officers of the various departments and agencies in government. We do, however, have the responsibility for auditing the financial statements of the consolidated U.S. government; and inspectors general or private sector firms will audit the various departments and agencies.

We are in the legislative branch of government. The Congress is our primary client; the American people are our beneficial clients. Our mission is to help maximize the performance and assure the accountability of the federal government for the benefit of the American people. I can assure you that's a full-time job. I can also assure you it is a job that will be never-ending; and therefore neither I nor any of my colleagues at GAO will ever have to worry about whether or not there will be a need for our services.

We are in the accountability business. Many people like accountability until they're the ones being held accountable. I find that this view exists not only in Washington, D.C., but also around the world. But that's our business. Yes, we do have the responsibility to fight fraud, waste, abuse and mismanagement wherever it may exist in government. However, the inspectors general in each of the major departments and agencies are on the front line of fighting fraud, waste, and abuse within their respective departments and agencies. Our job tends to focus more on strategic issues, longer-range issues, and cross-governmental issues because we are better positioned to be able to address these than they are.

The U.S. government is the largest, the most complex, the most diverse, and arguably the most important entity on the face of the earth. The U.S. is the only superpower on earth. While we should have zero tolerance for fraud, waste, abuse and mismanagement, it will never be zero. Fortunately, we have very little as compared to most other countries around the world, and we should be proud of that. While we will continue to fight these matters, we should also look for ways that we can improve the economy, the efficiency and the effectiveness of government. In fact, the return on investment by focusing on these areas can be multiple times greater than the traditional focus.

We perform audits, investigations, evaluations, policy analyses, and provide legal services to the Congress. We cover everything the government does, anywhere in the world. It's a big job, and it's a full-time job, and over 90 percent of our work is done at either the mandate of Congress or request of Congress. As a result, we are very client focused. We are also very results oriented, and we strive to lead by example. Being the leading accountability organization in the U.S., and arguably one of leading in the world, we believe that we have a responsibility to be as good or better than anybody else that we evaluate, or else we would be a hypocrite, and none of us wants to be called a hypocrite.

With regards to results orientation, let me give you some examples. Just last year, in fiscal 2000, we had 23 billion—that's ''b''—billion dollars in financial benefits for the roughly $378 million that the Congress and the American taxpayers invested in us. That's a return on investment of 61 dollars for every dollar invested—probably number one in the world. But, in addition to returning dollars, we helped to achieve a number of important nonfinancial accomplishments like: strengthening weapons system acquisition practices; improving the quality of nursing home care; modernizing federal human capital practices; and enhancing computer security within the federal government.

In doing our work, we must be dedicated to professional standards and core values and rise above partisan politics or ideological battles.

Finally, as was mentioned with the 15-year term, the comptroller general of the United States is uniquely positioned to not just focus on today but to think about tomorrow and to take on the tough issues that need to be done. There just aren't enough people willing to do it in today's environment.

And what is today's environment? Quite frankly it's a new ballgame at the dawn of the 21st century. We have several important transitions underway. From a political perspective, we have a new Congress. The Republicans are in the majority, but there are narrower margins, and shared power in the Senate. In addition, there are many new committee chairs and ranking members. From the standpoint of the executive branch, we have a new administration. The Bush administration has come to town. However, only a fraction of their key players are in place at this point in time.

From a fiscal perspective, we are transitioning from a period of actual past deficits year after year into a period of continued and projected surpluses for a number of years into the future.

From an economic perspective, we are transitioning from the industrial age to the knowledge age. In the knowledge age, people will be the key factor in attaining and maintaining the competitive advantage, whether they are in the private sector, the public sector, or not-for-profit sector. People will be the key.

From a timing and psychological perspective, we have entered a new millennium. The beginning of the 21st century creates a natural tendency to reflect on the past and to contemplate the future. There are certain key trends that are undeniable and which have significant implications for the United States as well as many other industrialized nations around the world. These include the following.

First, globalization—globalization of markets, of information, and enterprises. There are no islands in a wired, interconnected and, yes, interdependent world.

Changing demographics, aging societies, longer life spans, decreasing worker-to-retiree ratios, slower work force growth, greater diversity and growing skills gaps.

Third, changing security threats. The Cold War is over and we won. We now face more diverse and more diffuse security threats that range from weapons of mass destruction of various types to illegal drugs, to infectious diseases, to cyberterrorism attacks. These threats are from rogue nations and groups, and in a more open border environment.

The next is rapidly evolving technologies. These new technologies provide opportunities to increase productivity and decrease costs; but they also pose an increased threat to national security and personal privacy. They can also lessen the emphasis on the critical human element.

Quality-of-life considerations are also of increasing importance. From education to the environment to work family issues to urban sprawl, quality of life is becoming an increasing interest for many people.

Rising health care costs. The resurgence of health care costs due to a variety of factors will put increasing pressures on government, employers and individuals in the years ahead. We have a huge imbalance between what people want, which is unlimited; what they need, which should be defined and hopefully be met; and what we can collectively afford in the health care area. Stated differently, there is a huge imbalance between what has been promised and what resources are likely to be available in this area, especially in connection with Medicare.

Last but not least, devolution—devolving more activities closer to the people, and from the government to the private and not-for-profit sectors leads to shared responsibility and more difficulties associated with accountability.

These trends have significant implications for what government does and how government should do business in the 21st century. They impact a number of emerging challenges, and they also have direct effects on a number of long-standing issues. In that regard, let me touch on a few as illustrative examples just to bring this point to life.

With regard to emerging issues, the first one I'll touch on is long-range budget challenges. While although Congressional Budget Office most recent 10-year projections showed higher projected surpluses over the next 10 years, the fact is the long-term situation has gotten worse; and it's gotten worse primarily due to known demographic trends and rising health care costs. While budget projections are necessary, they are inherently uncertain, especially the farther out that you go. At the same point in time, demographic projections are much more certain. Why do I say that? Because the vast majority of the people that they relate to are alive and with us today.

Our budget picture has changed dramatically since 1962, over two thirds of the federal budget was represented by discretionary spending. Now it's down to about a third. So it's flipped since 1962. In fiscal 2000, about a third was discretionary, and about 16 percent of the budget was dedicated to defense. In 1962, 50 percent of the federal budget was dedicated to defense. The reductions in defense spending over the last 38 years went to health care. Social Security, and interest on the federal debt. This was not a conscious trade-off; it's just a fact—it's what happened.

The fact of the matter is that Social Security costs, Medicare, and other health care costs are only going to go in one direction under our current system, and that is up. As a result, the pressures on discretionary spending are likely to become more acute in the years ahead. We don't know what interest on the federal debt will be in the future. While we know it's coming down, due to recent efforts to pay down the debt, it's debatable as to how much debt will be paid down in the years ahead. Even if public debt was all paid off, the fact of the matter is our long-range budget simulations show that we are going to have significant fiscal challenges in the years ahead. For example, if Congress saves every penny of the Social Security surplus, but if the on-budget surplus is spent either through tax cuts and/or spending increases, then by the year 2030, discretionary spending will have to be cut in half, and it will have to be eliminated by 2040. There are alternatives: significantly increasing tax burdens over current levels in the longer term; or further mortgaging the future in the outyears. But these aren't very attractive options.

Guess what's in discretionary spending? National defense, the judicial system, education programs, some of which are specifically provided for in the Constitution of the United States. Given these long-range fiscal challenges we must be prudent today about what is done with the current surplus, and we must get on with entitlement reform, if we want to avoid a train wreck down the road.

The human capital crisis. The key competitive element in the 21st century will be people. People are the source of all knowledge. In this knowledge age, having the right people with the right skills will make the difference between success and failure. Yes, business processes and information technology are important; but people are essential. Unfortunately, government and all too many private sector employers have treated people as a cost to be cut rather than an asset to be valued. This must change. Due to largely driven numbers and inadequately planned downsizing campaigns that have occurred in the last 10 to 15 years, the federal work force is much smaller. However, it's also out of shape, has a range of skills imbalances, and is facing a huge succession planning challenge. As a result, we at the Government Accounting Office GAO placed strategic human capital management, or I should say the lack thereof, on our high risk list within the last two months.

The problem is not federal employees. It is the outdated policies, practices and legislative framework that governs human capital practices in the federal government. We must take a range of steps within the context of current law to address these challenges and to attract and to retain a quality work force for the federal government. We

must also move over time to build a consensus for comprehensive civil service reform, whose time will come, but it has not yet arrived.

We can't afford to have anything other than top-quality people running the U.S. government. I already mentioned it's the largest, most complex, most diverse entity on the face of the earth. We can't afford to have second-class players running that type of enterprise, the only superpower on earth. The stakes are simply too high to do otherwise.

Finally, given the key transitions and trends that the Comptroller General discussed, I think it's also important to note that both federal and private sector employment policies and practices will have to change in order to make better use among other things, and that is our senior citizens—probably the largest untapped resource that we have.

Third, emerging challenges. The Postal Service. The U.S. Postal Service is the second largest employer in the United States as a separate free-standing entity, second only to General Motors, with $65 billion a year in annual revenues. It serves an important public purpose, but it is facing increasing competition and other pressures, both from a domestic and foreign perspective. The U.S. Postal Service lost $200 million last year and recently projected it will lose two to three billion this year, despite a recent rate increase. They've also projected that it's likely to get worse unless they get additional rate increases.

The basic statutory framework which governs the Postal Service has not been changed since 1970, despite the fact that the world has changed significantly since then, and will change even more in the years ahead. These and other factors have caused the Postal Service's transformation efforts to be put on our high risk list just within the last two weeks. The time has come to take a comprehensive look at the governance structure, management practices, labor policies and statutory framework relating to the Postal Service. Simply raising postal rates is not the answer. We must deal with a range of structural and fundamental challenges that have built up over the years. This will be tough, but it is essential.

The Postal Service challenge is too big to ignore. It also illustrates the need to relook at a range of federal policies, programs and practices in light of the key trends that I discussed earlier.

Now let me transition to how these trends affect several continuing challenges. First, federal financial management. The federal government has been a lag indicator when it comes to federal financial management and accountability factors. It's only been in the last 10 years that the federal government has even had to come up with consolidated financial statements. It's only been four years that the federal government has had to have audited consolidated financial statements. While progress is being made, much remains to be done. The simple fact of the matter is that no private sector enterprise could survive with the type of financial management system the federal government has. While 18 of 24 major departments and agencies received so-called clean opinions on their financial statements this past year, only six received a clean opinion, had no material control weaknesses, and didn't have compliance problems. So six of 24 rather than 18 of 24. In fact, of the 18 of 24 that did get a so-called clean opinion, a majority of those only got the clean opinion through engaging in so-called heroic efforts where they dedicated vast amounts of financial and human resources to basically recreate the books as of one day six months prior; that is, as of the end of the fiscal year. This is no way to run an enterprise, whether it be in the public sector or the private sector. It must change.

Government leaders have a responsibility, and the taxpayers have a right to assure, that the federal government has appropriate systems and controls in place to safeguard taxpayer dollars and to assure government accountability. Other countries much smaller than the United States have done this already. It's time that we do. In addition, federal reporting standards must place additional emphasis on performance information, long-range commitments and contingencies, and the government's most valuable asset, namely its employees.

Federal acquisition and sourcing strategies. While the federal work force is smaller, the so-called shadow work force has grown dramatically in the last 10 years. The shadow work force is primarily comprised of contract personnel performing services for the federal government. In addition, more and more functions are being devolved to lower levels of government and to non-governmental sources. This raises a number of policy, equity and accountability issues. We need to fundamentally review and reassess a range of federal policies, procedures and practices in this area. In doing so we must balance a number of competing interests among a variety of stakeholders, such as taxpayers, the government, federal workers, and contractors. I am hopeful that the recently announced Commercial Activities Panel, that I will chair, will be able to make some meaningful progress in this area. Some of the panel members may be able to help lay the groundwork for more comprehensive action in the human capital area in the years ahead.

Last but not least on the example of continuing challenges: Defense Department business process transformation. We have the best military forces on earth. We have proved that we are number one on the battlefield several times over the past ten years. Yes, the Department of Defense and the military forces that it represents rate an A on effectiveness in fighting and winning armed conflicts. However, the Department of Defense is a D-plus at best on economy, efficiency and accountability. Defense has six of 21 high-risk areas on our list, and they also have the two government-wide high-risk challenges as well. DOD's poor financial management reporting practices represent the primary road block in the federal government obtaining a clean opinion on its financial statements. DOD's economy, efficiency and related accountability problems result in billions of wasted dollars, dollars that can be better spent on readiness, a better quality of life for our uniformed personnel and closing the gap between wants and available funding in connection with a variety of major weapons systems. DOD must change the way that it does business, and this will be tough given the culture at DOD and the many organizations within it. But basically what we are talking about is that government has to change how it does business if it is to be effective and maximize the return on taxpayer dollars, while achieving its missions.

In closing, the 21st century is a new ballgame. Much has changed in the last 20 years, and the world is likely to change even more in the next 20. Now is the time for us to ask two key questions as we look forward, especially in light of our long-range fiscal challenges. First, what is the proper role of government in the 21st century? Secondly, how should the government do business in the 21st century? The first question raises a range of public policy issues that must be answered by elected officials. It involves relooking at a range of government programs, policies and tools in light of past and expected changes and future challenges. In addressing this question, GAO will be there to help by getting facts, analyzing the situation, laying out options, and discussing the pros and cons so that elected officials and other policymakers can make timely and informed judgments.

The second question—How should government do business?—is much more operationally oriented. GAO will continue to aggressively pursue this area not only to identify problems, but also to recognize progress. We will continue to provide tools and methodologies to help others help themselves see their way forward, maximize their performance, and ensure their accountability in a range of areas. In doing so, we'll continue to be committed to our professional standards and our core values of accountability, integrity and reliability.

The press can play an important role as well, helping to engender the public debate, to identify not only the problems, but also be able to acknowledge progress while recognizing that government does do some things right.

Let's work together to make government work better for all Americans.

I appreciate your time and attention, and would be more than happy to answer any questions you may have. Thank you.

NATIONAL MEN'S HEALTH WEEK

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

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to acknowledge the kickoff of National Men's Health Week as we lead up to the celebration of Father's Day on June 17, 2001.

The importance of this special week is to raise national awareness among men relative to issues affecting our well-being. As men, Mr. Speaker, we play many roles in society, such as husbands, fathers, brothers, bread winners, Congressmen, Presidents, and more importantly co-partners in families and in some instances heads of families. None of the roles mentioned above are mutually exclusive. Rather, they are all part of an integrated whole.

Some of us are very comfortable in each role. Others may find it difficult handling the presence and pressures associated with so many roles. Therefore, as we deal with National Men's Health Week, which is designed to promote health among men and to address a broad range of issues regardless of roles or status, let us be mindful that this is not an egotistical approach to elicit gender competition, but it is simply a reminder that we should all pay attention to problems that are gender specific.

If we are not healthy, we cannot be the best husbands, fathers, or productive citizens that are vital to help keep our society going. Today, men suffer from some alarming health statistics. It is common knowledge that heart disease is the leading cause of death among men in the United States.

The life expectancy of men is much lower than that of women by at least 7 years. Currently men represent 84 percent of all AIDS cases in the United States. In the African-American community, HIV/AIDS is spreading like wildfire. A recent survey revealed an increased infection rate of 4.4 percent for young gay men. The rates ranged from 2.5 percent all the way up to 14.7 percent among gay black men. In Chicago alone, gay men account for 53 percent of HIV/AIDS cases. Public health officials say that they are seeing disturbing trends of reckless behavior.

Another sad statistic is the mortality rate for African Americans from all types of cancer. It is 68 percent higher than for any other group. There are many other types of ailments that afflict us, such as high blood pressure, stroke, diabetes, excessive accidents on the road.

Well, as one can see very well, the problems are there. The odds seem to be against men. But I assure my colleagues that an ounce of prevention is worth much more than 1,000 remedies.

So I would urge all men not to wait until it is too late to bring into our lives the proper balance of health care. We can all have a better life. If that is not possible, we can all certainly make life more bearable.

I urge all men to take time to reflect on the value of your life, on the well-being of yourself, and the ripple effect that it can have on all of the roles that you play and the lives of all the people with whom you come into contact. Should your health, your state of mind, your stress level or anything else be of concern that requires attention, please consult your physician, seek assistance at your earliest convenience.

Let us celebrate Father's Day in good health as we celebrate this week dedicated to improving the health, not only of all of our citizens, but especially the health of men who oftentimes do not look or pay as much attention to themselves.

I also take this opportunity, Mr. Speaker, to indicate support for the efforts and activities of individuals, organizations, institutions and other entities that are designed to honor fatherhood on Father's Day, especially when we look at statistics which suggest that children who are raised without their fathers account for 63 percent of youth suicides, 71 percent of pregnant teenagers, 90 percent of homeless and runaway children, 85 percent of behavior disorders.

As my colleagues can see, Mr. Speaker, all of these problems are seriously affecting not only the lives of individuals, but the lives of people in our country.

HEALTH CARE AND PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the minority leader.

Mrs. JONES of Ohio. Mr. Speaker, on behalf of my colleagues, we wish to discuss the whole issue of health care this evening. Particularly we are going to be discussing the issue of prescription drugs.

We anticipate that, over the next few years, prescription drug use will increase with age along with the prevalence of chronic and acute health problems. Over 13 million Medicare beneficiaries have no drug coverage whatsoever, and over three in five beneficiaries have undependable drug coverage.

The Federal Health Insurance Program that covers 40 million elderly and disabled Americans does not cover outpatient prescription drugs. Ten million Medicare beneficiaries have no drug coverage at all.

According to HCFA, the national spending on drugs has tripled in the last decade, and it is expected to more than double between 2000 and 2010 from an estimated $172 billion to $366 billion.

Medicare beneficiaries account for 14 percent of the United States population, but 43 percent of the Nation's total drug expenditures. Medicaid provides drug coverage for 12 percent of the Medicaid population, generally those with very low income. Only half of all the Medicare beneficiaries with incomes below the Federal poverty line are covered by Medicaid.

In 1998, Medicaid spent on average $893 per elderly beneficiary for pharmaceuticals. Medicare HMOs assisted 15 percent of all beneficiaries with their drug costs in 1998, although the share dropped to about 10 percent in 2001. Virtually all Medicare beneficiaries use pharmaceuticals on a regular basis and fill an average of 22 prescriptions per year.

In 2001, the average annual out-of-pocket spending for drugs among Medicare beneficiaries is estimated to be about $858, with 27 percent of beneficiaries expected to spend more than $1,000. Medigap provides prescription drug benefits to approximately only 10 percent of all the Medicare beneficiaries.

I listed all of these prescription drugs statistics particularly to focus in on the fact that, across this country, there are senior citizens and others who are in a dilemma without having any type of prescription drug benefit.

Mr. Speaker, I would like to kind of engage in a colloquy with the gentlewoman from Florida (Mrs. THURMAN), who has been very active in the forefront on the issue of prescription drug benefits.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN) to discuss what she has been seeing that has occurred in the State of Florida on this issue.

Mrs. THURMAN. Mr. Speaker, if one can imagine, in Florida a high percentage of our seniors are in the Medicare program because we have a very high senior population. You know what I have found is interesting over the last couple of years, we have had this issue on the table. This issue is being talked about. It has been massaged. It has been looked at. We have tried to bring it to the forefront of any debate that has happened in this Congress because of exactly what the gentlewoman has put in her remarks, what is happening out there.

I think that any of us that has had any kind of work done, that one of the first issues that we have to look at is how do we make sure that the people in this country are getting the same medicines at the same cost as other countries. I do not want to hear, well, it is about research, because we hear it is about marketing research, and we have all seen the ads.

So we did, a couple of years ago, just a kind of analysis of what was happening in our State and in my district in particular, in the Fifth District, and we found out that, for the most part, life-sustaining drugs, not just fun drugs or something that was not life-sustaining, but drugs that seniors had to take actually were costing overall about 125 percent more than they were in actual programs like Medicare+Choice or prescription drug benefit under some Medigap programs or whatever.

Now, also, then, we went a little bit further; and we said, well, let us look at other countries and what is happening. We looked at our border countries like Mexico and Canada. Then of course when we started looking at that, and the information started coming up to the seniors in this country, guess what happened? They decided that they needed to go over the border to buy their medicines because they could get them at half of what we were paying for them in the United States.

Then we went a little bit closer in, and we found the same kind of thing happening in the European nations where they, too, were getting medicines for a lower cost.

Mrs. JONES of Ohio. Mr. Speaker, the gentleman from Ohio (Mr. BROWN) in Lorain took two or three busloads of seniors up to Canada because they were able to purchase their prescriptions at a significantly lower cost than they were able to have purchased them in the United States.

Mrs. THURMAN. Mr. Speaker, saying that, we had the same thing happening

up in Vermont, in Maine, where they also went up on bus trips.

What is interesting is the States have recognized the potential problem or the problem they are having, and State legislatures were getting a lot of pressure put on them to change their laws and, in fact, did in some of these legislatures say that the pharmaceutical companies could not charge more than what they were paying for or what they were getting in Canada or their border state, which was, quite frankly, something that I think that a lot of Americans need to know about because we could do that here.

In fact, there is a piece of legislation this year, the Allen bill, and there are several of us that are on that, that actually would say that.

We need to look at the cost and what it is costing Americans as to what it is costing not only our border states, but other countries around us. We think we could save about 40 percent of the cost without doing any benefit, without costing one dime from the Federal Government. I mean, you would not even have to put out a charge there. All you would have to do is say we think that if you can sell it for this amount over here, then why should not we be given the same benefit in this country. Well, and that is just one thing.

Now we have another issue going on that actually we have had some U.S. Senators that have introduced it, along with the gentleman from Ohio (Mr. BROWN), who the gentlewoman from Ohio (Mrs. JONES) mentioned, who took the lead in this; and it was based on what I call stacking, which was actually a part of a program, one of the news programs at night was talking about. I just thought this is crazy. I mean, here we are again watching the same thing over and over and over again.

We have this thing called patents, and patent laws protect the name brand medicine for about 20 years. Then the patents are let go; and, as we know, then we get what is called a generic drug, which by the way costs a lot less. The gentlewoman from Ohio mentioned the difference, I believe.

Mrs. JONES of Ohio. I did, Mr. Speaker.

Mrs. THURMAN. Mr. Speaker, maybe the gentlewoman can tell me those numbers again, but how many people have dropped off Medicare+Choice programs that no longer had prescription drugs where they did before. Is it twelve?

Mrs. JONES of Ohio. Mr. Speaker, over 13 million Medicare beneficiaries have no drug coverage. Over three out of five beneficiaries have undependable drug coverage. Right.

Mrs. THURMAN. Mr. Speaker, so now what is happening, and what I found in some of this work that I have been doing, is that in some of these Medicare+Choice programs, not only are they dropping a lot of their prescription drug coverage, but in some cases they will only cover generic drugs.

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Mrs. JONES of Ohio. And if the drug they need is not at the status of being a generic drug, then these people are really in a dilemma.

Mrs. THURMAN. They have no coverage now.

Mrs. JONES of Ohio. At all.

Mrs. THURMAN. So what happened is, all of a sudden now there is this information coming out to us that drug companies, or pharmaceutical companies, are able to extend their patents, I cannot even believe why, would extend the patents probably somewhere around 2 to 3 years, creating the idea that then the generic drug never becomes available for that long. And that also causes a problem because we could cut or look at the cost.

Mrs. JONES of Ohio. The interesting thing is, and I think that everyone on our side of the aisle wants to be clear that we are not trying to bankrupt any of the drug companies. We thank them for the research that they have done in this particular area.

Mrs. THURMAN. Absolutely.

Mrs. JONES of Ohio. And the advancement in medicine that has been made. But the reality of it is that there are people across our country that cannot afford to purchase the drugs at the costs that are currently set; and we really need an opportunity to spread the wealth, to allow those who are unable to afford that high cost to participate as well.

The gentlewoman was talking about the studies that were done in the State of Florida. We did a study in my congressional district; and there was one drug, that I wish I could remember the name as I stand here right now, that seniors were paying 1,000 over the cost if they were in a favored status plan.

Mrs. THURMAN. It actually is a hormone, and it actually was something that sometimes we need to keep ourselves in balance.

Mrs. JONES of Ohio. Correct.

Mrs. THURMAN. A lot of people understand that. Even our husbands would understand that on occasion.

Mrs. JONES of Ohio. Absolutely.

Mrs. THURMAN. And that was one of those issues that in fact raised the level of it, and it causes a lot of problems for some people.

But on this generic thing, I think there is something else that needs to be remembered. This is not just about seniors at this point. This is families. This is children. This is young, this is middle-aged, and this is the older generation. Everybody benefits when we have a generic drug. And the numbers that we looked at were that it actually could save about $71 billion for this whole group of folks, whether it was families or whatever. Think about $71 billion.

Mrs. JONES of Ohio. And the thing that is so important is that we have as a Nation now developed our health care in a delivery system where we can engage in preventive health care. And if we could engage in preventive health care with certain prescription drugs, then we could really save ourselves dollars on the other end of the lifeline. We need to be able to provide the necessary prescription drug benefit to people at an early age, to keep them from getting themselves in harm's way.

One of the prevalent conditions that exists across the country is the whole issue of diabetes and trying to reach diabetes at an early age so individuals do not develop to the level where they have to take insulin, which is much more costly than watching your diet and taking some type of prescription. That would be significant in all families.

Let us even take a look at the gentleman from Illinois (Mr. DAVIS), our colleague, who was talking earlier about the whole issue of prostate cancer and having the ability to do the diagnosis, the preventive care, the type of prescription drugs to be able to arrest that situation early on and to give advice and counsel. That would be significant.

Mrs. THURMAN. The gentlewoman brings up an excellent point, and it is a point that needs to be talked about even more. As we just did the tax bill, and we are watching all these dollars kind of go out there right now, which legitimately we all agree there should have been a tax bill, we just think it should have been a little more reasonable.

Mrs. JONES of Ohio. And to allow for prescription drug benefits.

Mrs. THURMAN. Right, and the fact of the matter is that within that there is also the situation we are in now with Medicare and dollars that we have available and what is going to happen in 10 years from now when the baby boomers come in and we have this huge exploding price. Well, one of the ways, and the gentlewoman is exactly right, that we can look at the expenses is by prevention.

Well, this is what happens under Medicare. If a person is ill, an elderly person, and we have heard the stories.

Mrs. JONES of Ohio. Over and over.

Mrs. THURMAN. People would cry if they heard some of the letters I have gotten as we have started talking about this: wives saying I cannot take my medicine any more because my husband needs it more; or I can only take it half the time. Guess what happens? These folks end up in the hospital. They end up in the hospital; and now we have Medicare, which, in fact, as the gentlewoman pointed out, pays for inpatient medicines. So they pay

for the inpatient medicine. So we get the person healthy, or as healthy as we can.

Mrs. JONES of Ohio. Under the circumstances.

Mrs. THURMAN. Under the circumstances. And we kind of get them out there; and then we say, okay, now, go home. They go home and they have their prescription drug from their doctor, and they go to the pharmacy and all of a sudden we have got them in balance now. They are feeling a little better. They go to the pharmacy and what happens? The first thing that happens is they are standing there, and they may be looking at a $300 bill, a $200 bill, an $800 bill, going, I cannot afford this. They buy what they can, they work with the pharmacist, they cut them in half, and 3 or 4 months later, guess what happens? They end up back in the hospital. And Medicare is paying for that.

Mrs. JONES of Ohio. I cannot forget that, in the course of my decision to come to Congress, I was engaged in a town hall meeting; and one of the people in the audience says, Well, why don't you buy every constituent in your district a pill cutter? I said, do what? Buy them a pill cutter, and then they could cut up the pills that they have and it would extend over a longer period of time. I said, Sir, the real reason I won't buy one is I am not a pharmacist or a doctor. And how can I tell a constituent of mine how much medicine to take and when they should take it? That is why we license doctors to prescribe and why we license pharmacists to dispense on the prescriptions.

I could not believe it. But the reality is that we do have people across this country who have gotten pill cutters and started thinking that they can self-prescribe by saying, well, instead of taking one pill today, I will cut it in three and take it three times in a day and really not understanding how different prescriptions interplay with one another and the impact they can have on their health long term.

We have been joined by our colleague, the gentleman from New Jersey (Mr. PALLONE), who is actually our leader on this particular issue.

Mr. Speaker, can I get a ruling from the Chair as to how I would now turn this time over to the gentleman from New Jersey (Mr. PALLONE) so I will not cause us to lose this time, please.

The SPEAKER pro tempore (Mr. GRUCCI). On the designation of the minority leader, the balance of the pending hour is reallocated to the gentleman from New Jersey (Mr. PALLONE).

Mrs. JONES of Ohio. As I leave, Mr. Speaker, I would like to say that it has been wonderful to have an opportunity to engage in a colloquy with my colleague, the gentlewoman from Florida (Mrs. THURMAN). She has been a leader in this area.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Ohio, and I apologize that I came here late; but I am so glad the gentlewoman took the time so we did not lose it.

The dialogue that the two gentlewomen were having was really excellent. I know she has to leave; but I want to continue on, if I could, with my colleague from Florida on this generic issue, because I think it is so crucial, but I do thank the gentlewoman.

Mrs. JONES of Ohio. I thank the gentleman very much.

Mrs. THURMAN. I appreciate the dialogue too; it was great.

Mr. PALLONE. I noticed that my colleagues were talking about what I call the GAAP bill, Greater Access to Affordable Pharmaceuticals Act, or GAAP. I think it is important, and I want to kind of give my New Jersey perspective on this, because I agree with the gentlewoman completely when she said that the greater use of generics is certainly a way to address the affordability issue.

We have been talking in our health care task force and amongst Democrats about trying to put together a Medicare prescription drug benefit, and we have certain principles that we want to be universal: everybody should have it, should be voluntary, and it should be affordable. Because if it is not affordable, it is not much use to anybody. I agree with my colleague that in many ways, and I am not saying the two of us, but I think a lot of our colleagues have not paid enough attention to the whole issue of how generics and more widespread use of generics could really address that affordability issue in a major way.

Now, I say the New Jersey perspective because I have been kind of outraged by the fact that in my State, as the gentlewoman knows, there are a number of the brand-name drug companies, and I am very happy they are in my State, and we have a lot of people employed by them, but many of them over the years have approached me and other colleagues to try to put in these patent extensions. I have refused to sponsor patent extensions because I think it is wrong. I think what it effectively does is it postpones the day when the generics come to market, and it keeps the price artificially high using these brand names that have actually expired even under the law.

These things usually do not pass as stand-alone bills, as my colleague knows. They usually get stuck into some omnibus appropriations bill at the end of the session or some reconciliation or something else, and nobody even knows what they are voting on because it is a little paragraph somewhere in a bill that is 2 feet high on the desk. So that is something that has to stop, and the GAAP bill tries to address that.

The other thing we get is this whole issue of trying to change the patent. In other words, I will give an example. This is one of their favorite tactics that we get from some of the brand-name companies, and the gentlewoman may have already mentioned this, and I apologize.

Mrs. THURMAN. I did not.

Mr. PALLONE. They make essentially insignificant changes to the product, and they get a new patent just as the original patent is set to expire; and then they go on for years with essentially the same patent.

Mrs. THURMAN. And if the gentleman will yield, one of the things they do is they might change the label or how the medicine is configured; they might change the color. Now, they might have a problem with some of their medicines, because they do an awful lot of advertising on some called the purple pill. And there are a lot of folks out there that know the purple pill, so if they changed it to pink, I am not sure how many more they could sell. But that is the idea of what is going on out there.

It is not about the chemical makeup of this medicine; it is about just changing the label or color or whatever, but something that has nothing to do with the makeup of the medication at all.

Mr. PALLONE. And the way the current law reads, and I do not think it was really intended that way, but it has been basically utilized in the wrong way, that once that presentation is made with this new patent, for 30 months the generic cannot come to market. That is 30 months. We are talking about 2½ years, which is incredible; and we correct that in the bill that we talked about. In the GAAP bill we correct that.

Mrs. THURMAN. Yes. And we also correct a somewhat curious operation where they have actually kind of been involved or engaged with some generic companies where they actually have bought out or have actually delayed the generic drug coming to the market as well, and that is another area that we are trying to address in this piece of legislation.

Let me ask the gentleman a question, because I do not have this information, and I wish the gentlewoman from Ohio (Mrs. JONES) was back here, because one of the things we did not talk about that I think is also very important, and certainly the gentleman and I have looked at this and the research, but this whole issue of the profits. Because one of the things that the American people are being told at this time and have been told, and by the way through rather large marketing of political statements to the tune of about $30 million in this last campaign to try to persuade people to believe, that there were things that ought not to happen in a benefit plan. And I quite frankly was offended in some of the tactics that were taken in scaring people as to what might have happened.

But when we look at the profits and we start to do the breakdown, and I think Forbes came out with this, and I do not have it with me; but they were like four or five top parts, like profits or whatever. But, anyway, they had like three or four columns; and the pharmaceutical companies were top in every one of them in terms of profits, and then in the fourth column it was oil and gas.

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So it was kind of ironic to me that here we are looking at issues, and I know in my home State and I think in all of our home States, is a life-or-death situation for many people. I do not know if the gentleman has those numbers.

Mr. PALLONE. Mr. Speaker, I do not have them with me, but in the last 6 months we have seen a lot of stocks tumble, generally in Internet and other areas. The drug stocks have stayed pretty good, primarily because they are making record profits. We are capitalists in America. And we do not have a problem with people making money, but they are making money at the expense of these seniors who cannot afford to pay for these prescription drugs. And as the gentlewoman says, it is a life-or-death situation.

During the course of the last Presidential campaign, as well as congressional races, we saw the current President, as well as many of our Republican colleagues, run on a platform that they were going to address prescription drugs and have some kind of benefit. We are not seeing it.

At one point, the President said that he wanted to do a low-income benefit. We are not sure if that is what he ultimately will say that he wants the Congress to do. At this point, I wish he would do anything. The idea of doing a low-income benefit is not what I am hearing from my constituents. The people that are coming to me are not the people that are eligible for Medicaid, but the people in the middle-income bracket that do not have a benefit because the HMO does not provide it, or they want to buy some Medigap which does not cover it. They are going without. They are doing as the gentlewoman from Ohio and the gentlewoman from Florida said, they are cutting back or taking half a pill or just not getting any pill.

I agree with the gentlewoman that generics is one way to address this, but we need a benefit package. We have to say that everyone that is covered by Medicare, regardless of income, gets a prescription drug benefit. We figure out how to do it and whether there is going to be a co-pay and what the catastrophic is. I do not see that happening with the Republican leadership. I do not see any movement in that direction.

Mrs. THURMAN. Mr. Speaker, the only movement that we have seen or has been talked about is the $157 billion that would be used, as suggested, for low-income seniors. In Florida, we already have a Medicaid medical-needy program for those in that position. The gentleman is correct, it is in the middle and at the high. The issue there as well, and quite frankly an issue I have with the entire Medicare situation, some people have it because they have Medicare Choice, but we are seeing Medicare Choice programs are pulling out, and then these folks have no prescription drug benefit.

But at the same time, if an individual is a fee-for-service Medicare beneficiary, they have paid in exactly the same thing on a tax on earnings to provide for Medicare, and the money that goes into HMO Medicare Choices are nothing more than the tax dollars which have been put in there and then given to the Medicare Choice programs to provide this.

So you have a very unbalanced Medicare beneficiary program going on where some get it and some do not. Some are getting pulled out, and they have nothing to replace it with. When you look at the Medigap programs, and we have all heard and seen, and certainly from the stories we hear from our constituents, Mr. Speaker, they might pay $1,800 a year, but they might only get $1,000 in benefits. That is part of what is going on out there.

When we started looking at this last year, we said it has to be a Medicare benefit. It cannot be through some private benefit because we had all of the insurance companies, or at least many of them come and say, guess what, we are not going to provide this. On top of that, you dilute the buying power of the Federal Government for a benefit package. And that is where a lot of discussion is going on right now in the health care caucus that we have been talking about in trying to come up with some alternatives. Those are some issues that we are all trying to wrap-around and figure out what to do with them here; but the gentleman's State has a better start.

When I talked about the medical needy or the Helping Hand Up, quite frankly, part of that plan was to give back to the governors.

Mr. PALLONE. Mr. Speaker, that is a block grant.

As the gentlewoman says, every one of these proposals that the Bush administration comes up with, the people that they are supposed to help say they are not going to work.

My own State, Mr. Speaker, if an individual is eligible for Medicaid and is very low income, they usually get their drugs. There are problems, I am not saying it is easy, but generally they have access. Because we have casinos, there is revenue that is generated by the casinos that goes to the State, and we use that to finance a lower income prescription drug benefit that is above the people eligible for Medicaid.

Right now I think that is maybe as high as, for a family of 2, maybe up to $19,000 or $20,000 annually; and that is very good because you only have to pay $5, I think, for each prescription.

Mrs. THURMAN. Mr. Speaker, if the gentleman would yield, who does this?

Mr. PALLONE. Mr. Speaker, the State does with the casino revenue funds. That has been going on for awhile, but that does not cover the majority of seniors or the majority of middle-income seniors. Those are the people I hear from. New Jersey has a high cost of living. When one talks about $16,000, $17,000, $18,000, $19,000, one cannot live on it in most cases.

As the gentlewoman said, we have heard two things from the Republicans. One is the Bush proposal which is the Helping Hand. I have in front of me, he says that the measure establishes block grants for States to provide prescription coverage for some low-income seniors. His plan limits full prescription coverage to Medicare beneficiaries with incomes up to 35 percent above the poverty level, up to $11,600 for individuals and $15,700 for couples. That is below what New Jersey is already offering with the casino revenue. We would not benefit at all, and that is obviously why in our State nobody is in favor of this.

Mr. Speaker, the other thing that we are getting was this idea about the Republican proposal last session which is the drugs-only policy. In other words, rather than have prescription drugs as a benefit under Medicare for everyone, which the gentlewoman and I propose, and the Democrats propose, they would just give a certain amount of money and you go out with a voucher and buy a drugs-only policy. But as the gentlewoman said, no insurance company says they are going to write it.

Mr. Speaker, I know in Nevada they actually did that about a year ago. For 6 months they could not get anybody to write it. Then somebody wrote it, but I do not think that they covered even 100 people. It was a total failure.

So these approaches, it is almost like let us do whatever we can not to guarantee this under Medicare because Medicare is somehow evil or government. I do not have any patience for people who get into the ideology of whether it has to be government run or not. The only thing I care about is whether it works practically. I do not care about the ideology myself.

Mrs. THURMAN. Mr. Speaker, I think that the governors got together. I believe this is what happened.

Mr. PALLONE. Mr. Speaker, the gentlewoman is correct.

Mrs. THURMAN. And they talked about it. One of the things that they do not want to do is they do not want to be in the position of taking over the Medicare program. They already are involved in the Medicaid program, plus whatever programs they have within

their own States, and they do not want this responsibility.

Then they have to pick and choose. They have to make that determination. Quite frankly, that is a very bipartisan group of folks out there. That is Democrats, Republicans, Independents, making that decision not to have the Federal Government abrogate to the States our responsibility which is Medicare.

Mr. PALLONE. Mr. Speaker, that is an important point. The problem with the block grant, if you use my State, you can write into this language that would not allow this, but there is the danger that you send the block grant to the State and they use the money to fund the program already there. You can try to avoid that through legislation, but it is always going to be a problem. If there is not enough money, they use it for the existing program and do not expand it to include anybody else.

Mrs. THURMAN. Mr. Speaker, at the Federal Government we are already participating with the Medicaid program.

Mr. Speaker, somebody gave me a note to tell me what those three subtitles were on the profits. I will go back to that. Number one, return on revenue. Number one, return on assets. Number two, return to the shareholder equity. That is what they were actually in the last look in the last time. I thought that was pretty interesting.

And I agree with the gentleman from New Jersey (Mr. PALLONE). I give the gentleman a lot of credit because I know he has a lot of pharmaceuticals, and the gentleman is bucking those people at home who do provide jobs. So I give the gentleman a lot of credit for standing up on principle and on an issue that he believes in. The gentleman has done a tremendous amount of work. It is not easy, especially when one looks at the dollars spent on things like Flo, and some of the ads attacking us because we have this belief that people ought to have a Medicare prescription drug benefit. But it is important.

Mr. PALLONE. Mr. Speaker, the gentlewoman is correct that so much money has been spent, and of course New Jersey does have a lot of the brand name drug companies. But if you talk to people on the street in my State, their attitude is not any different. They do not have any better access or ability to purchase the drugs than anybody else; so the problems are the same wherever you are.

Mrs. THURMAN. Mr. Speaker, here is another issue, and this hits everybody. This is not just a Medicare patient, this is now starting to hit families, working men and women across this country. I actually got the first taste of it about a year ago when a major corporation came in to talk to me about this. They were talking about health care costs going up. I said, Tell me what that means. They said, Well, our prescription drug benefit is going up so high and the cost of the drugs are getting so high that we have a couple of choices now. We can either reduce the benefits of a prescription drug, or we can no longer or we will not be able to actually do coverage of other areas of health care.

Mr. Speaker, if a business had a plan where they were given some dental or they might have been given some mental health or they might have had for their child an ear examination or a woman might have had a pap smear, mammography every year, now they are changing those plans to meet the needs in the prescription drug part of it, and they are now cutting back on the other benefits of these plans. It is all because of one area within health care that is really pushing this up.

That worries me because here we are talking about all of the uninsured, the 44 million people that are uninsured. We are trying to find ways in this Congress to actually make it easier and beneficial to employers to provide health care. Then once they get into it, and what people are looking for in a plan is not going to be available to them because of one cost over here. So it could just eventually escalate.

The same thing is happening in the hospital system. They do have some reimbursement for Medicare within the hospital setting, but in some of these other insurance companies as they cut and are not available, there is nothing we can do about it. Their costs are starting to go up. So then it is a domino effect. If you have to do this, what are you going to do about nurses, what do you do about the shortages we are having? There are all of these domino effects to the health care system.

Mr. Speaker, I do not think that any of us want to see the pharmaceutical companies go out of business. My husband had a kidney transplant in 1995–1996. If the medicines like immunosuppressant drugs were not available, transplants might not be as easily done because this medicine works as an anti-rejection.

□ 1945

I can tell you how thankful I am that I have my husband, and I am thankful for the research they have done. But we cannot just hang that out, because there are so many things going on out there that just have not been proven to us, at least have not been proven to me that in fact they could not give a little to our constituents who do not have the opportunity to have a prescription drug benefit at this point.

Mr. PALLONE. I want to pick up on the gentlewoman's point there about how as the prescription drug part of health insurance, as the cost continues to rise, and you have, as you say, either cutbacks in other areas or just costs that make it prohibitive for employers to cover their employees, that is the crux of the problem. We had as a percentage of the population fewer people that were uninsured a few years ago than we do now, mainly because the primary way that people were insured historically in this country was through their employer, on the job. And when you create a situation where those employers can no longer cover their employees, that is where the crisis comes with the uninsured. Again, I do not want to look at it ideologically. In my view I would love to have everybody covered by their employer and not have to have any Federal program. But we know that the problem now again is not people who are on Medicaid or people who are low income, who are not working because they are disabled or they cannot find a job, the problem is for people who are working. The uninsured, that 45 million people, they are almost all people that are working.

Again I say, I have been as strong an advocate as the gentlewoman of expanding some of these Federal programs to the uninsured, as most of the Democrats have. We initiated the CHIP program for kids, which basically gives money to the States so that they can insure children, and we have advocated as Democrats that we would like to see CHIP expanded to the parents so that the parents who are working do not just enroll their kids but can enroll themselves. Again, we have had the Republican leadership and the President, I would not say oppose it completely, but certainly not been supportive. They have granted waivers to certain States in a minimal way to do it, but most States do not have waivers. What we really need is a program that covers everybody who is eligible for the CHIP program, be they a parent or even a single person. I do not think they should have to be a parent either. I think even a single person who is in that situation.

Again, I do not advocate that because I think that the government should run health care or because I want a government program to provide insurance, but simply because the employers cannot do it anymore. That is why we have had this shift to so many people who do not have health insurance.

I agree with the gentlewoman that the drug companies, to the extent that they are making these big profits, they are contributing to the inability of employers to pay for health insurance or to make a significant enough contribution to make it so that employees can take advantage of it.

Mrs. THURMAN. That is what we are hearing at home. It really is kind of sad.

I think maybe we should jump over just to one other issue quickly because I think we might even have an opportunity either this week or next week to look at something also that has been

on a lot of people's minds and that is the Patients' Bill of Rights, another issue that has been around since about 1999, 1998, that quite frankly passed this House in a present form that we could take up today, pass it and move it over to the Senate with a very similar piece of legislation and we could be putting the Patients' Bill of Rights on the President's desk. However, once again, and I heard some stuff today that I need to check out, but some of the things that are going to be stuck in this, like maybe some MSA stuff and some other areas that are going to make it kind of bog down again. This is such a critical issue in so many ways.

One of the stories that I always tell and actually came from one of the editors of my newspapers who said, tell me about the Patients' Bill of Rights. We said, well, this would give the opportunity for children to go to their pediatricians and women to go to their obstetricians and all of these abilities for us to have a little bit of choice in our programs and who the doctor might be. But I think the underlying issue is somebody taking the responsibility of a mistake being made, because quite frankly when you have to take responsibility, less mistakes are made. I honestly believe that that is what this issue is really all about.

One of my editors was telling me about a young woman that his daughter was going to school with. What happened was she went in for a breast exam, had a lump, and the doctor asked to have a mammogram done. They said, no, that she is too young, that she is not going to have breast cancer and on and on. The doctor said, no, you need to do this.

They did not get it. Six months later she went back, the same thing, did not get it. Finally she came home for Thanksgiving or something, her parents said, we really need to get you to this doctor. They went, they did a check on it and in fact it was cancerous. It was my understanding that she may not live because of this. That was someone's responsibility. The doctor made the decision and somebody denied that care.

Now, what really strikes me, though, is if the doctors do that under liability as we know today, they would have to be held accountable and in many cases they become the ones who are held accountable for a decision that they made to have it done but somebody else told them no.

Mr. PALLONE. Because they were told that if they have so many tests or if they have too many costs, then they are going to not be part of the plan and they will not be able to practice medicine essentially. It is very sad.

Mrs. THURMAN. Hopefully we will have a good, clean bill and a good, clean debate on this floor.

Mr. PALLONE. I wanted to point out, and the gentlewoman said it earlier on, but I want to reiterate it, and again I am being very partisan, but I have been very frustrated because if there was one health care issue that during the course of the presidential campaign the current President, then candidate George W. Bush, said was that he wanted to pass a Patients' Bill of Rights and even mentioned how in the State of Texas that they had a Patients' Bill of Rights. He forgot to mention that he did not sign it and he let it become law, but we will forget about that for the time being. The bottom line is that the first thing that many of us did who supported a Patients' Bill of Rights, the first day we were here in session in January, on a bipartisan basis, there were just as many Republicans as Democrats, put in the bipartisan Patients' Bill of Rights, exactly the same as the Texas law, and said, ''Okay, here is the bill. Let's get it going. Let's get it signed.''

The gentleman from Michigan (Mr. DINGELL) took the lead on the Democratic side, the gentleman from Iowa (Mr. GANSKE) on the Republican side. I guess I am not supposed to mention the other body, but I will say it was bipartisan in the other body as well. Six months have passed almost and what has happened? Nothing. I understand that the other body is going to take this up because of the change in the party, Democrats are now in control in the other body and they supposedly are going to take this up, but we should not have to wait for a party change for that to happen.

And what is wrong with doing it here in the House of Representatives? As you said, this bill, the Ganske-Dingell bill, is almost exactly the same as what passed overwhelmingly here in the last session with almost every Democrat and I think about a third of the Republicans, and the President now says, ''Well, I don't like it too much. I may want to change which court you sue in.'' He has got a couple of things. In my opinion, they are relatively minor. I honestly believe that if you took the proponents of the two parties on this issue and you sat them down in the well here tonight, they would be able to iron out their differences in an hour and we could bring the bill up tomorrow. The President is really dragging his feet on this and the Republican leadership is dragging their feet because they do not want it to be brought up because they know if it does as last year, it will be passed overwhelmingly.

I hear, though, that there is a movement on, and I will not get into too many details but some of the Republicans on the Committee on Ways and Means, the gentlewoman's committee, to try to come up with an alternative bill that is a lot weaker, that actually does not cover everybody, covers a smaller group, not everybody or does not even provide some of the basic protections. I would hate to see any watering down in that respect, because we clearly have a majority here that wants a strong, real Patients' Bill of Rights. We need to keep everybody's feet to the fire and say, ''That's a bill that's going to get out of here.''

Mrs. THURMAN. We talked about this a couple of weeks ago. I actually went back and looked at the vote. The vote was overwhelming. Not only on top of the vote being overwhelmingly bipartisan, also instructions to the conferees, because remembering that the House passed it, the Senate passed it, it was in conference, but it was never allowed to get out. The President at that time, Mr. Clinton, was ready to sign the bill. They could never come to agreement. It was all over this issue of responsibility, which I find extremely interesting because any other mention of any other issue, they keep telling that we need to take personal responsibility. Why would you not expect an HMO to take personal responsibility for decisions they make any different than you would ask an individual to take personal responsibility?

So here it is, 2001, potentially we will have this opportunity. I would hope that our colleagues who supported the Dingell-Ganske-Norwood bill would be in favor of also getting this done in a prompt time and let us get it to the President and then he can make the decision as to what he wants to do. I am not trying to do that, I am just trying to make sure that in fact the people that we represent are given the options that they have been asking for since 1998. Because, quite frankly, we have done a lot of other things for the hospitals, we have done it for managed care in this last go-around, we have worked on some of the issues, the money issues, we have tried to be fair and balanced in all of the kind of revenue bills we have done, the appropriations, the revenue bills we have done over the last couple of years when money was cut out of Medicare, to kind of pump that back up. They all got some of it. Now we are just saying, ''Okay, let's be responsible and let's do the right thing for the people.''

Mr. PALLONE. I will be honest with the gentlewoman, I am totally convinced that anything that comes to the floor somehow procedurally, the majority's will will prevail and we will be able to get a good bill. Even if the Republican leadership comes with a bad bill to the floor, we will do amendments, we will do substitutes, we will do whatever and we will be able to overcome it and come up with a good bill. I am just afraid we never see it. That I think is again the special interest, the health insurance industry, which unfortunately does not want to see the changes that this bill does. Basically what the bill does, if you want to sum it up in maybe one or two sentences, is it says that decisions about

what kind of medical care you are going to get, what is medically necessary, are made not by the insurance company but by the physician and the patient. They do not want that. The second thing is that if you are denied, as you mentioned, that you have a legitimate way to express your grievance, either through an independent, outside board or to go to court, and they do not want that, either. Naturally the insurance companies are going to oppose this and they are going to try to do whatever they can to prevent it from coming up here in a fashion that we really can vote as a majority for what we think is good for the country. But we will just keep speaking out as we have until we see something come forward that we know is good for the American people.

Mrs. THURMAN. I have enjoyed this. I hope some people have been listening. We certainly would love to hear their comments or their stories or issues that make a difference in people's lives, because I think it is important that we hear from the real people out there that have to deal under the laws that we either pass or do not pass in some cases.

Mr. PALLONE. I agree. I want to thank the gentlewoman for being here tonight as she has so many times. I think all we are really trying to do is what is right for the average American. These health care issues are really crying out for a solution. It is not pie in the sky, it is real, day-to-day lives that people are living and it impacts on their lives.

ADMINISTRATION'S ENERGY POLICY TO BENEFIT THE ENVIRONMENT AND AGRICULTURE

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I am joined tonight by some of my colleagues, and we are going to talk about what I think is a very happy thing that happened today. It is a happy coincidence where good policy comes together, when we are talking about energy policy, we are talking about environmental policy, and ultimately also talking about what is good for American agriculture. All three of those things came together today when the White House announced that they are not going to give California a waiver of the clean air standards in terms of oxygenated fuel.

We have got a number of experts who are going to talk tonight. I know some of my colleagues have other things that they need to be at and so I want to first of all recognize the gentleman from Illinois (Mr. SHIMKUS), who has been really one of the stalwart fighters in the battle for oxygenated fuels, for biofuels, for making certain that wherever possible we grow the energy that we need here in the United States. I want to welcome him to the special order tonight. I know he has got somewhere else that he needs to be tonight. I thank the gentleman for joining us.

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Mr. SHIMKUS. Mr. Speaker, I thank the gentleman from Minnesota (Mr. GUTKNECHT). We have folks from Minnesota, Nebraska, Iowa, and I am from Illinois. It is a great day.

I will take kind of a different twist because many of the Members who will come up to speak will be from their position on the Committee on Agriculture or the Committee on Appropriations, and other committees that have an important role. I serve on the Committee on Commerce, and from that vantage point I have had an exciting time dealing with biofuels issues across this Nation, not only ethanol but also biodiesel.

The decision rendered by the EPA today on the California waiver request was a major victory for a couple of reasons. One, it is just a simple great victory for clean air. The Clean Air Act that was enacted into law in 1992 has had a significant impact on cleaning our air throughout this country. The greatest benefit is that 2 percent oxygen requirement that in essence just helps the fuel burn with more intensity and by burning with more intensity it then burns out the impurities. So we have some benefits.

We have a reduction in carbon monoxide at the tailpipe. We also have, in essence, a reduction in carbon dioxide because ethanol and the 2 percent quality is replacing petroleum-based fossil fuels, which is decreasing the carbon dioxide. So we are having tremendous benefits.

Let us talk about it from just the overall energy issue. We have and still have an increased reliance on foreign imported oil. It is very critical to our national strategic energy policy to make sure that we have the ability internally to produce the fuels that we need to create the energy sources to help development in all aspects, and also to have the fuel resources we need to go to war. If we continue to rely solely on one fuel type, petroleum-based fuels, and not explore renewable fuels, then we put ourselves at a disadvantage.

What this California waiver decision does is it establishes for the capital markets and for all the co-ops and all the producers who have been anxiously awaiting some certainty that ethanol is going to have a role in our national energy policy, that there will be some certainty in their investments.

California is a tremendous market, a market that has been primarily filled, the oxygen portion, by MTBE. MTBE has been known to pollute groundwaters and is now becoming the additive persona non grata. No one wants to use it. Ethanol creates a win/win for us because it helps us keep the clean air standards that were passed that have been so successful while ensuring that we have clean water since ethanol does not pollute the groundwater.

This will also translate into an increased demand for our producers, certainty to the markets for the capital investments and as I have talked to a lot of my producers and the folks in the agricultural industry, the most important thing that this administration could have done was to deny the California waiver, keep the clean air and push for the continued use of the oxygenation standard and that oxygenation standard being the use of ethanol. It is a tremendous victory. I applaud the administration on keeping a proper balance with clean air and clean water and also putting a hand out to our family farmers who have for many, many years invested in a product that they know can meet the demands of the future and have cleaner air.

This sends a strong signal to the agricultural sector that ethanol is here to stay and now we can use this victory to leverage an increasing biofuel usage across the board, maybe a renewable standard, also working in the biodiesel aspect with the soy, soy diesel aspects that I have worked through in other legislation.

I wanted to make sure that I had an opportunity to come on the floor to reemphasize the importance of what the administration has done today, and I thank the gentleman from Minnesota (Mr. GUTKNECHT) for arranging this special order and yielding me the time.

Mr. GUTKNECHT. Well, I thank the gentleman from Illinois (Mr. SHIMKUS) for his remarks. He has been afire on this issue in terms of biofuels, and we worked with the gentleman on not only this but ultimately moving forward with biodiesel, a product that can be made with a blend of diesel fuel and soybean oil or other oils. Soybeans seem to work the best. These are ways that we can help solve our energy problems by growing more of that energy supply.

I want to just come back to one point that the gentleman made about MTBEs. Now, we know that MTBEs cause cancer. We also know that it leaches into the groundwater. The reason that ethanol is such a great product in terms of replacing it really is twofold. First of all, we know that ethanol is harmless to people. As a matter of fact, if one puts it in an oak barrel for 7 years, many people enjoy it in the form of bourbon, a modified version of whiskey. So it is something that actually can be consumed by human beings, and it is consumed by human beings.

More importantly, it is actually cheaper than the MTBE. Let me just

share some numbers that because ethanol contains twice as much oxygen as MTBE, one only needs to blend half as much; in other words, 5.7 percent ethanol by volume compared to 11 percent MTBE. If one weighs out the economics of it, this decision will allow California to replace 18 cents worth of MTBE with only 7 cents worth of ethanol. In other words, consumers in California will actually save 11 cents a gallon because of this decision.

It is good for the environment. It is good for our energy independence. It is good for the farmer, but ultimately it is going to be good for the consumer as well.

So I want to thank the gentleman from Illinois (Mr. SHIMKUS) for his remarks. I appreciate him stopping by. I know he has a busy schedule.

I also have another good friend and colleague from the State of Nebraska who has been working on this issue for a very long time as well, the gentleman from Nebraska (Mr. BEREUTER). I want to welcome him to this special order and yield to him.

Mr. BEREUTER. Mr. Speaker, I thank my distinguished colleague from Minnesota (Mr. GUTKNECHT) and commend him for taking the important initiative on this important subject tonight and am pleased to be here with my colleagues from Illinois, Nebraska and Iowa.

We have had some discussion about the problems brought on by MTBEs and I am glad the gentleman brought that to the forefront with his colleague, the gentleman from Illinois (Mr. SHIMKUS).

I would begin by strongly commending President Bush for his decision to deny California's request for a waiver of the reformulated gasoline, the RFG oxygenation requirement. I think this is a huge victory for the American farmers and it is a huge victory for our environment. One of the problems, of course, with the additives used in California and in other States, the MTBE, is that we know now it causes cancer. It is highly soluble in water. It does not biodegrade. Indeed, the problem of MTBE, of course, is not limited to California. It is estimated that about 21 percent of the drinking water wells in RFG areas are contaminated nationwide, and the proper solution to California's problem is to switch to using ethanol to meet the Federal oxygen standards.

Now, the impact, of course, on agriculture is particularly important. We will be the first to admit that because we have low commodity prices. Using my State as an example, Nebraska produces about 20 percent of our country's ethanol. The State estimates that its seven ethanol plants would have generated $1 billion in investment and 1,300 jobs. So the decision by President Bush on the California request creates outstanding expansion opportunities for our State just as it does for other ethanol-producing areas of the country.

Our governor is Mike Johanns. He is currently the Chairman of the National Governors Association Ethanol Coalition. We are proud of the leadership that he and other governors are bringing to this issue.

Their estimate, the coalition's estimate, is that the ethanol industry has the capacity of doubling in size by 2004 and tripling by 2010 without disruption in supply or increasing consumer prices.

I want to quote also an analysis released earlier this year by the renowned economist John M. Urbanchuk. He is Executive Vice President of AUS Consultants. He found that greater ethanol use has positive implications for our Nation's economy. The study found that quadrupling the use of ethanol over the next 15 years would save American consumers $57.5 million in 1996 dollars, so it would be more today. This is the equivalent of nearly $540 per household in the U.S.

In the process, more than 156,000 new jobs would be created throughout the economy by 2015.

The Department of Energy's Energy Information Agency now projects a figure of imported oil, 60 percent now, would grow to 70 percent unless we take some changes. Ethanol deserves to be a part of a national energy policy and we have just seen a step forward with the President's decision, and we are ready to meet the challenges.

So I thank my colleague for yielding me this time and I look forward to hearing what the rest of my colleagues have to say and perhaps engaging further with my colleagues, but I thank the gentleman for the initiative.

Mr. GUTKNECHT. We are more than delighted to share the time. I would like to just come back to a chart here that my staff has put together that I think tells a very important story, and a lot of consumers just in the last several months have begun to wake up to the reality that we have not had a very coordinated energy policy in this country for the last 10 years. It really is time that we have one.

As the gentleman indicated, the gentleman from Nebraska (Mr. BEREUTER), according to the numbers we have from the United States Department of Energy, the U.S. imported more than 8.9 million barrels of crude oil per day in the year 2000. That represents over 60 percent of our domestic crude oil demand. Now that is a scary number, but it gets worse. We are currently importing in excess of 613,000 barrels a day from Iraq.

Now in case it has been forgotten, Iraq is the place where Saddam Hussein calls home. We are importing over 600,000 barrels a day every day from Saddam Hussein. At $25 a barrel, that is a lot of money. Supposedly that money is now being used for food and medical supplies, humanitarian concerns, but the truth of the matter, of course, is we cannot know exactly how Saddam Hussein spends that money.

The California waiver decision decreases our dependence on foreign oil and increases demand for clean-burning, domestically-produced ethanol. It is a great decision and, again, in the words of the old spiritual, oh, happy day.

Now I am delighted to have with us as well tonight a good friend that came to the Congress the same year that I did. In fact, his district adjoins mine for a few miles on the southern border, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for having this special order this evening on a very, very important issue, I think, for the whole country. This announcement today really shows the concern and the commitment that this administration has and we all have for our environment. The fact of the matter is, this shows that one does not have to sacrifice clean air to have clean water.

The gentleman brought up earlier a discussion on MTBE. We all know that this is a pollutant that has affected our groundwater. Even in Iowa where it has not been used there are traces of MTBE in our water, because it is coming from other States and in the aquifer. This is a very, very important issue for everyone who believes, like we all do, that one has to have clean water.

The environment is very, very important. The question today that was answered was, does one have to sacrifice clean air in order to get clean water? Well, the fact of the matter is, one does not. The proof is here today that one can both get rid of MTBE, clean up our water supply, make it safe for our children, for our families, and also have clean air. With ethanol, we are able to provide the oxygenate that is needed for the fuels. In California, MTBEs will be banned, I believe, by 2003.

□ 2015

They are going to have to have a replacement. I can tell you, in Iowa we are going to do our part. In particular, just in my congressional district, we currently have five ethanol plants under construction in the planning stage, and are going to be online very, very quickly.

The great part of this is, and the gentleman from Minnesota knows this very well, but these are farmer-owned cooperatives, farmer-owned investment groups. This is not some big corporation out here that is going to profit from this. When we talk about value-added products, this is what it is all about.

We believe in investment; we believe in adding value to our products that we

produce in such abundance, especially in corn, in our part of the country. We will utilize this great crop that we have in a very, very positive and productive way.

In addition to the five plants that are coming online in my congressional district, we also have at least another five coming online statewide in Iowa to go along with these seven plants that currently are in operation. I know that the gentleman from Minnesota knows very well what this is going to do for the economy as far as adding value to our corn crop. This, I think, combined with biomass, soy diesel, wind energy, and the President's energy proposal, I think, is right-on as far as what he is talking about with alternative energy sources. When we talk about ethanol, soy diesel, and wind energy, we have the largest wind energy farm in the entire country in my congressional district also.

But it is so important that we utilize our resources here, renewable resources, to solve this energy crisis that we are in, and to cut down our dependence, like the gentleman talked about, on foreign oil. I remember very well back in 1973 waiting in line to buy gasoline, if you could buy any at all. Many times the stations were closed. They were simply out of gasoline. At that time, if I remember correctly, we were about 35 percent dependent on foreign oil. Today we are over 60 percent dependent on foreign oil. The problem has gotten only worse, and it has gone on for decades now; but we have not had really an energy policy in place to address this problem.

So I think today is a very, very significant step in the right direction: good for the environment, good for reducing our dependency on foreign oil, good for value-added agriculture and for people really pulling together in rural America for a cause and to help themselves. This is extremely positive.

Mr. Speaker, one last thing. I think it is so important, and last year we went through a real difficult, very, very close campaign. One of the major issues in that campaign was restoring honesty, integrity, in the Oval Office, having people there who will honestly keep their word.

When our President today was a candidate in Iowa, he came to Iowa, and he said, yes, I support ethanol; I support Iowa farmers. I believe they can help themselves and increase their way of life and improve their families' lives, and we will work for you.

I had the honor to be with the President last Friday in Waukee and heard the President then reiterate his support for ethanol and support for family farmers; and, as the gentleman well knows, with the tax bill that he signed last Thursday, it is going to be a giant step forward for people to be able to keep the family farm, to reduce the tax burden on people who work and pay taxes, and families, helping them all the way through.

But the thing of it is, many people were cynical. Some of the people who supported the President in the campaign would come up to me and say, Well, he says he is for ethanol, but he is from Texas. You know, the big oil companies down there, they have a lot of influence. You know how many votes there are in California. Well, is he really with us?

All I ever said was just watch; that I believe that there is a person with great integrity, with real honor, who is running for the Presidency.

I think this shows to all Americans that you do not just have to go out and make campaign promises and not keep your word. It is very important I think in this day of very cynical politics in our system, with people being filled with doubt in our leaders, that we finally have someone who actually has done what he said he was going to do, and a phrase that is very familiar around here, the idea of promises made and promises kept.

I am just extraordinarily proud of our President, proud of this administration; and I am so happy for rural America, for Iowa, for all farmers who really want to derive a livelihood from the marketplace with value-added products. This is a great day for all of us.

I thank the gentleman from Minnesota for yielding.

Mr. GUTKNECHT. I thank the gentleman very much. I think the gentleman said it exactly right. This is a person who says what he means, means what he says, and is doing exactly what he said he was going to do, on virtually every front, whether it was education policy, tax policy, the budget, right down the line, from the day that this President took the oath of office, when he put his hand on that Bible and he swore to uphold the Constitution.

He went on to say that he wanted to restore dignity to that office, and part of it is doing what you said you were going to do. This decision today, I think while it surprises some people here in Washington, the cynics, the critics here in Washington, it really does not surprise me, because it was the right thing to do. It is right for the environment, it is right for energy policy, it ultimately is the right thing in terms of agriculture.

I wanted to come back to a couple of quick points before I yield time to another new member of the Committee on Agriculture from the great State of Nebraska. I want to come back to this chart and just point out a couple things to my colleagues.

This is how the increased demand for ethanol is really going to benefit our farmers. I want to talk a little bit about why corn is so important in this equation.

First of all, ethanol demand as we begin to phase out MTBE and replace it with the oxygenate we call ethanol, ethanol demand in California is expected to top 580 million gallons annually. Now, that will utilize, if you produce all of that ethanol with corn, and, incidentally, you can produce ethanol with other agriculture products, I want to make that clear. But I am going to come back to why corn is so important. That would utilize 230 million bushels of corn each year, which ultimately would boost corn prices by anywhere from 10 to 15 cents per bushel. Let me tell you, representing a farm district, 10 to 15 cents per bushel is really the difference for many of our producers between profit and loss. That is a very, very significant number.

But even more significant is that it could add as much as $1 billion annually to the value of American farmers' corn crops or other crops, because if we are using this corn crop to produce ethanol, it means that other row crops can be used for other purposes. So on a net-net basis, this ultimately will benefit all kinds of farmers.

Let me come back to why corn. When we talk about the plants that are the very high-tech plants today producing ethanol, they do not just produce ethanol. One of the great what used to be a by-product but is now a very important product that comes out of the ethanol process is you end up with a very high-quality protein feed.

So there are a lot of things about these processing plants. It is not just about producing ethanol. As my colleague from Iowa pointed out, it is about value added. We are adding value in several ways to this corn crop, and more and more of the production facilities are farmer-owned. This is a way that they can recover more of that downstream profit.

I want to now recognize one of our new members of the Committee on Agriculture, who certainly needs no introduction to anybody in the State of Nebraska or anyone who has followed college football over the years. The gentleman from Nebraska (Mr. OSBORNE) has quickly become a leader in the Committee on Agriculture, not only on the issue of ethanol, but on the whole issue of value-added agriculture and the importance of us at the Federal level doing all that we can to improve markets and find additional markets for those things which we can grow and produce here in abundance in the United States.

Mr. Speaker, I would yield to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from Minnesota, and I certainly appreciate the comments of my colleagues from Iowa, Nebraska, and others who are going to speak after me.

I guess I would like to add my comments of appreciation for what the administration has done. We have heard

for a number of weeks that the answer had not been official, but we were going to like what we heard, so I would reiterate what the gentleman from Iowa (Mr. LATHAM) said, that we believed all along that the President was a man of his word, and so we are glad this has happened.

The problem has been that we currently have roughly 62 production plants for ethanol in the United States, and we probably have somewhere near that number in various stages of production. Of course, the thing that has held these people up has been concern, what is going to happen about the waiver in California. If the waiver had been granted, then the demand for ethanol would not have been increased, it would have been reduced.

So those people who are sitting on the sidelines and were worried about investment now are free to go forward, and I think we will see an immediate benefit. We will see a great jump in the production of ethanol in the next year or 2 years. This is important. It has been important for the Nation and important for the Midwest.

I would just like to mention three areas where I think this will have far-reaching consequences.

First of all, as has been mentioned earlier, it reduces our dependence on foreign oil. This is a big issue, because today roughly 56 percent of our petroleum is imported from OPEC; and as has been pointed out previously, OPEC is not necessarily terribly friendly to the United States. If at any time they decide to double the price or simply turn off the spigot, our Nation would grind to a halt within a matter of months. So dependence on foreign oil is a big issue.

As the gentleman from Iowa (Mr. LATHAM) mentioned, the earlier crises in the petroleum industry in the late 70s and 80s, where we had long lines of automobiles lined up for gasoline, at that time we imported 30 percent of our oil from OPEC, and today that number is double. So we are more at crisis today than we were even at that time.

Of course, there was a great deal of concern about OPEC in those years. Two-thirds of the world's known oil reserves are located in the Persian Gulf at the present time; and by the year 2010, many analysts believe that more than 75 percent of the world's petroleum will be met by Middle Eastern countries. So we are going to become more dependent, instead of less, if we stay on the current track we are on.

In 1998, a poll showed that 83 percent of American voters feared that the United States is extremely vulnerable to OPEC. Of course, if you took that poll today, I am sure that number would be much higher than 83 percent.

Currently, I think there is one thing that many people may not realize, but every vehicle marketed in the United States today can run on ethanol blends. Many people feel, well, you have to have a special automobile. That is not true. Every automobile can run on a 10 percent blend. We have many automobiles that run on 85 percent blends. So if you think about the possibilities, we can certainly lessen our dependence on OPEC greatly as we increase the percentages. So this is a very important development.

The second area that I think is very important as far as this ruling is concerned, as has been mentioned earlier, ethanol and biodiesel are of great benefit to the environment. It reduces greenhouse gases, global warming, acid rain, ozone depletion; and of course, many of us have been somewhat skeptical about global warming, but a recent study that the administration has ordered indicates that apparently there is something to this. It is something that needs to be addressed seriously, and of course, ethanol and biodiesel are important elements of this equation.

Currently, ethanol contains 35 percent oxygen by weight; and of course, that enhances the combustion of gasoline, resulting in a more efficient burn and greatly reduced exhaust emissions. Some people have said it reduces exhaust emissions by as much as 30 to 35 percent. This is a huge factor, and this is why ethanol and MTBE both are required in many of our major cities. Of course, we know that MTBE has been a problem.

□ 2030

Ethanol has nearly twice the oxygen content of MTBE, and can provide greater emission reduction on a per gallon basis than MTBE.

As has been mentioned earlier, MTBE has been proven to have some health consequences and cancer risks. It does pollute the ground water. It is being phased out in a great many of our States, and we think others will follow. Ethanol is not only better for the environment, it is more cost-effective, and is certainly a superior fuel.

Then lastly we might mention, in regard to environmental issues, that ethanol can replace the most toxic parts of gasoline with a fuel that quickly biodegrades in water, reducing the threat that gasoline poses to waterways and ground water. Anyone who has been involved with a brownfield or Superfund problem realizes the threat that petroleum poses to ground water. It has been proven that at the present time ethanol is not a threat, and it is soluble in water, so it is one product that can be used in petroleum that is not a hazard. So environmentally, we see that there are a great many benefits.

Lastly, I would mention that there is a serious economic benefit to the Nation, and particularly to the farm economy. All of us who are on the Committee on Agriculture are very aware of the fact that most of our people will tell us, we do not want any more government payments, we just want a fair price. We want profitability in agriculture.

So most of us, I think, as we have studied the problem, have come to believe and to understand that the key to profit in agriculture is value-added agriculture. It lies in cooperatives, where the farmer participates in the whole process from the beginning to the end. So this is an opportunity for the Nation and certainly for our farmers to reap some of the economic benefits of this product.

Currently, ethanol represents a market for over 600 million bushels of corn each year. This adds $4.5 billion in farm revenue annually. The USDA, as mentioned earlier, estimates that this adds about 15 cents to the price of a bushel of corn. When corn is selling at $1.60, that 15 cents is a huge issue for a great many of our farmers.

Currently, more than 1.5 billion gallons of ethanol are added to gasoline in the U.S. each year, and it is estimated on our current track with this ruling that by 2004, that will go to 3.2 billion. It will more than double. Of course, this will pretty much eat up any surplus that we have in corn and milo, and that could probably be in soybeans, as well. This has been one of the factors, of course, that has led to a lower price, so we think this has some great opportunities in this regard.

Then we might also mention some statistics put out by the Midwestern Governors Conference. They say that ethanol will boost total employment by 195,000 jobs. That is a huge increase in employment, particularly in the agriculture economy. It adds over $450 million to State tax receipts, and improves the U.S. trade balance by $2 billion.

Of course, all of us have been suffering and realize our Nation is suffering from a negative trade balance. This is something that reverses that trend by $2 billion, and it results in a net savings in the Federal budget to $3.6 billion. Of course, that involves all taxpayers, not just people in the farmland, but all taxpayers everywhere.

Lastly, let me just mention a couple of other things. As most people know, we have been talking about ethanol, we have been talking about biodiesel, but it is not just that. In the production of ethanol we have by-products, so we have feed, which is very high protein, very nutritious, and of course that adds value to our cattle, and has been a huge benefit to the livestock industry.

Also we have wet milling plants that, from the by-products of making ethanol, are able to produce clothing, in some cases; plastics, biodegradable plastics, and other products. So we see great potential in terms of side effects, side products. We think this is going to be very important.

So we greatly appreciate the decision by the administration, and that is why all of us are over here tonight voicing our pleasure, our approval. We think it is a win-win situation for the American people, the farmers, the environmentalists, and everyone involved.

So I appreciate the gentleman organizing this special order.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Nebraska for his contributions, not only to this discussion, but the whole debate about value-added agriculture and how ethanol and biodiesel can certainly be part of the solution. They are not part of the problem.

We are also joined tonight by the gentleman from Illinois (Mr. JOHNSON). He, like I, spent considerable time in the State legislature. He is a freshman Member of the Congress and a freshman member of the Committee on Agriculture.

He represents the Champaign-Urbana area of the State of Illinois, which of course is the home of the University of Illinois, one of the great research institutions, particularly from a land grant institution perspective. If there is a bigger fan of the Illini, I have yet to meet them. So we welcome him, and I yield to the gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Mr. Speaker, I thank my distinguished colleague and senior, mentor, from the State of Minnesota, for this colloquy, and for the opportunity for us to address a critical and serious issue in a very positive vein.

Mr. Speaker, I rise tonight in strong support of the Bush administration's decision today to deny California's request for a waiver from the reformulated gasoline oxygen requirement. Americans should not have to choose between clean air and clean water. Today's announcement ensures that the citizens of California do not have to make that decision.

This is also a victory for our Nation's corn producers. My home State of Illinois is the number one producer of corn-based ethanol. At a time when farmers are facing, at the very least, difficult economic conditions, today's actions will be a much needed shot in the arm.

This decision will add more than $1 billion to the depressed farm economy. Ethanol is renewable, it is nontoxic, and it is domestically produced. This means jobs for American workers.

California has wisely chosen to eliminate MTBE from its gasoline supplies, and as my State has done recently through an initiative by State Representative Bill Mitchell and State Senator Dwayne Nolan, we have acted likewise at a State level to ban that substance.

I have joined with my distinguished colleagues here and other Members of the House and Senate to introduce similar legislation. We hope for its passage at the Federal level.

The California elimination represents 11 percent of California's fuel supply. Without the addition of ethanol, gas prices would rise dramatically. By denying the waiver and maintaining the oxygenate standard, the lost volume will be replaced with ethanol, which is less expensive than MTBE. Ethanol contains twice the oxygen as MTBE, so blenders will need only half as much ethanol by volume. In fact, the decision will allow ethanol to replace MTBE at half the cost to consumers.

Ethanol currently has 20 percent of the oxygenate requirement market in California. Most if not all petroleum companies in California have experienced using ethanol in Phoenix, Las Vegas, Tucson, and Seattle-Portland. The ethanol market is poised to expand to meet the needs of the California market.

In conclusion, again, I thank the gentleman for this opportunity, and I applaud in the strongest possible terms the Bush administration for its wise, forthright decision to provide both clean air and clean water to the citizens of California, and for opening up a new market for Illinois and Midwest-grown ethanol around the country.

Mr. GUTKNECHT. I thank the gentleman from Illinois, and again, I thank him for his work on the Committee on Agriculture, not only in terms of ethanol and biodiesel, but in terms of value-added agriculture, because, as we said earlier in the discussion tonight, what most of our farmers want is not a bigger check from the Federal government. What they want is an opportunity and more markets so they can earn a decent living from the market itself.

By opening up new markets like the ethanol market and making certain that it is available to American farm producers in the State of California, we really have opened a whole new chapter in terms of value-added agriculture, and again, it is a win-win situation.

Mr. Speaker, I am pleased to introduce tonight a new colleague of mine, the gentleman from Minnesota (Mr. KENNEDY). The gentleman came to us from the private sector and had never served in public office before. He joined me on the Committee on Agriculture.

I think the first meeting that I ever had with the gentleman from Minnesota (Mr. KENNEDY) when he was a candidate, he said, what we have to do is find more markets. He came from a marketing background in business and understands that ultimately, if we are going to increase prices for farm commodities, we have to find additional markets.

He quickly came to understand how important biofuels, including ethanol and biodiesel, were. I am delighted to yield to the gentleman from the Second District of Minnesota (Mr. KENNEDY), a new Member of the Congress and a very important and valuable member of the Committee on Agriculture.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me. I am happy to be here and working on the Committee on Agriculture.

I want to applaud the decision that the EPA and the administration has made to stand up for rural America and for our environment and for rural communities.

This is a decision that is very important to me. I have spoken quite a bit on this. The gentleman from Minnesota (Mr. GUTKNECHT) and I wrote the President a letter earlier in the year encouraging him to make this decision, as we had written President Clinton before him.

When I was at the White House for lunch for the 100-day celebration, I had an opportunity to say just one good thing to President Bush, and that was to encourage him to make the decision we are making here today.

I have taken every opportunity I can, whether it be talking to President Bush's staff or to the Secretary or to other people in the administration, to encourage this decision. That is why I am so pleased.

I have gone around my district in southwest Minnesota for the last several weeks. I have had six agriculture forums. I have collected over 250 letters at those forums from our constituents that have been addressed to President Bush encouraging this decision, so there has been a groundswell of support for this decision. No one is more pleased than I.

As the gentleman said, the reason is because I do come from a business background. In my business background, whenever I have been faced with prices that are too low, my response has always been, how do we grow demand? As I look around our country, we all seem to be well-fed. We are probably not going to eat a whole lot more, so one of the best ways for us to grow demand for our country, for our country's products in agriculture, is to tap into the energy market. This clearly does that.

If we look at that, one of the best things this does is it grows our domestic energy supply. Ethanol is both renewable and it is domestic. As we grapple with how do we deal with the tight energy supplies in this country, this is something that is very important to us.

It was interesting to me to read an article in the Wall Street Journal several weeks ago that talked about one of the reasons why gasoline prices were going up so high was because the alternative to ethanol, MTBE, which has been found harmful to drinking water, was made out of natural gas, and given

the shortage of natural gas, that was driving up the price of our gasoline.

So this is ultimately going to help to keep our gasoline prices lower and take demand away from important resources like natural gas that are important for heating our homes in the upper Midwest, as well as providing our fertilizer for corn that we get the ethanol from. So for many, many reasons, this is a great thing. It is a win-win-win-win situation.

It is a win for the supply of energy, for one.

The second thing is in the environment. This is a great thing for the environment. Not only does it take MTBE out of production, which has been found to be harmful to the drinking water, but it helps gas burn cleaner.

We did not have to be paying attention that much in high school science class to know that we cannot start a fire without having oxygen, and if we put a match inside a closed jar, sooner or later it is going to run out. By injecting oxygen into gasoline, which ethanol does, it helps that gas burn cleaner. It helps us deal with the air pollution and global warming and all those other things. So that is the second major reason why this is a very, very positive development for the environment.

A third reason why it is positive is because this creates jobs in our local communities. We in Minnesota have 15 ethanol plants. Twelve of those are farmer-owned and have about 9,000 farmer investors. Six of those are in my district. I visited all of them several times.

As the gentleman mentioned, they have expanded recently, and I think several of the other ones are considering expansion, plants in Winthrop and in Bingham Lake, towns we have never heard of, but towns where these jobs that are brought into those communities are very important. They are growing quality jobs and they are growing this production of ethanol to meet the increased demand that we see from a decision such as this. So this is very important to get jobs in the rural communities and help those communities thrive.

Finally, it is important for how it increases our demand for our products, for our corn products and all of our other agricultural products. The more demand for corn there is, the better off it is for all products.

I had a forum. At one of the forums, they put up the price of corn, whether it was $1.60 or whatever in a local area. The farmer circled the 0 and said, ''It does not make any difference if this is $1.60 or $1.61. If you change the 6 to the 7, it is something we talk about in the coffee shops. But what we really need to do is to change the number to the left of the decimal point. That is what we really need to do for agriculture to make it thrive and succeed.''

□ 2045

And for those that are one of these 87–50 ethanol farmer investors, the amount of dividends that they have gotten back with the high price of gasoline and the low price of corn has really added a digit to the left side of the decimal point for the corn that they have produced. These are the types of opportunities.

The gentleman mentioned value-added production. These are absolutely critical and are putting capital dollars back into our communities for them to continue to invest in more value-added production.

So whether you are talking adding to our energy supply, improving the environment, helping our local rural communities have the quality jobs, or growing the demand for our productions so that they can get better prices, this is absolutely a very positive decision that will be one of the short list of decisions that we say the Bush administration has done great things for rural America.

And I am just proud to be serving under this President and very pleased that we have this decision today, and I thank the gentleman for the time and thank the gentleman for his leadership on this issue.

Mr. GUTKNECHT. Well, I thank my colleague, the gentleman from Minnesota (Mr. KENNEDY), because, as I say, very quickly the gentleman has picked up and made this one of his top issues. It is important to the gentleman's district. It is important to rural development.

We talk about how can we create more jobs and economic possibilities in rural America? This clearly is one of them. Ethanol is not the only answer. We can do biodiesel. We can make plastics, as was mentioned. One of the great things about making ethanol from corn is that you can have so many other by-products from it.

We are learning how to make plastics now. We are learning how to make other products out of this, as well as perhaps the best high-protein feed possible for our cattle and hogs. I am not an expert, but we are finding out that if you take this feed product just at the right time while there is still a little bit of alcohol left in the product, that it makes a terrific product to feed to dairy cows. We are finding that you can actually increase dairy production with just exactly the right blend of feed from these corn-processing plants.

Mr. Speaker, I want to mention something else. And I hope the gentleman will stick around so we can have a little colloquy here that I think is important, and I talked about this chart. I want to come back to it again.

According to the United States Department of Energy, in 2000, the United States imported more than 8.9 million barrels of crude oil every single day. And the problem is that is getting worse every single day. That represents over 60 percent of our domestic crude oil demand; what is worse, we are currently importing over 600,000 barrels of oil from Saddam Hussein every day.

Now, if you multiply 600,000 times $25 a barrel, that gives him an enormous amount of cash that he can use for whatever purposes he really intends it for. Now, we believe, and we have said that that is, you know, for food and humanitarian concerns, but some of us wonder just how much of that actually goes to benefit the citizens of Iraq and how much is going to help him develop even more sinister methods of declaring war on his neighbors.

Finally, the California waiver decision decreases our dependency on foreign oil and increases demand for clean-burning, domestically produced ethanol. Ethanol is not part of the problem. It is part of the solution.

I want to talk, too, about corn itself and what a tremendous reprocessor corn is of CO_2, carbon dioxide. We have heard a lot recently about global warming and global climate change. A couple of years ago, I had the head of NOAA, I serve also on the Committee on Science, and NOAA is the National Oceanic and Atmospheric Administration. They are our top weather people. I had the head of NOAA in my office a couple of years ago. He was sitting right there in the chair, and I had the chance to ask the question a lot of Americans would like to ask, I asked him this question: I said, is there any hard evidence that global warming really exists to the extent that some of the people are saying? After a very long pregnant pause, finally he said, no.

Now, he said there is evidence that the level of carbon dioxide in the atmosphere is going up. We believe that in the long-term if the level of CO_2 goes up in the atmosphere that will begin to drive the overall temperature of the Earth up slightly. We do not know how much. We do not exactly what the cause effect. We need to study it more, and I think everyone agrees that we certainly need more study.

Let me just share with you and anyone who happens to be watching tonight how corn plays an important role in this. An acre of growing corn consumes 5 times more CO_2 than an acre of old growth forest. One of the great things about corn is it draws an enormous amount of carbon dioxide from the atmosphere, converts some of it into oxygen, which we can reprocess and make high oxygenated fuels, like ethanol. And so in many respects, cornfields are a great way to reprocess some of that CO_2 in the atmosphere.

They are better than an old growth forest. In fact, they are five times better. An acre of growing corn consumes five times more CO_2 than an acre of old-growth forest. That is good news.

The great thing that happened today is, as I think the President made it

clear, that we are going to have a coordinated energy policy in this country. We are going to try and move away from this incredible dependency we currently have in OPEC.

Part of the reason we have seen our energy prices spiking and going up so much in the last year or so is because now we are so dependent on OPEC, they literally can set the price for us. So this is another step that the President is taking today to say that we are not going to be dependent on OPEC. We are going to grow some of our own energy. We are going to solve some of the problems that we have in terms of energy. We are going to do it right here in the United States.

Mr. Speaker, I would yield to the gentleman from Minnesota (Mr. KENNEDY), my colleague.

Mr. KENNEDY of Minnesota. Mr. Speaker, I say to the gentleman from Minnesota (Mr. GUTKNECHT), you are absolutely right on all of the benefits that this has from reducing our dependence on foreign oil, as well as the environment.

We are very, very pleased with the result here today, but the gentleman and I both being from Minnesota, we never settle for what we have achieved today. We are always looking for where we can take it to the next step. Our great State of Minnesota has been a leader on biofuels.

We have just about all the gasoline sold in Minnesota with a 10 percent blend. And as the gentleman from Nebraska (Mr. OSBORNE) said, any car can consume gasoline with a 10 percent blend. But we are also a leader when it comes to E–85, 85 percent ethanol blend, and vehicles like my Dodge Grand Caravan that I drive and several Ford vehicles and several vehicles from other makes can use this product where you have 85 percent blend of ethanol, and the benefits that we have been talking about for the last hour, about the benefits of the environment, the benefits to increasing our energy supply are equally as important there.

What we found is that over time as we have invested in these technologies, we get better and better at making ethanol. We find more and more uses for the by-products that drives down the overall costs that makes it increasingly more competitive. I am confident that that will be the case in the future.

We have also been a leader on another very significant biofuel in the form of biodiesel; what people do not really realize about our President is that he has taken some bold moves for the environment. This being one.

Another very bold move that he did was to significantly reduce the amount of sulfur in diesel, about a 95 percent reduction in the sulfur in diesel and by taking sulfur out of diesel, you significantly reduce its lubricity. One of the ways to increase lubricity and put that back in is through biodiesel.

We have had a very active discussion in Minnesota on trying to be a forward State on biodiesel as well, and I am hopeful that discussion continues on. I think we can do the same things with biodiesel that we have done with ethanol.

Finally, I just want to go back to one very simple example about how good this is for your environment. As I go around into our ethanol plants, I have oftentimes challenged those that make MTBE, that I will drink some ethanol if you will drink some MTBE. MTBE would be very harmful for, other than given that it is basically 100 percent alcohol, you can drink our good ethanol.

Mr. Speaker, I have been trying to come up with something, because our former Senator Rudy Boshwitz had his milk stand at the Minnesota State Fair where he had flavored milk, strawberry milk and blueberry milk, and trying to come up with something else.

So we toyed for a very short period of time having a taste test like the Pepsi-Coke test, where you would come out to the farm feast, you come out to the State Fair, and you could taste your ethanol versus your biodiesel.

Given that we probably would be killing some and making the rest intoxicated, we gave up on that idea very quickly, but it just really highlights the fact that this is something that is going to be good for the environment.

It is not going to have any side effects. It is the type of thing that we ought to be promoting, and it is the type of thing that we ought to be applauding the administration as we are here today for making the decision that we did.

Mr. GUTKNECHT. I agree. I think every American. This is not just about rural America. I think if every American would think through the arguments about this, I would think every American would thank the President today. He did the right thing. He did the right thing for the environment.

As was said earlier, this is not a choice between clean air and clean water. He made the right choice for the environment. He made the right choice in terms of energy independence and he made the right choice in terms of rural America and helping us find new markets for things that we can grow and produce in abundance here in the United States.

I would like to paraphrase President John Kennedy, he said, you know, we all inhabit this same small planet. We all breathe the same air. We all cherish our children's future.

And if I might parenthetically add, we are all environmentalists. We all want to leave this country and this world a better place. Ethanol is a big part of the solution. I know sometimes the critics, they say, well, yeah, they get the subsidy. We are sending these checks out to farmers for ethanol.

We need to explain this. What happens is we give the blenders of ethanol. It actually goes to the refiners we give them a tax credit. If they will use this product, which we know is better for the environment, both the air and the water, we said a number of years ago, we will give you a small credit.

And the interesting thing is that our farmers and the people who produce ethanol have found ways to produce it so much more efficiently today, that when corn is less than $2 a bushel and oil is over $25 a barrel, it is actually cheaper to put the ethanol in the gasoline.

As a matter of fact, last year when we had this big debate in the United States, because the price of gasoline, particularly in the Chicago market, went up to over $2.20 for a gallon of gasoline, a lot of people were saying it is ethanol. Ethanol is the problem.

But at that time, the rack price of ethanol delivered from Minnesota to Chicago was about $1.10 a gallon. The rack price of the gasoline that was being blended with was over $1.20 a gallon. In fact, it was something like $1.40 to $1.50. That is what the cost was at the refinery.

I find it hard to believe that people would argue that somehow blending a 10 percent blend of a product that costs $1.10 a gallon with a 90 percent blend that costs $1.30 or $1.40 or $1.50 a gallon, how in the world the price of ethanol is driving the price of gasoline?

The fact of the matter is that the price of ethanol was keeping the price of gasoline lower. It is better for the environment. It is better for the consumer. It is better for the energy dependence.

The President did exactly the right thing today, and I think he understood what President Kennedy meant when he said that we all inhabit the same small planet. We all breathe the same air. We all cherish our children's future, and ethanol and biofuels are going to be an important part of our energy future.

Our time is almost expired, and I want to thank all of my colleagues, the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Nebraska (Mr. OSBORNE), as well the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Iowa (Mr. LATHAM).

Mr. Speaker, I want to thank our new freshman colleague, the gentleman from the State of Minnesota (Mr. KENNEDY). I think this has been an important special order.

This is a very important day. And again as I started this special order, and the words of the old spiritual, oh, happy day. This is a happy day for America. It is a happy day for America's farmers. It is a happy day for American consumers, and whether they realize it today or not, this is a happy day for all of the people in the State of California.

Because they are going to begin to phase out that cancer-causing product

which is leaching into their groundwater even as we speak called MTBE, and we are going to begin to replace that with a wholesome product that can be grown right here in the United States called ethanol.

As my colleague from Minnesota pointed out, ethanol is the kind of a product, it is so pure and so clean, and I would not say good for you necessarily, but it will do no more than inebriate you. It will not kill you. We are going to replace that cancer-causing MTBE with ethanol.

So the President has done us all an enormous favor today. This is an important decision. I applaud the administration for making it. I think it is going to open new avenues for all of us. And, again, I thank my colleagues for joining us tonight.

ADMINISTRATION'S POLICY ON NATIONAL MISSILE DEFENSE

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. TIERNEY) is recognized for 60 minutes.

Mr. TIERNEY. Mr. Speaker, I join a number of my colleagues here this evening to discuss the administration's policy on national missile defense.

I put up on the board here one of the comics that was recently in a newspaper showing Secretary Powell with members of NATO and essentially asking Secretary Powell if they really expect him to buy that, and that is, of course, a used car which stands symbolically, in this instance, for the national missile defense program being discussed and being put forth by this administration at this time.

Mr. Speaker, I join my colleagues to discuss that policy and specifically the administration's apparent attempt to move swiftly to deploy that system even before tests show that it is feasible.

□ 2100

There are apparent plans to proceed beyond research and development, though no proper consideration has been given to many critical factors. We have yet to really assess all threats against the United States, whether they be from another state or a nonstate.

The alleged purpose of this limited national missile defense or the early stages of the Bush administration plan is supposedly to protect us against rogue nations or against accidental or unintended launches. Rogue nation threats are primarily the national missile defense concern, or so we are told. If that is the case, we should assess them and assess them on whether or not that threat of missiles from rogue nations compares to other threats that exist to our Nation.

Currently, the threat of weapons of mass destruction from missiles ranks low on the list of CIA possible threats. While some rogue nations have crude missile systems nearing the capability of reaching the continental United States, they are, according to the CIA and others, less credible threats than other forms of aggression and terrorism. In keeping with that train of thought, we should establish most likely threats and key our defenses towards those that are most likely.

With limited funding resources, the United States must be sure that our spending is proportionate to our established priorities. Spending on any national missile defense must not adversely affect readiness or military personnel quality of life or modernization of conventional land, air and naval forces, nor should it adversely affect research and development efforts aimed at necessary leap-ahead technologies. It cannot ignore the benefits of timely and reliable intelligence or diplomacy.

In view of all our national priorities, whether they be domestic in nature or international and defense prospects that affect our national security, the cost that is going to be incurred must be warranted by the security benefits we should expect to gain.

Americans deserve to know before we deploy the realistic cost estimates and who will pay. Is it only the United States that is going to fit the bill, or will all nations that stand to benefit from any deployed national missile defense system participate in sharing the cost? So far, the projections show the following costs.

Mr. Speaker, I have another chart. Mr. Speaker, as the chart indicates, the initial estimates for 20 interceptors were originally estimated to be at a cost of nine to $11 billion. The fact of the matter was that that was in January of 1999 at $10.6 billion. By November of that year, it was at $28.7 billion. By February of 2000, it had moved up to 100 interceptors being planned, and the estimate then was $26.6 billion. By April, it rose to $29.5 billion; by May to $36.2 billion; by August of 2000, $40.3 billion by the own estimate of the Ballistic Missile Defense Organization. Now in August of 2000, the CAIG report estimates it up to about $43.2 billion. That is with a number of items not included.

As my colleagues can see on the chart, other estimates in testing adjustments, alternative booster programs add another $4.5 billion, bringing it up to some $47.7 billion. Not included also is the restructuring of the program to remedy testing delays. That adds another $2.8 billion. Essentially, we are up to $50.5 billion on this program and going up, up and forever upward.

We should not forget the fact that this administration is not only talking about a land-based limited system. It is talking about adding a second phase and a third phase to the land-based design, adding a sea-based provision, adding an air-based aspect, and then going on to space-based laser.

So let us add those up. Adding phases 2 and 3 of a ground-based system would add another $50 billion. The sea-based system would be another $53.5 billion. An air-based system would add another $11 billion. The space-based laser, besides inviting in the number of people to secure items in space which we alone have almost monopoly on, would add a cost to seventy to $80 billion. So total estimates on this program are at a minimum of $80 billion to $100 billion or as high as a trillion dollars, depending on how far out we go.

That should all bring us to the issue of feasibility. The administration now intends to use this system whether or not it works. In other words, it is going to buy it before it flies it.

We have had a number of experiences in our military programs with that, most recently with the F–22 and with the Osprey. The Osprey not only costs us a lot of money to go back and cure remedies that were not caught because we did not test it properly, it has cost us the lives of 25 Marines.

In keeping with this administration's ready, shoot and then aim prospect, Secretary Rumsfeld has taken an in-your-face attitude to our allies as well as to our friends as well as to Russia and China. He is determined to put all other considerations aside and deploy this system even if the technology is not available and is not proven feasible.

Astoundingly, the Washington Post reported these comments from an administration official, and I quote: ''It is a simple question. Is something better than nothing?'' It went on to say, ''The President and the Secretary of Defense have made it pretty clear that they believe some missile defense in the near term is, in fact, better than nothing.''

Now my colleagues may join me in being astounded in that, but that statement should at least rest on two underlying assumptions. One would be that that something in fact works, and this does not; and, two, that deployment will not subject the country to even greater security dangers. This program will.

What the Pentagon and the Department of Defense and the Secretary and the President know but do not apparently want the Americans to discover or consider or debate is that the National Missile Defense System's effectiveness has not yet been proven even in the most elementary sense.

Also, there should be grave concerns regarding the disturbing side effects of the National Missile Defense System, such as uncontrollable launches and their attendant risk to world security.

A study has been completed, not by groups opposed to missile defense, but by the department's own internal experts. That study makes it clear that

potentially profound problems exist with the National Missile Defense System. The Office of Operational Test and Evaluation, known by its initials OT&E, is an independent assessment office within the Department of Defense. It was created to oversee testing programs and in particular to ensure that weapons development programs are adequately tested in realistic operating conditions.

Its former director, Mr. Philip Coyle testified on September 8 of last year before the Subcommitte on National Security, Veterans' Affairs and International Relations of the Committee on Government Reform. He testified about a report that he had compiled during the deployment readiness review that was conducted in the summer of 2000.

As a result of that testimony, it became apparent that the Pentagon was overstating the technological progress and potential of this National Missile Defense System.

Because I thought it was imperative that the public have full access to Mr. Coyle's study, I asked Mr. Coyle to provide the full report for the record of that committee, and he agreed to my request. My motion that the subcommittee include that study on the public record for the September 8, 2000 hearing was accepted without objection. At no time did Mr. Coyle or Lieutenant General Ronald Kadish, the Director of the Missile Program, express any reservations.

Well, after 8 months and at least six separate requests and a subpoena threat, the subcommittee finally obtained the study. But the Department of Defense asked that that study be kept confidential. I think this is precisely the wrong response.

The Bush administration is proposing to our allies and strategic partners that deployment be speeded up even beyond optimistic evaluations. In this context, the need for public debate about the system's capabilities and its potential dangers if deployed prematurely is urgently needed.

I have, therefore, written to Secretary Rumsfeld for a full explanation of the Department of Defense request to hush up this report. I have asked the gentleman from Connecticut (Mr. SHAYS), the subcommittee chairman, to schedule hearings on this study and its implications as expeditiously as possible. In conversations earlier this evening with the gentleman from Connecticut (Mr. SHAYS), I have been informed that those hearings will be pursued.

Now, Mr. Coyle raises fundamental problems with the national missile defense testing programs. He tells us it is far behind schedule, and it is slipping further. The test program is severely deficient, failing to test basic elements of the system. In fact, after numerous failures, Mr. Coyle tells us that the Pentagon actually altered the test program to make it easier, and still it continued to fail.

Mr. Coyle described the immature status of the program. There are limitations in flight testing and inadequacy of available simulations. Therefore, a rigorous assessment of potential system performance cannot be made. That is, no one can reliably predict that the National Missile Defense System, as planned by this administration, will perform at the required levels.

Testimony of the Director found several ways the system may not work: its inability to defend against decoys. As discussed extensively in open literature, the enemy could employ various types of countermeasures and overwhelm this function.

I hope that our speakers this evening will talk at length at that. I know the gentleman from New Jersey (Mr. HOLT) is here. He has particular expertise in this area, and we should discuss it at length.

But rather than address the fatal errors, the omission of tests with countermeasures could make the system unable to fulfill its core function of defending against accidental or intended launches; and rather than discuss that, the Pentagon is hitting them by dumbing down the testing requirements.

The Department of Defense also provides interceptors with key discrimination information ahead of time. In other words, it rigs the game. It tells them trajectory. It tells them timing. It tells them height. It tells them all sorts of information. Yet, the system will not have that benefit if and when it is deployed.

So there is a need for rehearsed engagements without advanced knowledge, yet none have been done so far and none are planned to be done.

The director criticizes the software user simulations as it suffers from an unfounded reliance on unrealistic and overly optimistic parameters. There is no plan to consider conducting flight tests with multiple targets or interceptors even though multiple engagements could be expected to be the norm. These are potential security risks of premature deployment.

Phantom tracks. The system automatically allocates interceptors against phantom objects. In other words, these are created when the radar coverage transfers from one radar system to a second radar system, and the system mistakenly interprets the new radar rhythms as originating from a second reentry vehicle.

The operators, the manual operators were unable to deal with that. There is one very serious immediate danger if the United States launches multiple interceptors against missiles that do not exist. Adversaries may interpret these launches as a hostile first strike and respond accordingly.

So it brings us back to this idea that we are going to deploy this system before we have adequately tested it, before we have talked about the cost of this program, before we have talked about our priorities in defense and whether or not this is, in fact, the most serious issue we ought to be confronting at such an enormous cost while it is still very far from being feasible.

Deployment has been defined to mean the fielding of an operational system with some military utility which is effective under realistic combat conditions against realistic threats and countermeasures, possibly without adequate prior knowledge of the target cluster composition, timing, trajectory or direction and when operated by military personnel at all times of the day and night in all weather.

In almost every one of those categories, there have been tests that have been failed or tests that are not even planned to determine whether or not this system can work.

Yet, we have a Secretary and apparently an entire administration that is willing to walk that plank and commit billions and billions of dollars on a system that has not been proven to work, casting aside all of our other defense needs, casting aside the questions that it brings to our national security, and casting aside the issues of others priorities within this country.

We have a report that seriously calls into question the readiness of this national missile defense. I think that report leads to serious questions of this administration's ill-advised plan to deploy before it has proven technologically feasible and apparently with total disregard for costs, stability in this country and the world, and effect on other priorities.

This is no time for the Department of Defense to bury a study. It is time for full disclosure, for deliberation and for debate.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT) and cede the floor to him.

Mr. HOLT. Mr. Speaker, I thank the gentleman from Massachusetts, and I commend him for setting aside some time this evening to talk about it because every one of us in this room has an obligation to talk about this important issue. Polling data shows that the public does not feel well informed about what could be the most expensive defense ever deployed and one that has serious flaws.

The President is trying to sell his magical mystery shield to the allies today. As the gentleman's cartoon shows, it is a used car with no guarantee. The problem with the missile defense, quite simply, is it would be costly to deploy, easily circumvented, and it would be strategically destabilizing. In other words, it would actually detract from our national and international security.

One does not need to read a lot of history to be reminded of the—Maginot line, the so-called impenetrable wall that has become the symbol of misguided defense policy. The proposed missile defense shield probably would not work as designed and wishing will not overcome the physics. It could be confused with decoys as the gentleman from Massachusetts mentioned a moment ago.

I am a physicist by background, but one does not need advanced physics to understand that a Nation that would be capable of building an intercontinental ballistic missile, that could deliver a weapon of mass destruction could also deploy decoys by the hundreds, by the thousands.

In the vacuum of space, a balloon travels just as well as a rocket. Without the resistance of air, it is easy to inflate a balloon.

□ 2115

You could inflate dozens or hundreds of balloons. One of them might contain a warhead, others would look identical. They could all travel at thousands of miles per hour, many thousands of miles per hour, miles per second.

I have spent some time looking at the physics of the detection systems, and I am convinced that it would be very difficult to determine the decoys from the actual warheads. But putting that aside, a Maginot-type missile defense system, designed to defend an entire continent, or as the President has suggested defend all nations from weapons coming from any nation, well, it could be bypassed with suitcase bombs or pickup trucks or fishing trawlers or sea-launched missiles, and so it would be billions of dollars down the drain.

But the real tragedy is it would not be just a diversion of precious resources that we would not have available for health care, for smaller class sizes, for modern school facilities, for securing open space, for taking care of America's veterans, for all of those things that make America worth defending. No, it would be worse than a waste of money, because simple strategic analysis will tell us that provocative, yet permeable, systems are destabilizing and they lead to reduced security.

Think of it this way: we say we are building a defensive system. Some potential enemy says, well, you are going to prepare an offensive strike, and then you will use your defensive system to prevent us from retaliating. And we say, no, no, no, it is only a defensive system. And they say, sure, we believe you. Well, if they believed us, they would not be our enemy. In fact, this is a weapon system in search of a cooperative enemy, an enemy that would not try to spoof us with decoys, an enemy that would not wonder what is going on behind that shield.

We have all read stories of the knights of yore. When knights carried shields, they did not carry the shields around the house; they used those shields in battle, to thrust and parry from behind the shield. That is why, as counterintuitive as it may seem, a defensive system becomes a destabilizing offensive threat. So this would undo decades of arms control.

And, in fact, the President has said he would use such a missile defense to go beyond the anti-ballistic missile treaty; in other words, to abrogate the treaty, to break the treaty, to throw it away. This system, or any imaginable system, is not going to be a substitute for cooperative arms control. This is not something where technology will overcome cooperation. You do not need to be a rocket scientist to understand that technology will not solve this fundamental problem.

In fact, the President has said that whereas some years ago President Reagan presented his program, the Strategic Defense Initiative, as something to render nuclear weapons impotent and obsolete, President Bush says he understands that will not happen. So that even with an international missile defense such as he is proposing, it would still be necessary to maintain the option of massive retaliation; in other words, mutual assured destruction. Well, this is not a technological solution to our strategic predicament. This is not an answer to weapons of mass destruction.

The United States has not been able to develop a workable missile defense system after 40 years of trying. We have had the Nike Zeus, the Sentinel, the Safeguard, the Strategic Defense Initiative, and actually there was SDI-I, which was a space-based laser, or directed energy system, known as Star Wars colloquially, and then there was Strategic Defense Initiative II, which was kinetic kill vehicles, or Brilliant Pebbles, and there was G-PALS and National Missile Defense; and now President Bush has extended this to international missile defense. Well, after all of these years of trying and tens of billions of dollars spent, we are still nowhere close.

My colleague, the gentleman from Massachusetts (Mr. TIERNEY), referred to the study that the Pentagon had undertaken of the system. And essentially they said that not only have there been no successful intercepts, but that simulations that would give confidence that this would work do not exist, and that the current state of test facilities is immature. We are not close to deployment.

And maybe we can take some solace in the fact that we are not close to deployment, because once this is deployed, it will set off a series of dominoes of the arms race around the world where countries that might feel threatened by it, say China, would increase their arsenals and in turn threaten other countries, say India, who in turn might build up their arsenals and threaten other countries, say Pakistan. Now, that is certainly not our intention. This is purely defensive. But that is the way it would work, and it will not get us out of our nuclear predicament.

Again, I thank my colleague from Massachusetts for setting aside this time. We have an important and difficult job to do over the coming weeks to make sure everyone in the country understands the choice that is before us here.

Mr. TIERNEY. Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. TIERNEY) for holding this event tonight to talk about national missile defense and the Bush administration's enthusiasm for an untested and uncertain project.

The reason I think it is so important to have this conversation tonight is that it is very clear to me that this is one of the most critical issues facing this Congress and one in which the public obviously needs more information. And whatever the right answer is, we have to have this kind of discussion and debate. We are not going to get it during the regular legislative day, so we need to get it after hours.

In many respects, all of us believe that if we had a national missile defense system that actually worked and did not threaten our security, that would be a good thing to have. The difficulties are several: first of all, we have now spent tens of billions of dollars on the system to date, and we are a long way from having a system that is actually tested and that works. There are scientists across this country who are convinced that this system can never work. It is also clear that to build a system on the scale that the Bush administration envisions is a hundred billion dollars and up. A huge amount of money.

Third, there is a problem. We need defenses that are proportional to the threat. And it is not at all clear that a threat of a ballistic missile attack by North Korea, by Iran, or some other rogue state is really at the top of the list of the threats that we face. Many of us in this room today joined with other concerned citizens who came to Washington with a simple message for President Bush, and for all of us as policymakers. First, the President's fast-track missile defense will make the world less stable, not more stable. Second, rushing deployment of missile defense will provoke other nations to increase their offensive arms and undermine U.S. national security.

In particular, it is very likely to encourage the Chinese to develop more ICBMs, which in turn will make India

uncertain and insecure, which will add to a race in missile development in India and in Pakistan.

Third, abandoning arms control agreements and gambling on unproven missile defense technologies is unsafe and unwise. When we look back through the centuries, military history has really been a battle between the sword and the shield. Building a better shield has always compelled the forging of a better sword. The Bush administration needs to explain why it thinks this missile shield is exempt from the laws of history.

As I said before, missile defense might be justified if it could be proven to work reliably and consistently and if we were confident that it would improve our overall national security. But President Bush has not provided any particulars about his proposal. It is only a multilayered proposal which will protect us against all kinds of threats.

Congress and the American people really have to force this administration to answer the hard questions that they have so far avoided. For example: one, can missile defense technology be proven to work reliably and consistently? To date, the answer is no.

Second, what is the cost? To date, the answer is, who knows, but perhaps tens if not hundreds of billions of dollars.

Third, will national missile defense improve other overall national security? Well, not if we abandon the ABM Treaty and abandon an arms control regime that has kept the peace for 50-odd years.

Fourth, is national missile defense a proportional response to a credible threat?

I serve on the House Committee on Armed Services, which evaluates threats to our security. The U.S. intelligence community recently issued a report on global threats and challenges we may face by 2015. This is shown on the chart beside me here, ''Threats and Challenges in 2015, a National Intelligence Council Report.'' There are many diverse threats here. Some of them relate to population trends, aging patterns, migration, health and AIDS. Others relate to natural resources and the environment, access to food or to clean water, the availability of energy, or environmental degradation. Some are related to science and technology, the global economy, or to national and international governance.

There are some threats that do relate to future conflicts, and a national missile defense system protects against one of those threats, that is, a weapon of mass destruction delivered by means of a long-range missile. It does not protect against a Ryder truck or a boat or a suitcase that can be carried into a building or near a building and blown up.

If we look at what happened tragically in Oklahoma City, or if we look at what happened to the U.S.S. Cole, I submit that is the future. Those are the risks that we in this country really have to worry about far more than having some country decide they are going to fire a missile at our country, which would be tracked from the moment it left the ground in North Korea or Iran or somewhere else.

Over the last 55 years, deterrence has worked and it continues to work. Just take one example. During the Gulf War, Saddam Hussein did not use his chemical and biological weapons. Why? Because the first Bush administration made it clear that if he did that there would be massive retaliation. Even Saddam Hussein, in the middle of a conflict, respected the power of retaliation of this country.

My concern is if we put all our money into missile defense, there is no way that we are not going to underfund these other threats to us with the delivery of weapons of mass destruction by other means.

□ 2130

Mr. DOGGETT. Mr. Speaker, if the gentleman would yield. The gentleman served on the Committee on National Security, and I know he must have heard many demands to see that our men and women in arms are justly paid, to see that they have the facilities that they need, that all of the branches of the armed services have the equipment and the support that they need.

I listened recently to the former chair of the Senate Committee on Armed Services, Sam Nunn, who noted that we risk the possibility of having vital resources that we need for other aspects of the military all sucked up into this one plan that does not work.

I have been surprised as I have traveled around my district in Texas at how many people who are coming up and expressing opposition to this plan who are veterans who have served and who recognize how foolhardy it is to divert all our resources into one area, and that area being one that is not proven to work.

I am wondering if the gentleman is hearing from other people who are in our military services informally or have served in the military who recognize the danger that has been spotlighted tonight and that former Senator Nunn has voiced publicly?

Mr. ALLEN. Mr. Speaker, if the gentleman would yield. The gentleman from Texas is exactly right. In my home State of Maine, we have Bath Ironworks where half of the destroyers for the Navy are built. There is no question in my mind or the minds of many people in Maine, those who served in the military and those who did not, if you spend tens of billions of dollars more on a national missile defense system, it will simply sit there. And we will not have the kind of Navy we need to protect our interests around the globe. The same argument can be made with respect to procurement for tactical aircraft. Clearly it can be made with respect to the pay and benefits for the men and women in our armed services.

Mr. Speaker, what we have to remember about a national missile defense system is that it protects against one single threat and is useful for no other purpose. It would not be effective against Russia or China. It would only be effective against a state like North Korea or Iran. When you look at those states, North Korea is willing to sit down and negotiate away their missile defense program. Iran just elected a reformist president with 75 percent of the vote. We can deal with these countries and negotiate with these countries. Believe me, it is a lot less expensive to do that, negotiate away the threat than it is to build this kind of system.

But the gentleman is absolutely right, you stay within the defense budget and before we get to education and health care and the environment, this kind of system will drain money away from other urgent national priorities.

If I may add one more thing, it is important to note that Secretary Rumsfeld recently said that he thought there should be deployed the rudiments of a missile defense system by 2004, even before the testing is complete. As one of our colleagues mentioned today, that date is significant. The point is, try to get something in the ground before the next election, before the President comes up for reelection. That is no way to run this kind of defense procurement effort and weapons system.

Mr. Speaker, if we know anything about weapons systems for the Department of Defense, we should fly before we buy, we need to test before we purchase. It is particularly true of the most complex system on the drawing board at the Pentagon. This system is being rushed in a way that is destructive not only to our military, but to our national security. And we need the public to understand this is not a simple issue, but a great deal is at stake.

Mr. Speaker, I want to say personally to the gentleman from Massachusetts (Mr. TIERNEY), I appreciate very much his holding this event tonight and yield back.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman. Even if we were to assume on our wildest dreams, because that is essentially what it would be, North Korea, one of the poorest nations in the world, that cannot even feed its own people, would wake up some morning and would have the vision that it wanted to commit mass suicide, and assuming it is several years in the future and they had somehow developed a nuclear missile with the capacity to even reach our coast with any sort of precision at all, it

would be much more likely they would put a biological or chemical weapon on it, in which case they would use multiple warheads. In that case, it would overwhelm any limited national missile defense system we would have.

We are having to project forward and do a system that is much larger, and get into hundreds of billions of dollars and a prospect that is unrealistic.

The second issue is the issue of confidence. Ostensibly we are doing this to have some sort of strategic advantage over some rogue nation holding us hostage with the prospect that they might send off a weapon of mass destruction by missile. The fact of the matter is that there is speculation that we may not be able to come close to 100 percent effectiveness.

Twenty or so years ago when they were talking about President Reagan's Star Wars, one of the groups that was advocating against it used to come out with an umbrella with holes in it and say that is the kind of protection you are getting. It is essentially the same situation here. The probability that you would be able to get 100 percent of any weapon sent over in most estimations of any reasonable scientist is nonexisting. So you would have no confidence that it was 100 percent reliable, and I would suggest that leaves you with no ability to effect a strategic decision. It is not a useful prospect to have if it worked on its best abilities on any given day because even its best abilities are not projected at 100 percent.

Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the hardworking and able gentleman from Massachusetts (Mr. TIERNEY) for sponsoring this special order this evening, and it is a pleasure to join the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from New Jersey (Mr. HOLT) and the gentleman from Wisconsin (Mr. KIND) and the gentleman from Texas (Mr. DOGGETT) in this important discussion.

Today in Madrid, a reporter asked President Bush how he could reconcile his opposition to the Kyoto Treaty, an opposition that he says is based upon a lack of scientific evidence, with his support for Star Wars which is also not supported by scientific evidence.

''How do we know it is going to work?'' President Bush stated. ''Well, we have to spend the dollars on research and development.'' But I am sure President Bush is aware, he is not proposing only research and development. The Bush Star Wars proposal involves deployment of the system, not just research and development. Indeed, this shocking lack of scientific evidence is the Achilles' heel of the administration's single-minded pursuit of this system.

As others have mentioned, a Star Wars program will cost our people over $50 billion or more and still counting, and that is only the first phase.

Mr. DOGGETT. Mr. Speaker, would the gentleman yield?

Mr. TIERNEY. Mr. Speaker, I yield to the gentleman.

Mr. DOGGETT. I know one of the areas that the gentlewoman has considerable expertise in is in reference to agriculture and her work for farmers across the country. It has been suggested by some administration officials that we apply an agricultural approach to this. We take this $100 billion, and it does not make any difference if it works because it can be a giant scarecrow and it will scare off the people from around the world. I am wondering from your expertise in agriculture if you think that using Star Wars as a scarecrow might be sufficient to protect our families?

Ms. KAPTUR. Mr. Speaker, I think the gentleman raises a very good point. I do not think scarecrows work.

Our experience over a decade ago with the MX missile proposal, and to have been a party to those debates to a system that first was proposed to be stationary, and then when they realized that is a sitting duck, maybe it was a scarecrow, I do not know, they said maybe we should put it on a train on a track and move it around. We eventually were able to defeat that and say that the real strength lay in our triad, and the fact that we had a mobile Navy, we had a mobile Air Force and the best trained Army in the entire world.

We have to do better, but it does not make any sense to be throwing billions of dollars away on an unknown system; and, quite frankly, enraging our European allies and other allies around the world and ratcheting up the arms race without consultation by this ill-advised proposal. We know that the scientific evidence is not there, and we always have been pushing for what kind of system are we talking about. What is this thing going to do?

Here in Congress we are often given the argument we cannot solve a problem simply by throwing money at it, whether it is agriculture, child poverty, prescription drugs, we cannot just throw money at these problems. But with Star Wars, it seems to be different. Just throw enough money at it, and we will be lucky if something works in the end. Do not test the system against the full range of countermeasures and do not develop a fully integrated prototype before protection, and do not require an adequate testing program. Just spend $50 billion.

Mr. Speaker, we do not have that luxury because we have a $5 trillion debt overhang in this economy, and we are dealing with precious taxpayer dollars. Others have talked about health care and education and the environment and prescription drugs for our senior citizens, money to update our food safety systems, all of the money to strengthen Medicaid and Medicare.

Mr. Speaker, if we go around and look at the real strength of this country in our Armed Forces, it is those who choose to serve America, dedicated young men and women living in some of the worst housing conditions anywhere in the world, including right here in the Nation's Capital. If we are going to have the best armed men and women systems in the world, my goodness, should we not be paying attention to those already serving.

Mr. Speaker, why are our adjutants general from around the country complaining about too many missions with not enough money? We have to take care of what we are asked to do today, not throw away money on deployment of a system that nobody ever fully understood.

I had military retirees come up to me and say, ''Why did we have to take cuts in benefits? Why are people who served our country put in a different position in terms of retirement than those who have served on the civilian side?

The budget that the administration has produced will not meet all of the health care needs that our veterans have across this country. We have them classified, A, B, C, D. Everybody is on a different platform in terms of veterans' health services. We have 25.6 million veterans in this country. We have to pass a good budget to serve them, and we have to do what is right and put America's priorities in order.

Truly, this Star Wars proposal is a misplaced priority.

Mr. Speaker, I thank the gentleman for allowing me to share in this special order.

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman for joining us tonight. I have a quote here on the board. It is a quote that the Secretary of Defense, Donald Rumsfeld, made on May 29. He was referring to a comment made by President Bush. He stated, ''We ought to engage our brains before we engage our pocketbooks.'' What sharp contrast that statement is to the administration's apparent focus now on starting a system that they admit has not been shown to have been tested thoroughly and that has not been shown to work. We are making an exception for national missile defense, and hundreds of billions of dollars. We are not going to engage our brains, we are going to engage our pocketbooks and start down a path that creates all sorts of mishaps and mischievous.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding, and I commend him for the leadership he has shown in raising the education level in this body and hopefully throughout the country in regards to the importance of this debate, and a thorough study and analysis of the various proposals that we

are hearing coming out of the Bush administration.

I am glad we have with us as a colleague in this Chamber our own solar physicist, a former employee at the Nuclear Fusion Laboratory at Princeton, the gentleman from New Jersey (Mr. HOLT), because what we are talking about is rocket science, and it is nice to have his perspective in regard to the technological capability that we currently possess on such an important but expensive program.

Mr. Speaker, it is hard to engage in a thorough analysis or conversation or review of what the Bush administration is talking about in regards to a missile defense system because I am not sure they know what this system is going to look like ultimately. How do you get into the details of a policy proposal when the details are lacking?

□ 2145

Mr. TIERNEY. I would just point out this next quote up here, the gentleman has exactly hit on the point. On June 7, Donald Rumsfeld, the Secretary of Defense, at a press conference, people were asking him, ''Does it even work?''

His answer was, ''This is an interesting question in the sense of what do you mean when you say that works?''

You look at that on its face value as what is he talking about? We know when it works. That is why we do studies. That is why Mr. Coyle did his study, that in case it does not work. Not only does it not work, it needs considerably more testing until it gets to a point we are comfortable that it works reasonably well or sufficiently, and they do not even plan to do the tests so far on that.

But again they want to engage our pocketbooks before we engage our national brain on this and start building and committing us down that path. I would just make that point.

Mr. KIND. I thank the gentleman for making that point. It is an important point. It is a little bit frustrating as we are trying to get more information from the administration to find out exactly what their vision is in regards to missile defense: Is it going to just be land-based or sea-based, air-based? Is it going to involve a space-based type of missile defense system? Is it going to be a limited defense system? Is it going to be a national missile defense system or a universal application which we will share with our allies or any country in the globe who wants it? Because what kind of moral position would we be taking if we do in fact develop the technical means to deploy a system such as this but not offer it to other nations around the globe when an intentional or an accidental launch of a nuclear weapon could result in tens of thousands or millions of casualties in a particular country?

This is what we need to keep asking the administration about. I for one am not sure if it is the right moral position to just come out and oppose any type of system at all. There is a lot of discussion about a rogue madman launching a nuclear missile at the United States, but there is also the possibility of these missiles falling into the wrong hands, a possible terrorist gaining control of some launch capability in Russia, for instance, I think is a real possibility, or even an accidental launch and what kind of position would we be in then if we were not at least going forward on the research and development and exploring the feasibility of this type of system at some point in the future.

But for me at least fundamentally there are three overriding questions that I am waiting to get answers for. Firstly, will it work? Do we have the technological capability of pulling it off? Secondly, how much is it going to cost the American taxpayers to deploy such a system? And, thirdly, even if we do find something that works and we can deploy it, is it going to make the United States more or less secure in the final analysis?

Mr. DOGGETT. I know the gentleman from Wisconsin is well known in this body as a hawk of sorts, a deficit hawk. He is always up there on the top in the ratings of the Concord Coalition on fiscal responsibility. We have got a budget. This plan that they are not sure what they are going to do and when they are going to do it, has there been any provision made for that in this budget or in future budgets to tell the American people what this questionable project will cost and how we are going to pay for it?

Mr. KIND. It is a great question. No. One of the more frustrating aspects of the budget resolution debate that we had earlier this year, the context of the tax cut debate that we had earlier this year was that there was in fact no provision, no asked-for appropriation for the ongoing deployment of a missile defense system within the administration. All this has got to add up. It should add up within the context of a balanced budget, one that does not jeopardize the fiscal solvency of the current generation or future generations. That again is more information which is lacking from the administration. Cost estimates that I am hearing from some of the engineers, some of the experts who would be in charge of deploying such a system, range anywhere from $100 billion to $200 billion over a 10-year period.

I just had a conversation with former Senator Sam Nunn this afternoon. He said that whatever figure you get, you might as well double or triple that amount because it is going to be inherently difficult to do this in a fiscally responsible manner without the defense contractors opening up and the subcontractors wanting their piece of the deployment pie. But even more fundamentally, we have had test after test after test in trying to hit a bullet with a bullet, that is, the missile defense test. Each time it has failed. Obviously we do not today have the current technological capability to pull it off. I think that is one of the misunderstandings that the general American public might have. They see that we have gone to the Moon, they see all this great technological development around us and how it is transforming our lives and many of them may just assume that we have the technological smarts to do this, to knock the bullet out of the air with another bullet when in fact when all the preconditions and the inputted variables are in the test to begin with, the tests are still failing. That is a fundamental issue that we need to keep asking ourselves, is should we first have the technological means to do it before we deploy or just move forward with deployment regardless of the cost and regardless of the effectiveness of the system?

Mr. TIERNEY. I think there is an obvious answer to that. For this country to move forward and commit billions of dollars on a system that is not known to work, has not been tested, and when Mr. Coyle, the reporter of which I spoke earlier, specifically says the tests are inadequate and unrealistic and they do not even plan to do tests that would be adequate and realistic as this moves forward is a frightening prospect. I think if we were to be able to have that report instead of the Department of Defense trying to hide it and trying to keep it hushed up, if we were to have the Secretary come in and explain to us why an unclassified report is being kept from the American public or at least attempted to be kept from the American public, we would be able to debate the context of that report which specifically says not only are there tests that are unreasonable, that they had very few countermeasures in those tests, and then when they decided that they at one point were not being very successful, they dummied the tests down and they had even fewer.

At one point there were plans for nine or 10 or more countermeasures to come in and then they dummied it down to just two items up there and then one of them was easily distinguishable from the other and they gave all of the coordinates and other information ahead of time and still missed. We are not going to have that luxury of any system that is expected to work, we are not going to get advance notice of where it is going, what the trajectory is and all the other information.

So I think that that question answers itself, that we would be foolish as a Nation to spend the kind of money that we are talking about just for the limited land-based system. And this is testimony I referred to earlier in front of our Committee on Government Reform, the Subcommittee on National

Security, where they were already up over $50 billion for a program that started at 9 to $11 billion, and that is only at that stage. Add on phases 2 and 3, you are over $100 billion. Add on the sea-based, add on the air-based, add on the space-based that they are talking about, you could be anywhere between $300 billion and $1 trillion. I think if we start down that path with no expectation that it is going to add to our national security, the answer is pretty clear, I think, that we are being pretty irresponsible as a government.

Mr. KIND. I think as far as the two initial questions that I have, there are some huge question marks in regards to how expensive this is going to be, whether or not we can in fact deploy a system that is going to work but, finally, is this going to make us more or less secure in the final analysis? My friend from Massachusetts recognized that a lot of the experts working on this system are hoping for maybe an 80 percent effectiveness rate. Well, 80 percent quite frankly does not cut it. If you have got multiple missiles being launched at us, what city are we going to sacrifice? Is that going to be acceptable? I do not think it gives us much more flexibility in foreign policy negotiations with rogue nations if we just have an 80 percent effective system. But perhaps more importantly is what is going to be the response of Russia and China to even a limited missile defense shield? Is this going to encourage increased nuclear proliferation within their country? Because generally the response from countries that feel threatened from such a system is to ramp up their production of more nuclear weapons so they can overwhelm our system. It is not just China we are talking about. This has profound ramifications with India and Pakistani nuclear policy, perhaps one of the most dangerous areas of nuclear proliferation on the globe right now. We need to ask ourselves what will be the response of these other nations. Even though the Bush administration is claiming that such a shield is not meant to better Russia or China but rather the rogue nuclear threat that may exist out there at some point in the future, but I am still not convinced that our handling of foreign policy as it relates to China is the best course of action right now. We are very close to engaging them in a new Cold War atmosphere as we start the 21st century when I feel it can be ultimately avoided.

Mr. TIERNEY. Reclaiming my time just for a second, conjure up now information in the report that the administration and the Department of Defense should let us debate and talk about, about phantom trajectories, about the prospect of as the radar passes from one to a second radar, there are phantom tracks and that they are unable to control missiles shot against those phantom tracks, what is the message they send to a Russia or a China? How much time do they have to decide whether or not these are in fact something going after a phantom track or are they the launch of an offensive capacity against them? And now you understand somewhat why they feel that if you put this national missile defense on the drawing table, they already threatened that they will increase their supply of national defense missiles in the case of China or in Russia that they will not go into a program or agreement with us to de-alert those that they already have.

We should all know that is one thing the President has talked about doing that we should support is de-alerting as many on each side as we can and moving towards incapacitating them or at least having them situated where it takes a subsequent and a sufficient amount of time to have to get them activated so we can step back from the precipice and have a more reasonable policy on that.

Mr. DOGGETT. I just wanted to point out to the gentleman from Wisconsin that former Defense Secretary William Perry made much the same point that you are making within the last few months in saying that even, quote, a relatively small deployment of defensive systems could have the effect of triggering a regional nuclear arms race of considerable proportion.

As we look around the world, as you were just doing, you really cannot find any enthusiasm out there among our weak allies or among our strongest allies, some of whom we will have to count on to put these forward radar stations in their countries. None of them are coming forward and saying, please give us this defense. It seems to be more of a political defense in this country.

Certainly there are some weapons manufacturers who see hundreds of billions of dollars of future contracts out of this. But as you search around the world, have you seen any indication of support in other parts of the world for this kind of system? I know the current Lone Star approach as carried here and somewhat misguidedly to Washington is that it no longer makes any difference what the rest of the world thinks, but what does the rest of the world think about this?

Mr. KIND. It is interesting. The President is abroad right now in Europe trying to sell at least partly on this trip the merits of his missile defense program. It was interesting to read some comments from some of the military experts within France who kind of chuckled at the thought. They are not obviously enthusiastic supporters of the program. They said, well, we kind of tried that, too, after the First World War. It was called the Maginot Line, trying to deal with a perceived threat. Obviously we saw how well that worked during the Second World War. Once the enemy saw what type of defense system was deployed, they figured out a way to get around it. That is the concern really for a lot of our allies, our European allies whom we are going to have to rely on and work with in order to bring greater stability across the globe. That I think is a very, very important issue.

I think all of us here in the House have seen the defense reviews from CIA, from the Defense Department, ranking the real threats that we face today, from the greatest threats to the least threat. Missile defense, a launch of a nuclear missile basically airmailed to us because we will know exactly where it was launched from and who sent it, is one of the least likely threats we face right now in our national security basket. More likely it would come from biological terrorism or shipping a nuclear device in a boat up the Hudson or up the Potomac River, for instance, than someone would just airmail a nuclear weapon towards us. Yet what is most troubling with the Bush administration's approach to this is they are defunding a lot of the important nonproliferation programs we have in place at the Department of Energy right now and the nuclear collaboration programs that we need to be pursuing and funding in order to reduce the threat of nuclear proliferation or terrorism across the globe. Yet in the budget that they submitted, there were serious funding cutbacks in an area that we should be encouraging and investing wisely in. That I think is another serious issue.

Again, I thank my friend from Massachusetts for claiming some time this evening to talk about this very important issue. I have a feeling we have not had the last word on this subject.

Mr. TIERNEY. I thank the gentleman from Wisconsin. We certainly have not, I hope.

For the last word I would like to recognize the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I want to congratulate my colleague from Massachusetts for putting together such an assembly of experts on the subject, including yourself, who have presented so many important facts. We have scientific expertise and budgetary expertise.

I have two reasons primarily that I oppose the national missile defense. I wish I had a poster. It would be one of Isabel Hart, age 3, and Eve Schakowsky, age 1, my granddaughters. More than anything in the whole world, I want them to be safe. If I thought that I could be part of this United States Congress to create a safety shield for these children, believe me, I would. But the more I have learned from my colleague from Massachusetts and others and reading about it and talking to the experts, I am convinced that far from creating a safety

shield, that this plan actually endangers my granddaughters.

Today, a number of us participated in a press conference where Peace Action, Women's Action for New Directions, Physicians for Social Responsibility announced their plan to deliver thousands of petitions to Members of Congress from people across the country expressing opposition to Star Wars. I had visitors from the North Suburban Peace Initiative from my district who delivered that same message to my office.

I am proud and grateful that my constituents understand the risks and realities involved with President Bush's national missile defense plans. I hope that all of my colleagues had an opportunity to review the important materials that they and other committed citizens distributed on the Hill this week.

National missile defense is a program that is destined for failure on so many levels.

□ 2200

NO NATIONAL MISSILE DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, since the Reagan administration, we have been urged by wishful thinkers to deploy a system for which workable technologies does not exist, and now many years and billions and billions of dollars later the Bush administration is still pursuing what I view is an irresponsible, unnecessary and unrealistic policy.

Mr. Speaker, the fact that it does not work and we have heard experts talk about how much it does not work is actually not the most important thing to me. The most important thing is that it really should not work, because I fear that moving forward with national missile defense will actually undermine our security by igniting Cold War II and will reverse the diplomatic progress we have made over the last decade. It will make us less safe and less secure.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for yielding to me.

Let me just end this hour-plus, with the courtesy of our colleague, by saying that this administration, as I started off by saying, has a ready, shoot, in-their-name approach to this whole policy. This is much like what has been going on with a number of the policies of this administration. They have unilaterally claimed that the Kyoto Protocol was dead. They have started to retract on that and are now talking about limitations on carbon dioxide and talking about cooperating with our international friends.

They have asserted that a pull-out of forces from the Balkans was imminent and now they are talking about cooperating and being sure that they do not pull out unilaterally.

They have talked about an express intent not to engage in the Middle East but reality has struck there and they have not only one envoy by two over there. They have talked about halting diplomatic initiatives in North Korea and now, in fact, they are starting to engage, or at least in all of these respects they are using semantics in talking about that. I hope they are being truthful in their attempt to move forward in that regard, although I fear that they may be just sort of smoothing and massaging what is going on while the President is abroad.

Today, their administration policies have always been leap before you think, leap before you look, whether it is domestic policy on the tax cut that cuts enormous amounts of money without deciding what we have for needs first or for obligations, and now we are talking about a national missile defense system which decidedly has not been proven to work, decidedly has not been tested and decidedly does not have tests planed to move us forward in that regard.

Now I understand that the Department of Defense is going to tell us that they are pulling back and in fact they are going to start a testing regime, with a white team and a blue team and a red team that are going to throw up countermeasures and test against them and have somebody evaluate that.

The fact of the matter is, Secretary of Defense Mr. Rumsfeld is still talking about deploying and moving forward at tremendous cost, not only financially but in terms of relationships and diplomatic relationships with other nations, even before we determine whether or not the system can work, even before we determine whether or not it fits within our priorities, given all the other needs that we have in national security and otherwise, and even before we determine whether or not it is going to fit into the plans of stability for this Nation and the world.

So I hope that this tonight was a start in a conversation on this. I hope that we can impress upon the Secretary of Defense to allow us to release to the public Mr. Coyle's report from the OT&E office so that we can discuss that and debate it openly. It talks about some serious reservations and some serious concerns about moving forward and deploying before, in fact, we should be.

I thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for joining us on that and all the other Members who participated tonight and I look forward to an open debate so the American people can really understand what is involved here and what is at stake and the dangers and responsibilities attendant to it.

GLOBAL WARMING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I will be discussing global warming tonight but I would like to just say one or two words and I would hope that my colleagues in the next presentation about the strategic defense initiative will have a debate. I would be very happy, along with others here, to participate on the other side of that issue.

Let me just say I could not disagree with my colleagues more on the issue of missile defense. I am the chairman of the Subcommittee on Space and Aeronautics and we do have the capacity and the capability of knocking down an enemy missile that might have a nuclear warhead that would murder millions of Americans.

Should we have a defense to prevent millions of Americans from being incinerated if the Communist Chinese would launch a rocket at us? I think that it is prudent that we try to develop the system.

The answer to many of the questions that were brought up tonight is that if the system does not work and cannot be made to work, we will not buy the system. It is incumbent upon us, incumbent upon us, to spend the money that is necessary to see if that system can be developed. I believe it not only can be developed but we have already knocked out of the sky several missiles that were launched from other locations without a previous flight plan, I might add.

What we have today, we knew they were coming but not exactly what the flight plan was. Let me just say this, in the future I would hope, especially the young lady with two grandchildren, that she does not face a situation where an American President is told the Chinese have just launched a missile; there is nothing we can do, nothing we can do but let it incinerate a part of the United States. I hope her children are not there or her grandchildren are not there. We have to look at this as a real possibility.

The Communist Chinese have dramatically expanded the capabilities of their missile offense, and mutually assured destruction means nothing to that enemy. Those Americans who are listening to this might think it would be prudent that America in the future would have a system to defend itself in case the Communist Chinese would threaten the United States with an attack that would murder millions of its people unless we give in. I think it is a very prudent course of action.

I will be very happy to debate with my colleagues in the weeks and days ahead if they want to have a debate rather than a presentation here on the floor.

Now I do have my presentation tonight, which I have on global warming, especially considering that President Bush has come under severe attack for his refusal to bow before the pressure of a very well-organized effort that they are trying to pressure him to accept the idea that the world is in peril because it is becoming more and more warm because of industrialization. It is vital that the public understand that what is going on in this attack against President Bush is about a political agenda; that global warming is not a scientific imperative. It is a politically-driven theory.

Those espousing global warming are building on public fear and apprehension. Young people in particular are being lied to about the environment and about global warming. Global warming, of course, is one of the worst falsehoods that they talk about. When I meet with student groups, it is clear they are being told false things about a lot of areas of the environment.

In fact, I meet every student group from my district that comes to Washington, D.C. I always ask them the same question: How many of them believe that the air today in Southern California is cleaner or worse than it was when I went to high school in Southern California 35 years ago? Consistently, 95 percent of these students who live in Southern California who are coming to my office say they believe that the air quality today is so much worse than it was when I went to high school and how lucky I was to live in an era, in the early 1960s, when we had such clean air in Southern California.

This, of course, is 180 degrees wrong. These young people have been systematically lied to about their environment. They are being told they are being poisoned by the air. But, in fact, the air quality in Southern California is better than it has ever been in my lifetime. They cannot believe it when they hear it.

They also cannot believe that the quality of the Potomac River, the water quality around us, is better, even the quality of the soil. Even the number of trees and forests that we have have increased. They have been lied to time and again about the environment, and again the global warming theory is the worst of all.

These lies are being used to justify to Americans of all ages, to justify a centralization of power in Washington, D.C. and a centralization of power in global government through the United Nations and other institutions that are run by unelected and unaccountable authorities.

Let us get into what global warming is all about. Global warming is a theory that carbon fuel, coal, oil, gas, et cetera, that this carbon-based fuel is putting CO_2 into the atmosphere, and CO_2 is causing the temperature to rise, which will cause a drastic change in the weather, the ice flows, animal life, plant life on our planet.

First and foremost, let us recognize this: All of the recent scientific reports agree that there may, or may not, be a minor change in the planet's average temperature over this last 100 years. There is no conclusive proof that man is the cause of that perhaps minor change.

That is not what we are being told. The American public is being told all of these scientific reports are claiming that global warming is absolutely a fact and there is no arguing with it. One reads those reports and they will find that there are weasel words and there are all sorts of caveats in these reports that suggest the scientific community cannot say this.

Climate science seems to be a very recent entry into the pantheon of scientific study. Prior to 1980, there was only a handful of climatologists. Now they seem to be everywhere. Try to find a researcher on global warming who is not in some way tied to some sort of research contract by the Federal Government. Now, could it be that the reason for the increase in the numbers of global warming advocates has something to do with the access to government funding for research?

Eight years ago, when President Clinton took over the executive branch, he saw to it that there would be no one getting scientific research grants from our government unless they furthered the global warming theory.

We were tipped off to this when the lead scientist, and I would say the Director of Energy Research for the Department of Energy, Mr. Will Happer, was precipitously fired from his position because he did not agree with the global warming theory and did not believe that it had been proven. He wrote a little article about it, and Vice President Gore came down on him like an iron fist and he was out of that job.

Dr. Happer, I might add, is now a professor of physics at Princeton University. But his removal as the director of research at the Department of Energy sent a message, clearly heard throughout the scientific community, you do not agree with global warming; you are not going to get the contract. This has gone on for 8 years.

There does not appear to be much information on global climate change prior to the mid-1980s. What we have been able to find out, prior to that time period, is that generally people in those times, the scientists, were arguing that we were on the edge of a new ice age. It was not global warming. Then it was global cooling.

□ 2215

In fact, in the span of 20 years, climate models have gone from predicting our eminent demise by freezing to death in a new ice age, to being baked in an oven to death in a global furnace. Interestingly enough, some of the leading proponents of global warming used to be the same advocates for global cooling.

Now, historically speaking we know that the globe and its climate have different ebbs and flows, and there have been ice ages in the past and there have been tropical ages in the past, without interference from man. That is even before man came on the scene.

In the last 1,000 years, for example, we have witnessed, even since man has been on the scene, in this last 1,000 years, we have witnessed a huge temperature swing over much of the world. Early in the last millennium, Lief Erickson established a colony on Greenland, and that colony on Greenland was free of snow for over half a year every year. In less than 100 years, 100 years later, that colony had to be abandoned because the climate had grown so much colder and the snow so much thicker that a new ice age appeared and apparently was on the way, a mini-ice age, not making Greenland hospitable to human habitation anymore.

I wonder in the current climate of scientific investigation what would have been predicted had scientists been available then to chart the course of what direction the world was going. We probably would have been told then that the Earth was on its way to an environment in which only the Eskimos would survive, and all of this was due to, who can tell? Certainly humankind had very little influence on the weather and temperatures then. No one could argue that.

Of course, that trend and lower temperatures reversed itself. Yes, it was getting cooler; but it then reversed itself, because at some point the Earth naturally has a way to adapt to cooler or warmer temperatures.

This historical recollection gives us a reason for concern about some of the trend lines. You take a trend line going in one direction and launch it way out into the future to see that that may not be accurate. It may not be accurate because the world can adapt.

If, in fact we have a minuscule trend towards warming, it could be that we are in fact emerging. Right now, instead of having the trend line being ominous, all it could mean is a trend line of minuscule warming, 1 degree in 100 years. It could mean that we are just emerging from a cooling period, from a period that is a little bit cooler.

Now, none of us should forget our lessons that we learned in sixth grade about those huge glaciers. Remember that? The huge glaciers once covered all of North America. In fact, it happened three or four times. The glaciers

would come down, go back, and most of North America and Europe were covered. In fact, the Great Lakes were, if I remember what I was taught, were gouged out by these glaciers; and when the glaciers receded, these lakes were filled with water.

Well, when the glaciers moved forward, it represented a major change in the global climate towards global cooling. When the glaciers retreated, and we are now in a time period when the glaciers are retreating, that must mean that the Earth is getting a little bit warmer. Well, to use that as some sort of scientific basis to say that humankind is creating a warming trend on our planet that threatens and puts our planet in peril is nonsense. The one thing that those glaciers going back and forth did not indicate was that human beings had anything to do with the global weather change that was taking place. Nor did human beings have anything to do with the fact that all the dinosaurs were killed off by this global change in weather.

It seems to me that to understand climate change, we need hundreds of thousands of years' worth of observation and far more types of data than are currently available. Instead of serious scientific investigation and debate, most of those currently clamoring about climate change are looking at unbelievably shallow evidence and rushing to the conclusion that human beings are the cause of this change. But human beings were not around when these other traumatic changes happened in weather and temperature, which occurred in our distant past.

Recently, we have been treated to yet another spectacle of media climate-change hype. As I say, our President is under attack. Our new President, George W. Bush, made it clear that the United States will not be bound by the so-called Kyoto Protocol.

The liberal media and academic establishment went berserk. Just think of it, the President of the United States is calling into question the validity of man's impact on the global climate. Again, elitists have arrogantly labeled an American President as some kind of a moron. Well, they did the same thing to Ronald Reagan when he tried to end the Cold War, and they were dramatically wrong then too.

George W. Bush is intelligent, and he has common sense. A few days ago the American people were presented something to make them believe that George W. Bush was not so intelligent. They were presented with a National Academy of Science report on climate change.

Now, if you read your newspaper about a week ago or saw the network news coverage, you would think that the President had been dressed down by the scientific community and that, once again, the experts had solidly, solidly, rallied behind the contention that global warming is here and it is a result of human action and that that determination is irrefutable. Well, that is what you would believe by the news reports.

Dan Rather, let us take a look at Dan Rather's report in particular. Dan Rather on CBS news was perhaps the worst in terms of his bias and inaccuracy of the presentation of that report. His lead to the story stated uncategorically that the report had proved global warming was here and that humans were the cause. How many listeners noted that after 3 minutes of Dan Rather's report, that at the end of that report, Dan Rather's own correspondent stated that the National Academy had not stated that humans were the cause of the temperature increase, and that temperature increase was 1 degree over 100 years?

Now, how many people noticed that? You had Dan Rather leading into his report that the report stated unequivocally that there had been the global warming and that humans were the cause. Yet at the end of the report, his own reporter put a little tag on that that they could not absolutely say that it was caused by human actions and human activity.

The National Academy of Science report is filled with weasel words and caveats. That was true of many of the other scientific investigations. Almost every one of the scientific investigations, the findings about global warming were not conclusive enough to make any solid statement other than words to the effect that further research is necessary.

Just like Dan Rather, it totally misportrayed what that report was all about. Over and over and over again, the American people have heard about reports that global warming is absolutely here, and it has been misportrayed to them. That is not what those reports have said. Sometimes reports have said that, and you go back to who did the reports, just a very small group of radicals who are not respected by the scientific community in those reports. Yet we hear about the reports all the time, and we see these same misquoted reports as being used to justify dramatic headlines and very frightening reports over the broadcast news media.

For the record, I will submitting two documents highlighting some of the caveats and some of the weasel words, you might say, in the NRC report that indicates that the NRC is not making that conclusive and unequivocal decision that global warming is here and that humans caused that, which is what we heard on CBS news and read in the newspapers throughout this country and were used to beat our President up. Falsehoods. That is what was used to beat our President up. I will submit this for the record.

By the way, the report states that the temperature on Earth, again, let me state this, may or may not be, may or may not be, 1 degree warmer than it was 100 years ago. One degree change over 100 years. Think about that. A 1-degree change? These experts cannot predict the weather one day in advance. How can they predict and calculate and analyze the weather back 100 years ago, when they did not have any of the scientific equipment that was available to them, that is available to them today? How can anyone give credibility and be given credibility claiming a minuscule temperature change that supposedly has taken place across the face of this enormous planet?

Remember, 100 years ago they did not have any satellites; they did not even have telephone communications in most of the world. But across the face of this planet, that it was cooler then by a whole 1 degree? Can anyone listen to that with a straight face? Give me a break. Give the American people a break.

Well, one remembers just a few years ago President Clinton was so committed to proving this theory that he invited hundreds of climatologists who agreed with global warming to the White House. These were people who he thought were sympathetic to the global warming theories. During that time in the White House, I understand a major storm broke out in Washington and was just drenching the entire area; and well, what happened is that of all those hundreds of climatologists that came to the White House to reconfirm global warming, only three of them thought ahead enough to bring umbrellas.

So, what does that tell you? These are the people who are going to decide who can guide us down the path of accepting global warming, which then would lead us to dramatic changes in our lives because we would be giving power and centralization of authority away from what we have it today.

What is essential to the global warming theory, of course, is not just that the temperature is on the rise, but that human beings, especially western civilization, and particularly those of us who live in America, we are at fault; the Americans, the people who live in western civilization and human beings in general, we are the ones at fault for global warming.

Okay, so let us concede before we get into that that the Earth may or may not be 1 degree hotter than it was 100 years ago. That, however, is not necessarily a catastrophe. If the Earth is 1 degree warmer now than it was 100 years ago, that may be a good thing. It may be baloney; it may be a good thing. I do not know. It may be a good thing, especially if that 1 degree warmer is a nighttime temperature in the northern hemisphere in the fall or winter. That would be a very wonderful thing, to have it a little bit warmer during that time.

In fact, some of the people claiming to believe in the global warming theory are in fact saying that is how our temperature increases, it is 1 degree in the northern hemisphere, and I do not think that that is such a big calamity.

Furthermore, let us say that the worst calamity comes true, which is we are being told perhaps over the next 100 years we could face a 5-degree rise in temperature. That is their wildest scenario. Well, that may or may not be a bad thing.

I certainly do not believe that this is happening, but let us just suggest it is not bad enough for us to give away our freedom and lower the standard of living of our people and do many of the other dramatic things that global warming theorists are trying to push off on us.

People in the northern hemisphere, like us Americans, well, you know, we might not be so bad off. Maybe there will be a longer growing period in Canada and places like that. However, do not get your shorts on yet or sell your winter boots. There probably is no global warming.

Having said what I just said, the Earth tends to adjust itself naturally, and even if there is global warming, the Earth may just well adjust for it. It may be some water vapor that is warmed off the ocean, and that tends to cool off the Earth. The scaremongers do not want to tell us that the Earth has an ability to adjust if things get a little warmer; that it is affected by different things and then it gets a little cooler.

□ 2230

What instead the scaremongers want to do is make sure that we believe their global baloney. That is what I consider it, global baloney.

There are a number of reasonable scientific explanations for a situation that would have us a few degrees hotter or a few degrees cooler. It is not that humankind is living too well.

The Earth's orbit is elliptical, and there are times when we are closer and sometimes when we are further from the sun. That small difference of several thousand miles equates to a tremendous difference in the amount of energy that reaches the Earth. So where is the data in terms of the analysis of this in relationship to global warming? Where is that analysis?

The ancient Mayans and Aztecs observed a 208-year solar cycle where solar activities increase for 104 years, followed by 104 years of declining activity. We have all seen these solar storms. Modern science has confirmed their observations. We are now at a halfway point between the cycles of solar activity. Can we expect, and we maybe can expect, 50 more years of solar activity being on the increase, which would mean a moderate warming trend. That is before the temperatures begin to fall. A one-degree increase in the global temperature, even if that is there, might be explained by these solar storms.

We know the ancient Mayans and Aztec observations about this solar phenomenon have been confirmed. But have the global warming alarmists brought this into their calculations?

How about water? Water comprises three-quarters of the world. Given the sheer volume of water on this planet, it surely has a tremendous impact on the temperature of the air. However, there are no accurate global ocean temperature readings that go back more than 10 years, and those that do are primarily based on satellite observations of surface temperatures. Those readings do not include deep water. In fact, we have absolutely zero understanding of deep water temperatures, and almost no understanding of deep water ocean currents. How can we possibly ignore that data when trying to calculate something as overwhelming as global warming?

Global warming studies did not take into consideration the ocean temperature, and sometimes when they did it did not give them the right facts, so they just went on to something else.

It also did not take into consideration the clouds. Much less the oceans, it does not take into consideration the clouds, which are even more important to determining the Earth's temperature. Clouds, of course, have everything to do with cooling things off.

Dr. Richard Lindzen of MIT has proven that as temperatures rise, more clouds are formed. This is part of the natural way the Earth reacts. If there is a little more warming, there would be more clouds, and it would cool the Earth off. More clouds in turn reflect more heat back into space, and thus it cools the Earth.

It is cooler when there are clouds out. If Members do not believe it, I ask them to stand outside on a hot summer day and see what happens when a cloud passes overhead.

Let me tell Members an interesting thing that happened to me. I have been in Congress now 13 years, but a few years ago, a Federal administrator of an agency came into my office. He made me promise not to disclose what my source was. He then went on to tell me that all the global warming studies were flawed because they never took into account how cloud cover affected the temperature readings that they were recording.

How do we determine whether or not it was a cloudy day when the temperature readings were taken in various parts of the world 100 years ago? Give us a break. They cannot even tell us how those temperatures were taken, who was taking the temperatures. Were they people who were trained? Were the instruments calibrated? Much less they cannot tell us was it a cloudy day that time they took the temperature.

Global temperature records either do not exist or are absolutely flawed, and they are flawed to such a degree for 100 years ago that they might as well be useless in trying to calculate something like global warming. Actually, most of the records do not go back any further than 50 years in our urban areas, which of course the urban areas tend to be much warmer than rural areas because they have all that concrete and cement.

There are few records that extend beyond 100 years, and there is no way of determining those records. Even the 50-year records are in question, because most of them are in the cities and not spread throughout the planet. And these people who are telling us about global warming, we are going to say they have a scientific basis for what they are talking about?

Although we talk about global temperatures rising, that in itself may mean little because the temperature is not the only measure of heat. Humidity is an important measure in terms that are just as important as heat. Southern California is a lot easier to live in at 100 degrees than if we are down in New Orleans in that humid weather.

So even when our local weatherman gives the heat index based on temperature, he also gives us one that is based on temperature and humidity. These things are not being calculated by people talking about global warming.

Finally, let us talk about climate models touted by global warming advocates. They do not take into account the Earth's orbital change, as we have said. They do not take into account solar activity cycles. They do not take into account the temperature of the oceans. They do not take into account the cloud covers. They do not take into account the accuracy of long-term temperature readings, as I just said, for 100 years and 50 years back. They do not take into account humidity.

What they do take into account is a theoretical calculation of manmade CO2 content, and lots of hypothetical data about other manmade pollutants. But most of the sources of CO2, and that is what they are claiming is causing this global warming, that humans are putting CO2 into the atmosphere, well, most of the sources for CO2 and the other so-called greenhouse gases are naturally-occurring and not manmade.

Let us make sure everybody understands that. Global warming is a problem, but mankind is actually one of the smaller contributors of CO2. It is overwhelmingly true that the CO2 being put into our atmosphere comes from natural sources. The contributions made by human beings to these gases that are turned loose in our atmosphere are less than 10 percent of the total.

Volcanic activity, for example, can add more to the atmosphere in a few weeks than all the internal combustion engines on this planet over the last decade. Termites and other insects, for example, are such a large source of CO2, and it is a larger source of CO2 than all of the industrial plants in the civilized world. Rotting wood is another offender that dwarfs any human contribution to this so-called threat.

I do not hear many calls coming from the people talking about global warming to bulldoze the rain forests. If they really believe in global warming, the rain forests, the rotting wood and the insects in those rain forests are the worst contributors. They are the most evil forces in this planet in putting global warming out, so we would want to bulldoze the rain forests. We would also want to clearcut old growth trees and plant new young trees, because the new young trees take the CO2 out of the atmosphere and replace it with oxygen.

Mr. Speaker, we do not hear many people who are global warming activists calling for the bulldozing of our rain forests. We do not hear many of them calling for the cutting down, the clearcutting, of old growth trees, or advocating nuclear energy, which is a tremendous source of energy which puts no CO2 into the atmosphere.

What is most frightening about the public acceptance of the global warming theory is that the solutions are not to clearcut old growth, they are not to tear down these rain forests. Instead, the solutions we are being offered to global warming are policies that would dramatically reduce the standard of living of hundreds of millions of people, especially the people of the United States.

President Bush was 100 percent right in rejecting the Kyoto Protocol and demanding further scientific research for any drastic government policies to be put into place.

The most frightening element of the global warming debate is that intelligent people, backed up by so-called experts, are advocating that we Americans give up our way of life, our standard of living, and yes, our freedom. Global warming advocates would have us give authority to unelected international officials. No one who has ever been elected will ever be the one who will be calling the shots if we give up all of our authority and the power to run our lives and our economies to people in the United Nations or other worldwide authorities that are run by unelected environmental bureaucrats.

These bureaucrats, government officials, will have power over our lives if these global warming fanatics get their way. That is the purpose of the global warming steamroller that is coming down the political road. They are trying to force us to give up our freedoms in the name of some threat that does not exist.

Americans, of course, are the bad guys. We are being portrayed as the bad guys to the whole world. Thank goodness we have a President that is standing up for us, because here in the United States even poor people have a decent standard of living. If the Kyoto Protocol was implemented and is implemented, within a generation we would be living as Chinese peasants, knee deep in sewage and fighting for grains of rice in order to fend off imminent starvation.

What is not mentioned by these global warming advocates is mentioned here, that Americans have maintained a higher standard of living in the world for the last century than any other country in the world. That is what they are trying to bring down. That is the enemy, our high standard of living.

They have based their analysis on global warming based on units of wealth, and when they do, if they base it on units of wealth, the United States is one of the smallest polluters, because in terms of the amount of wealth we are producing for our people to enjoy a good life, we actually produce so much wealth and little pollution per amount of wealth. But the Kyoto Protocol is based on CO2 emissions per capita, not on given units of wealth.

This approach by its very nature is aimed at dooming America's high standard of living by mandating that we give up this high standard of living in order to eliminate the CO2s that are going into the air, when in fact we live in a country that has done more to improve the environment and to bring in cleaner sources of energy than any country of the world, especially third-world countries like China.

By the way, the Kyoto Protocol exempts China and other so-called developing countries from the severe regulatory restraints that will be necessary to sustain and to fulfill the Kyoto Protocol. What we will have is manufacturing companies closing up in droves in the United States to move to the Third World. What it means is our children and our grandchildren will suffer tremendously. They will have a lower standard of living. We will have a world market dominated, of course, by WTO, World Trade Organization regulators who come from third-world countries who do not have free elections, who probably are going to be bribed by countries like China.

So we are going to give up our sovereignty, we are going to give up our authority, to run our lives as is envisioned by the Kyoto Protocol and the WTO and the rest of these folks? We are going to do that?

What will that mean? That will mean the American middle class will be crushed. The working poor in America will see their standard of living go down dramatically. As Ross Perot said, that giant sucking sound is our money, our jobs, and our future going right down the drain.

But that is what global warming is all about. They have not proven it. It has not been proven to us that global warming even exists, much less that mankind has caused it. But they have got to keep us believing that that is what these scientific reports claim so we will go along with this plan to give up our rights and our freedom and to lower the standard of living of the American people.

The Kyoto treaty never went to the Senate because President Clinton knew he could not even get one vote for this monstrously misguided proposal, but thank goodness, President Bush is standing up for us and against that steamroller.

□ 2245

Al Gore, of course, was one of the world's strongest advocates for the Kyoto Protocol and of global warming restrictions being placed on the American people.

Now, this is not the first time the American people, that people have tried to frighten us into accepting some kind of cockamamie idea. I remember when I was a kid, I went to Thanksgiving one day, and what do you know, my mom did not have any cranberries on the table.

She did not have any cranberries on the table. I said, mom, you know, this is Thanksgiving, where is the cranberries? Cranberries cause cancer. And so for 2 years at Thanksgiving, my family, and I might add hundreds of millions of other families, did not have cranberries for Thanksgiving.

Then you know what? We found out that it was all just like global warming, it was all baloney. Those cranberries did not cause cancer at all. But what do those scaremongers manage to do? It lowered this festival. It lowered the festivities and the joyous occasion of having Thanksgiving by taking away cranberries. And, yeah, guess what? It put hundreds of cranberry farmers out of business, drove them out of business. People lost their family farms and their lives were destroyed for many, many years ahead. Oh, sorry, we were wrong.

I also remember Dr. Meryl Streep, remember when she came here to Congress to testify that alar in apples was the threat to people's health. And for one year, the apple industry in our country and other countries was destroyed.

Hundreds of families who owned those apple orchards were put out of work. Their families gone forever. Their family fortune gone forever. They could not make their payments because for a full year the American people were frightened about that and, of course, what did we find out, no, alar does not cause cancer, sorry.

I even remember as a young man when I was told that cyclamates cause cancer. The American soda pop industry had invested hundreds of millions

of dollars to develop a new sweetener cyclamates in order to make sure that, number one, we would be able to use it and it would be used in drinks, and we did not have to depend on sugar, it was healthier for you, et cetera, et cetera. But all of a sudden some people began claiming that it was causing cancer. Cyclamates cause cancer.

Well, guess what? Canada never took cyclamates out of their soda pop, and then after about 10 years or 12 years of having the cyclamates forced out at a cost of again hundreds of millions of dollars that just evaporated from our economy, what happened is the Food and Drug Administration quietly moved forward and said, oh, by the way we were mistaken, cyclamates do not cause cancer after all.

This is the type of nonsense our young people are being fed in their schools every day. They are being told that their environment is getting worse and worse and worse, and they might as well give up because they can give up their freedoms, trust in the government, trust in international organizations, trust in people who have all this hoopla on about global warming, and about how the environment is getting worse. They are being lied to in the very same way.

Our young people today, and let me tell my colleagues one other incident that happened to me as a young person. Most people know that I am one of the few surfers in Congress. And, in fact, I am a scuba diver. I am a surfer, and I am an ocean person.

I was scuba diving just a few months ago, and I will tell you that 3 days ago I was in the ocean surfing off of my district off of Huntington Beach. It was in the Bolsa Chica area and I was surfing there for 2 hours. It was a great day of surfing.

When I was a young reporter and that is how I got into this world of politics, I was assigned to cover Jacques Cousteau who happened to be one of my heroes. I mean I was a scuba diver and I loved the ocean and I went to UCLA, and there he was speaking at UCLA.

Jacques Cousteau was speaking to these college students, and he was very pessimistic and I said, gee, I just do not feel right about being so pessimistic about things in the ocean.

So when I came up to him afterwards to do a short radio interview, some other students stood around and listened and I said, Mr. Cousteau, is not there some possibility that perhaps the oceans will be used as a source of food for us in the future beyond just catching fish, like aquaculture and growing oysters and clams and things and lobsters, and is that not a possibility? And he just came right up to my face and he said, Did you not hear me? Within 10 years, the oceans will be black goo, totally dead, destroyed. The oceans will be lifeless. Did not you hear me?

Of course, I never will forget that, because this guy got right in my face and he was screaming in my face and he put on a pretty good show for those kids. And it has been about 30 years since that happened, maybe 25, maybe 25 years since that happened. And guess what? Jacques Cousteau is dead, but the oceans are alive.

I was out surfing a few days ago and I could not help but notice the porpoises swimming by, and when they swim up to you, you can rub the bottom of your surf board and they will come up to you. And it is a wonderful, wonderful experience. The birds were flying and diving into the ocean nearby catching little fish.

I was in the water for 2 hours, and I was not covered with black goo. Now, that person, Jacques Cousteau, was a fine man. He obviously is a hero to many people like he was to me.

Why did he feel he had to lie to such a degree? Was it that he did not know that he was lying, that he did not know that the oceans were not going to be black goo within 20 years or 10 years is what he said. No. Jacques Cousteau was part of a movement, part of a movement that feels they have a right to lie and they have a right to frighten people, because they have a higher calling; their higher calling is to save the environment.

They do not have a right to lie, and they should be honest about it. And there are environmental challenges and the environmental challenges we face can be corrected and could be met with better technology, better machines, better equipment, better energy sources, but, instead, what we have had is people lying to us in order for us to give away our freedom, to agree to things like the Kyoto Protocol, which would have extracted from people of the United States their right to make their own economic decisions.

It would have left us vulnerable to a major assault on the economic well-being of our middle class and our poorer people. Yeah, $5 a gallon of gasoline would not much hurt millionaires or people with limousines. It would hurt some of the people who do not have limousines, but it would be a catastrophe to the lower, middle-class and to the working people of our country.

The Kyoto Protocol, the environmental restrictions that we have heard from many, many corners quite often are not based on truth, and tonight that is what this speech is all about. This speech is nothing more than saying that we, as a Congress, and as a people and the American people should demand, whether we are talking about the environment, whether we are talking about other potential threats to our national security or our economics, that all we demand is let us talk about it frankly and honestly, and that the environmental movement has not done that.

I am out surfing, like I say, a few days ago. There are offshore wells off of my district, and for 25 years, we have had offshore oil drilling in my district. Not once has there been a major spill from those wells. But there has been a tanker, an oil tanker, that split apart and we had a major oil spill in our area. But yet for years, I have been fighting with environmentalists trying to get them to admit that if we do not have offshore oil wells, which are relatively safe, that means we are going to have to get our oil from tankers which are a hundred times more likely to have a spill.

Yet, these environmental activists continue to try to negate every attempt to exploit our offshore natural resources.

In California today, we have an electric shortage, a horrible electric shortage. It is going to cause a major decline in the standard of living of many of our citizens. It is going to put a lot of our citizens in jeopardy. Our economy in jeopardy. It has already eaten billions of dollars that should have been going into education, our health care, or other places. Instead, what we have is a shortage of energy in our State, even though we have lots of energy, we have not been permitted to utilize it.

Offshore in Santa Barbara there is enough natural gas to provide the energy we need to produce all the electricity we would need to make up for our shortage of electric in California. We could make up for that shortage for 2 decades, but, yet, those people in Santa Barbara who own the offshore oil wells that are already there have not been permitted even to slant drill from existing platforms to tap in to the natural gas that is a huge natural gas deposit right off of Santa Barbara.

This is the kind of nonsense. This is the type of antitruth that brings down economies, but it exemplifies many of the arguments that have been presented to us about global warming and other so-called environmental challenges.

Again, I do not want to end this tonight suggesting that there are no environmental challenges, because there are, and there are ways that we can do it and we can solve these problems and we can make America cleaner.

Today's young people have cleaner water, because today when you look down at the Potomac River, when I was a kid, you could not put your finger in that water. It is clean today, people are fishing out there.

We have soil. We have ways to clean the soil in my own district. I helped a company develop a system and got them permission and I think it ended up about a $300,000 contract to take soil that had been made toxic because it used to be an old oil sludge pit, 10 acres of this land that was unusable to the citizens of our community, and I got this business going.

We went down there, and this new technology, within a 60-day time period, was able to make that soil totally clean and those 10 acres of California real estate perfectly clean and available if they wanted to for houses, instead they are going to use it as a park.

They did not have that technology available 10 years and 20 years ago. This is the best time for young people to be alive. They have more chance of cleaning up the environment as long as we let people do it at a profit. That man who built that machine did not want to do it just because he had a social conscience.

He did it because he wanted his company to make a profit, and the people that will finance it will be financing him, cleaning the soil because they want that land to be used by families for homes, for their children and they will make a profit in building those homes for those families.

This is a wonderful time to be alive. This is not a time for the American people to be frightened by scaremongers and people who are not telling the truth about global warming and other environmental challenges into giving up our freedom and to doing things that will result in a lower standard of living for our people.

Again, every time we do, every time we give into this type of nonsense, it is the people at the bottom rung who are hurt the most. It is the people at the bottom rung. So as we are finding out in California, we need to base our decisions on honesty.

If offshore oil drilling and gas drilling is going to help our State have the energy it needs, we need to move forward with that.

Let me say, I have a new bill that I am proposing and I will be dropping within 2 weeks, a new piece of legislation that will see to it that all new oil and gas reserves, offshore oil and gas reserves that are brought online by offshore oil and gas development, that one half of all the tax revenue from all of this new oil and gas reserves and deposits that are being brought online, half of the tax revenue will be put into a trust fund that will be used just for coastal purposes, for water quality and other coastal projects.

□ 2300

Ten percent of that new revenue will go directly to the counties inland from that development. That way we can develop energy and that way we can have cleaner water.

All up and down California and all throughout our country, people do not know how they are going to take care of urban runoff. Perhaps my legislation will help provide the resources for that.

But let us be realistic. Let us not fight offshore oil drilling because they say, out of some hysterical nonsense, that it is a threat to the ocean, because it is not. I have gone SCUBA diving off the offshore oil wells in my district, and that is where all the fish congregate. Believe me, if there was some problem, those fish would go elsewhere. Their natural instincts would tell them to go.

So we have a chance. But what has been happening is we have been prevented from that because, in the back of the mind of these environmental activists, they want the earth to be free from dependence on carbon-based energy, on CO_2. That is all based on what? That there is a global warming taking place that is in some way going to jeopardize and put in peril the earth.

It is time to quit talking nonsense. Let us talk the truth. I am open-minded. The people here are open-minded. Let us try to find a way to meet the environmental challenges with better technology and in a way that will preserve the freedom of the people of the United States, which is the most important component to developing a better world.

CLIMATE CHANGE SCIENCE: AN ANALYSIS OF SOME KEY QUESTIONS

The following are the key uncertainties highlighted by the report released by the National Research Council on June 6, 2001. All items are taken directly from the report.

SUMMARY

The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes are also a reflection of natural variability.

Because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments (either upward or downward).

Reducing the wide range of uncertainty inherent in current model predictions of global climate change will require advances in understanding and modeling of both (1) the factors that determine atmospheric concentrations of greenhouse gases and aerosols, and (2) the so-called ''feedbacks'' that determine the sensitivity of the climate system to a prescribed increase in greenhouse gases. There also is a pressing need for a global observing system designed for monitoring climate.

Black carbon aerosols are end-products of the incomplete combustion of fossil fuels and biomass burning (forest fires and land clearing). They impact radiation budgets both directly and indirectly; they are believed to contribute to global warming, although their relative importance is difficult to quantify at this point.

The stated degree of confidence in the IPCC assessment is higher today than it was ten, or even five years ago, but uncertainty remains because of (1) the level of natural variability inherent in the climate system on time scales of decades to centuries, (2) the questionable ability to models to accurately simulate natural variability on those long time scales, and (3) the degree of confidence that can be placed on reconstructions of global mean temperature over the past millennium based on proxy evidence.

Climate change simulations for the period of 1990 to 2100 based on the IPCC emissions scenarios yield a globally-averaged surface temperature increase by the end of the century of 1.4 to 5.8°C (2.5 to 10.4°F) relative to 1990. The wide range of uncertainly in these estimates reflects both the different assumptions about future concentrations of greenhouse gases and aerosols in the various scenarios considered by the IPCC and the differing climate sensitivities of the various climate and models used in the simulations.

The increase of global fossil fuel carbon dioxide emissions in the past decade has averaged 0.6% per year, which is somewhat below the range of IPCC scenarios, and the same is true for atmospheric methane concentrations. It is not known whether these slowdowns in growth rate will persist.

In addition, changes in cloud cover, in the relative amounts of high versus low clouds, and in the mean and vertical distribution of relative humidity could either enhance or reduce the amplitude of the warming. Much of the difference in predictions of global warming by various climate models is attributable to the fact that each model represents these processes in its own particular way. These uncertainties will remain until a more fundamental understanding of the processes that control atmospheric relative humidity and clouds is achieved.

The full WG I report and its Technical Summary are not specifically directed at policy. The Summary for Policymakers reflects less emphasis on communicating the basis for uncertainty and a stronger emphasis on areas of major concern associated with human-induced climate change.

Making progress in reducing the large uncertainties in projections of future climate will require addressing a number of fundamental scientific questions relating to the buildup of greenhouses gases in the atmosphere and the behavior of the climate system. Issues that need to be addressed include, (a) the future usage of fossil fuels, (b) the future emissions of methane, (c) the fraction of the future fossil-fuel carbon that will remain in the atmosphere and provide radiative forcing versus exchange with the oceans or net exchange with the land biosphere, (d) the feedbacks in the climate system that determine both the magnitude of the change and the rate of energy uptake by the oceans, which together determine the magnitude and time history of the temperature increases for a given radiative forcing, (e) details of the regional and local climate change consequent to an overall level of global climate change, (f) the nature and causes of the natural variability of climate and its interactions with forced changes, and (g) the direct and indirect effects of the changing distributions of aerosols.

1. Climate, climate forcings, climate sensitivity, and transient climate change

The responses of atmospheric water vapor amount and clouds probably generate the most important global climate feedbacks. The nature and magnitude of these hydrological feedbacks give rise to the largest source of uncertainty about climate sensitivity, and they are in areas of continuing research.

However, the true climate sensitivity remains uncertain, in part because it is difficult to model the effect of cloud feedback. In particular, the magnitude and even the sign of the feedback can differ according to the composition, thickness and altitude of the clouds, and some studies have suggested a lesser climate sensitivity.

2. Natural climatic variations

It is more difficult to estimate the natural variability of global mean temperature because large areas of the world are not sampled and because of the large uncertainties inherent in temperatures inferred from proxy evidence.

3. Human caused forcings

How land contributes, by location and processes, to exchanges of carbon with the atmosphere is still highly uncertain, and is the possibility that the substantial net removal will continue to occur very far into the future.

About two-thirds of the current emissions of methane are released by human activities. There is no definitive scientific basis for choosing among several possible explanations for these variations in the rates of change of global methane concentrations, making it very difficult to predict its future atmospheric concentrations.

The study of the role of black carbon in the atmosphere is relatively new. As a result it is characterized poorly as to its composition, emission source strengths, and influence on radiation.

Because of the scientific uncertainties associated with the sources and composition of carbonaceous aerosols, projections of future impacts on climate are difficult.

Figure 1 summarizes climate forcings that have been introduced during the period of industrial development, between 1750 and 2000, as estimated by the IPCC. Some of these forcings, mainly greenhouse gases, are known quite accurately, while others are poorly measured. A range of uncertainty has been estimated for each forcing, represented by an uncertainty bar or ''whisker''. However, these estimates are partly subjective and it is possible that the true forcing falls outside the indicated range in some cases.

These estimates account for the non-linearity caused by partial saturation in some greenhouse gas infrared absorption bands, yet they are only approximate because of uncertainty about how efficiently the ocean and terrestrial biosphere will sequester atmospheric CO_2.

The growth rate of atmospheric methane has slowed by more than half in the past 2 decades for reasons that are not well understood.

Climate forcing by anthropogenic aerosols is a large source of uncertainty about future climate change. On the basis of estimates of past climate forcings, it seems likely that aerosols, on a global average, have caused a negative climate forcing (cooling) that has tended to offset much of the positive forcing by greenhouse gases. Even though aerosol distributions tend to be regional in scale, the forced climate response is expected to occur on larger, even hemispheric and global, scales. The monitoring of aerosol properties has not been adequate to yield accurate knowledge of the aerosol climate influence.

The conclusion is that the black carbon aerosol forcing is uncertain but may be substantial.

The greatest uncertainty about the aerosol climate forcing—indeed, the largest of all the uncertainties about global climate forcings—is probably the indirect effect of aerosols on clouds. . . . The great uncertainty about this indirect aerosol climate forcing presents a severe handicap both for the interpretation of past climate change and for future assessments of climate changes.

It is not implausible that solar irradiance has been a significant driver of climate during part of the industrial era, as suggested by several modeling studies.

4. Climate system models

However, climate models are imperfect. Their simulation skill is limited by uncertainties in their formulation, the limited size of their calculations, and the difficulty of interpreting their answers that exhibit almost as much complexity as in nature.

They also exhibit plausible analogues for the dominant modes of intrinsic variability, such as the El Niño/Southern Oscillation (ENSO), although some important discrepancies still remain.

5. Observed climate change during the industrial era

Because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties in the time histories of the various forcing agents (and particularly aerosols), a causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes during the 20th century cannot be unequivocally established. The fact that the magnitude of the observed warming is large in comparison to natural variability as simulated in climate models is suggestive of such a linkage, but it does not constitute proof of one because the model simulations could be deficient in natural variability on the decadal to century time scale.

This result is based on several analyses using a variety of proxy indicators, some with annual resolution and others with less resolved time resolution. The data become relatively sparse prior to 1600, and are subject to uncertainties related to spatial completeness and interpretation making the results somewhat equivocal, e.g., less than 90% confidence. Achieving greater certainty as to the magnitude of climate variations before that time will require more extensive data and analysis. Because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties in the time histories of the various forcing agents (and particularly aerosols), a causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes during the 20th century cannot be unequivocally established. The fact that the magnitude of the observed warming is large in comparison to natural variability as simulated in climate models is suggestive of such a linkage, but it does not constitute proof of one because the model simulations could be deficient in natural variability on the decadal to century time scale.

6. Future climate change

Projecting future climate change first requires projecting the fossil-fuel and land-use sources of CO_2 and other gases and aerosols. How much of the carbon from future use of fossil fuels will be seen as increases in carbon dioxide in the atmosphere will depend on what fractions are taken up by land and the oceans. The exchanges with land occur on various time scales, out to centuries for soil decomposition in high latitudes, and they are sensitive to climate change. Their projection into the future is highly problematic.

IPCC scenarios cover a broad range of assumptions about future economic and technological development, including some that allow greenhouse gas emission reductions. However, there are large uncertainties in underlying assumptions about population growth, economic development, life style choices, technological change, and energy alternatives, so that it is useful to examine scenarios developed from multiple perspectives in considering strategies for dealing with climate change.

Scenarios for future greenhouse gas amounts, especially for CO_2 and CH_4, are a major source of uncertainty for projections of future climate. Successive IPCC assessments over the past decade each have developed a new set of scenarios with little discussion of how well observed trends match with previous scenarios. The period of record is now long enough to make it useful to compare recent trends with the scenarios, and such studies will become all the more fruitful as years pass. The increase of global fossil fuel CO_2 emissions in the past decade, averaging 0.6% per year, has fallen below the IPCC scenarios. The growth of atmospheric CH_4 has fallen well below the IPCC scenarios. These slowdowns in growth rates could be short-term fluctuations that may be reversed. However, they emphasize the need to understand better the factors that influence current and future growth rates.

On the regional scale and in the longer term, there is much more uncertainty.

Changes in storm frequency and intensity are one of the more uncertain elements of future climate change prediction.

Whereas all models project global warming and global increases in precipitation, the sign of the precipitation projections vary between models for some regions.

7. Assessing progress in climate science

After analysis, the committee finds that the conclusions presented in the SPM and the Technical Summary (TS) are consistent with the main body of the report. There are, however, differences. The primary differences reflect the manner in which uncertainties are communicated in the SPM. The SPM frequently uses terms (e.g. likely, very likely, unlikely) that convey levels of uncertainty; however, the text less frequently includes either their basis or caveats. This difference is perhaps understandable in terms of a process in which the SPM attempts to underline the major areas of concern associated with a human-induced climate change. However, a thorough understanding of the uncertainties is essential to the development of good policy decisions.

Climate projections will always be far from perfect. Confidence limits and probabilistic information, with their basis, should always be considered as an integral part of the information that climate scientists provide to policy- and decision-makers. Without them, the IPCC SPM could give an impression that the science of global warming is ''settled,'' even though many uncertainties still remain. The emission scenarios used by IPCC provide a good example. Human decisions will almost certainly alter emissions over the next century. Because we cannot predict either the course of human populations, technology, or societal transitions with any clarity, the actual greenhouse gas emissions could be either greater or less than the IPCC scenarios. Without an understanding of the sources and degree of uncertainty, decision-makers could fail to define the best ways to deal with the serious issue of global warming.

The most valuable contribution U.S. scientists can make is to continually question basic assumptions and conclusions, promote clear and careful appraisal and presentation of the uncertainties about climate change as well as those areas in which science is leading to robust conclusions, and work toward a significant improvement in the ability to project the future. In the process, we will better define the nature of the problems and ensure that the best possible information is available for policymakers.

Predictions of global climate change will require major advances in understanding and

modeling of (1) the factors that determine atmospheric concentrations of greenhouse gases and aerosols and (2) the so called 'feedbacks' that determine the sensitivity of the climate system to a prescribed increase in greenhouse gases. Specifically, this will involve reducing uncertainty regarding: (a) future usage of fossil fuels, (b) future emissions of methane, (c) the fraction of the future fossil fuel carbon that will remain in the atmosphere and provide radiative forcing versus exchange with the oceans or net exchange with the land biosphere, (d) the feedbacks in the climate system that determine both the magnitude of the change and the rate of energy uptake by the oceans, which together determine the magnitude and time history of the temperature increases for a given radiative forcing, (e) the details of the regional and local climate change consequent to an overall level of global climate change, (f) the nature and causes of the natural variability of climate and its interactions with forced changes, and (g) the direct and indirect effects of the changing distributions of aerosol. Because the total change in radiative forcing from other greenhouse gases over the last century has been nearly as large as that of carbon dioxide, their future evolution also must be addressed. A major limitation of these model forecasts for use around the world is the paucity of data available to evaluate the ability of coupled models to simulate important aspects of past climate. In addition, the observing system available today is a composite of observations that neither provide the information nor the continuity in the data needed to support measurements of climate variables.

KEY STATEMENTS ON UNDERSTANDING OF THE CLIMATE SYSTEM AND FORECASTING ABILITY

''Because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warning should be regarded as tentative and subject to future adjustments upward or downward.'' (Page 1 of the NRC Report)

''If a central estimate of climate sensitivity is used, about 40% of the predicted warming is due to the direct effects of greenhouse gases and aerosols. The other 60% is caused by feedbacks. . . . Much of the difference in predictions of global warming by various climate models is attributable to the fact that each model represents these processes in its own particular way.'' (Page 4 of the NRC Report)

''The study of the role of black carbon in the atmosphere is relatively new. As a result, it is characterized poorly as to its composition, emission source strengths, and influence on radiation.'' (Page 13 of the NRC Report)

''Climate forcing by anthropogenic aerosols is a large source of uncertainty about future climate change.'' (Page 13 of the NRC Report)

''There is the possibility that decreasing black carbon emissions in the future could have a cooling effect that would at least partially compensate for the warming that might be caused by a decrease in sulfates.'' (Page 13 of the NRC Report)

''The greatest uncertainty about the aerosol climate forcing—indeed, the largest of all the uncertainties about global climate forcings—is probably the indirect effect of aerosols on clouds.'' (Page 14 of the NRC Report)

''The great uncertainty about this indirect aerosol climate forcing presents a severe handicap both for the interpretation of past climate change and for future assessments of climate change.'' (Page 15 of the NRC Report)

''While climate models have many uses, the NRC observes that 'However, climate models are imperfect. Their simulation skill is limited by uncertainties in their formulation, the limited size of their calculations, and the difficulty of interpreting their answers that exhibit almost as much complexity as in nature.'''' (Page 15 of the NRC Report)

''Projecting future climate change first requires projecting the fossil-fuel and land-use sources of CO_2 and other gases and aerosols. . . . However, there are large uncertainties in underlying assumption about population growth, economic development, life style choices, technological change and energy alternatives, so that it is useful to examine scenarios developed from multiple perspectives in considering strategies for dealing with climate change.'' (Page 18 of the NRC Report)

''Scenarios for future greenhouse gas amounts, especially for CO_2 and CH_4 are a major source of uncertainty for projections of future climate. Successive IPCC assessments over the past decade each have developed a new set of scenarios with little discussion of how well observed trends match with previous scenarios.'' (Page 18–19 of the NRC Report)

''The range of model sensitivities and the challenge of projecting the sign of the precipitation changes for some regions represent a substantial limitation in assessing climate impacts.'' (Page 21 of the NRC Report)

KEY STATEMENTS OF HUMAN CAUSATION OF OBSERVED 20TH CENTURY CLIMATE CHANGES

''Despite the uncertainties, there is general agreement that the observed warming is real and particularly strong within the past twenty years. Whether it is consistent with the change that would be expected in response to human activities is dependent upon what assumptions one makes about the time history of atmospheric concentrations of the various forcing agents, particularly aerosols.'' (Page 3 of the NRC Report)

''Because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties in the time history of the various forcing agents (and particularly aerosols), a causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes during the 20th century cannot be unequivocally established.'' (Page 17 of the NRC Report)

''The fact that the magnitude of the observed warming is large in comparison to natural variability as simulated in climate models is suggestive of such a linkage, but it does not constitute proof of one because the model simulations could be deficient in natural variability on the decadal to century time scale.'' (Page 17 of the NRC Report)

KEY STATEMENTS ON RESEARCH NEEDS

''Reducing the wide range of uncertainty inherent in current model predictions of global climate change will require major advances in understanding and modeling of both (1) the factors that determine atmospheric concentrations of greenhouse gases and aerosols, and (2) the so-called 'feedbacks' that determine the sensitivity of the climate system to a prescribed increase in greenhouse gases. Specifically, this will involve reducing uncertainty regarding: (a) future usage of fossil fuels, (b) future emissions of methane, (c) the fraction of fossil fuel carbon that will remain in the atmosphere and provide radiative forcing versus exchange with the oceans or net exchange with the land biosphere, (d) the feedbacks in the climate system that determine both the magnitude of the change and the rate of energy uptake by the oceans, which together determine the magnitude and time history of the temperature increases for a given radiative forcing, (e) the details of the regional and local climate change consequent to an overall level of global climate change, (f) the nature and causes of the natural variability of climate and its interactions with forced changes, and (g) the direct and indirect effects of the changing distributions of aerosol.'' (Page 23 of the NRC Report)

KEY STATEMENTS ON THE IPCC PROCESS, SCIENTIFIC REPRESENTATION, AND POLITICAL INFLUENCE ON THE SUMMARY FOR POLICYMAKERS

''The committee finds that the full IPCC Working Group I (WGI) report is an admirable summary of research activities in climate science, and the full report is adequately summarized in the Technical Summary. . . . The Summary for Policymakers reflects less emphasis on communicating the basis for uncertainty, and a stronger emphasis on areas of major concern associated with human-induced climate change. This change in emphasis appears to be the result of a summary process in which scientists work with policy makers on the document.'' (Page 5 of the NRC Report)

Changes to the Summary for Policymakers are only approved by ''a fraction of the lead and contributing authors,'' not the full body of authors of the WGI report. (Page 5 of the NRC Report)

''The committee's concerns focus primarily on whether the process is likely to become less representative in the future because of the growing voluntary time commitment required to participate as a lead or coordinating author and the potential that the scientific process will be viewed as being too heavily influenced by governments which have specific postures with regard to treaties, emission controls and other policy instruments.'' (Page 5 of the NRC Report)

''The body of the WGI report is scientifically credible and is not unlike what would be produced by a comparable group of only U.S. scientists working with a similar set of emission scenarios, with perhaps some normal differences in scientific tone and emphasis.'' (Page 22 of the NRC Report)

''After analysis, the committee finds that the conclusions presented in the Summary for Policymakers and the Technical Summary are consistent with the main body of the report. There are, however, differences. The primary differences reflect the manner in which uncertainties are communicated in the Summary for Policymakers. The Summary for Policymakers frequently uses terms (e.g., likely, very likely, unlikely) that convey levels of uncertainty; however, the text less frequently includes either their basis or caveats.'' (Page 22 of the NRC Report)

''However, a thorough understanding of the uncertainties is essential to the development of good policy decisions.'' (Page 22 of the NRC Report)

''Confidence limits and probabilistic information, with their basis, should always be considered as an integral part of the information that climate scientists provide to policy- and decision-makers. Without them, the IPCC SPM could give an impression that the science of global warming is 'settled,'

even though many uncertainties still remain.'' (Page 22 of the NRC Report)

''Without an understanding of the sources and degree of uncertainty, decision-makers could fail to define the best ways to deal with the serious issue of global warming.'' (Page 23 of the NRC Report)

The NRC exposes the reality that the technical elements of the WG1 report are modified after the fact to make it match up with the Summary for Policymakers. While ''most'' of these changes were acceptable to the chapter authors, the NRC suggests that ''Some scientists may find fault with some of the technical details, especially if they appear to underestimate uncertainty.'' (Page 23 of the NRC Report)

''The IPCC process demands a significant time commitment by members of the scientific community. As a result, many climate scientists in the United States and elsewhere choose not to participate at the level of a lead author even after being invited.'' They go on to point out that ''As the commitment to the assessment process continues to grow, this could create a form of self-selection for the participants. In such a case, the community of world climate scientists may develop cadres with particularly strong feelings about the outcome: some as favorable to the IPCC and its procedures, and others negative about the use of the IPCC as a policy instrument.'' (Page 23 of the NRC Report)

''In addition, the preparation of the SPM involves both scientists and governmental representatives. Governmental representatives are more likely to be tied to specific government postures with regard to treaties, emission controls, and other policy instruments.'' (Page 23 of the NRC Report)

TRAGEDY IN SUDAN

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PAYNE) is recognized for the time remaining before midnight.

Mr. PAYNE. Mr. Speaker, I rise tonight to bring attention to the worst tragedy ongoing and occurring in the world today; and that is the tragedy in the Sudan. As my colleagues well recall and are aware, Sudan is the largest country in Africa, becoming the first independent country in sub-Saharan Africa in 1956.

For almost four decades, the African giant with the population of 32.6 million people have been the scene of intermittent conflict. But how many people have really paid careful attention to these numbers? An estimated 2 million people have died in war-related causes and famine in southern Sudan, and 4 million people have been displaced.

Why did these many people have to die? Could we have done something to prevent the massive loss of life in Sudan? Indeed the answer is a resounding yes. But we chose to ignore or to engage only marginally.

We are the largest provider of humanitarian assistance to the Sudan, yet many continue to die. In 1998 alone, an estimated 100,000 people died due to the government's refusal to allow the United Nations relief aid from going into that country.

Indeed, Mr. Speaker, some have written and others have talked about the tragedy as a religious conflict or a tribal conflict. The Sudanese conflict, Africa's longest running civil war, is deeper and more complicated than the claims of political leaders and some observers. Religion, indeed, is a major factor because of the Islamic fundamentalist agenda of the current government dominated by the northern-based National Islamic Front, the NIF government. Southerners who are Christians and animists reject the Islamization of the country in favor of secular agreement.

Social and economic disparities are major contributing factors to the Sudanese conflict. But the regime is not merely opposed by Christians or southerners. The NIF regime is a minority government led by extremist clique in Khartoum headed by Al Bashir. Muslim leaders have also been victims of the NIF government over the years.

The NIF government is clearly opposed by a majority of notherners inside and outside of the country. The National Democratic Alliance, a coalition of northern or southern opposition groups, have been actively challenging the NIF government's hold on power since it ousted the democratically elected civilian government in June 1989. In fact, the NIF government came to power precisely to abort a peace agreement between Sudanese People's Liberation Movement, the SPLM, and the majority northern parties in 1989.

But the NIF government is just one of the many obstacles of lasting peace in Sudan, and the second phase of the civil war erupted under the military dictatorship of Nimeiri. In fact, the abrogation of the 1972 Addis Ababa agreement in 1983, which ended the first phase of the civil war in the south by former President Nimeiri, is considered a major triggering factor for the current civil war.

Although, the NIF government has persuaded and pursued the war in southern Sudan with vigor, previous governments, both civilian and military, have rejected southern demands for autonomy and equality. This has gone on for the over 40 years that there has been a push for equality, now approaching 50 years.

Mr. Speaker, northern political leaders for decades treated southerners as second-class citizens and did not see the south as an integral part of the country. Southern political leaders argued that, under successive civilian and military governments, political elites in the north have made only superficial attempts to address the grievances of the south without compensating the north's dominant economic political and social issues and status.

In recent years, most political leaders in the north, now in opposition to the current government, say that mistakes were made and that they are prepared to correct them. But the political mood among southerners has sharply shifted in favor of separation from the north.

Mr. Speaker, slavery has reemerged with a vengeance in Sudan. The inhumane practice is directly tied to the civil war in southern Sudan that has raged intermittently for over 40 years. The slaving of innocent southern Sudanese citizens have intensified since the National Islamic Front usurped power in 1989. It is now being condoned, if not orchestrated, by the NIF government and perpetrated by Arab militia allies.

Slavery in this time is wrong, but enough is not being done to stop it. The international community as a matter of fact has done very little, if anything, to prevent this terrible practice. Some organizations have resorted to freeing slaves or buying them back. But buying back freedom of slaves by these groups have raised some other questions, and some have said it has increased the trafficking in slaves.

But no one can question the yearning of families to free their loved ones from bondage almost at any price. If in fact one had a child in slavery, would not one want that child to be bought back? Nor can anyone question the moral impetus to provide assistance to these families by means of buying back their relatives from slavery.

The generous response, for example, by school children in Colorado have raised large sums of money for the purpose; and in many parts of the United States, it dramatizes the compelling case for buying back the freedom.

Sudan's human hunters are members of Arab militias and the popular defense forces which the government of Sudan has mobilized, trained, armed and unleashed on the civilian population in their racial and religious war against the southern Sudanese. Unlike the Arabized Muslim north, southern Sudanese are black Africans who mostly adhere to traditional beliefs but whose leadership is overwhelmingly Christian.

Mr. Speaker, the war in Sudan is certainly a major factor contributing to the slavery in Sudan. The war is essentially one of the southerners resistance in fighting against the domination of the north. But it is the government, the NIF government, which is perpetrating this terrible sin.

□ 2310

And until we change the NIF government in the north, this problem will exist. And so what we see in the Sudan in general is that innocent civilians are victims of this war.

In many wars that have been fought, armies fight each other. It is the military against the military. But in Sudan, it is the military against the people, the children, the women. This

is wrong. Just the other day the NIF government announced that it had resumed its aerial bombing of the south, after claims of suspension of these bombings. Who are those being bombed? Of course, children, women, the helpless, the poor, the hungry.

According to a report by the United States Committee on Refugees, the government bombed civilian targets last year 167 times. The NIF government uses the old Russian Antonovs and drops bombs on communities trying to hit schools and hospitals, disrupting the community. All day the community waits and listens to hear whether the planes will come over. And this is a continuous disruption of the community.

Mr. Speaker, we are aware of the number of people killed and maimed and displaced and enslaved; yet we as the international community have really failed to do anything significant to end the suffering. Over the years, I have visited southern Sudan on numerous occasions. I have been to Yei,to Labone, to Kukuma, to Loki, and on each trip I see the suffering. I must say with all sincerity that I can no longer see these innocent civilians and promise to end their suffering because I must admit that despite all of the efforts that I have done over the years, we have failed the people of Sudan.

But we have also failed other people. We have failed the people of Rwanda in 1994, when the world turned their back as close to a million people were victims of genocide. We cannot say we did not know this was happening. We did know, as we do know what is happening in Sudan. As I speak here before you this evening, more and more people will die. Dozens will be forced out of their homes. Many will be enslaved. Imagine waking up one morning and losing everything you have, your property, your dignity, your family, and, most importantly, your freedom.

Mr. Speaker, we cannot afford to wait any longer. The people of Nuba have become an endangered species. A few years from now, there will be no one left except the barren land. In the past several weeks, government forces burned, looted, and destroyed a number of villages, displacing tens of thousands of civilians. In fact, they attempted to destroy and capture the burial place of the recently deceased leader of Nuba, Commander Yusuf Kowa.

The people of southern Sudan are also being exterminated systematically. The handful of educated southern Sudanese are aging and many have died. This generation of southern Sudanese is growing up in an environment of war and suffering. And unless this situation is quickly reversed, there can be no peace in Sudan. Those who beat the drums of reconciliation must remember the sacrifices paid by millions of Sudanese. There can be no peace if there is not a just and lasting peace. Indeed, ending the war must be a priority, but we must address the root causes of the war if we are going to achieve a lasting peace. The NIF government is the obstacle to peace, as was the case with Hitler during World War II. They must be eliminated from Khartoum.

Since the development of Sudan's oil sector, hundreds of thousands of people have been displaced and thousands have been killed. Revenues from oil, blood oil, are being used to buy deadly weapons to kill innocent civilians. Foreign oil companies, like Talisman and PetroChina, are collaborating with the genocidal regime in Khartoum. We must put an end to the killing fields in the oil fields of Sudan.

The United States Government cannot ignore or look with indifference on the destructive role of oil development. The extraordinary nature of human destruction and suffering in Sudan and the deep complexity of the publicly traded oil companies in Sudan's ongoing catastrophe mark this as a singular moment, one in which America's moral outrage is appropriately reflected in actions which deny market listings to NIF's willing corporate accomplice. We must finally put an end to allowing these companies to have access to capital markets.

Yesterday, The Washington Post printed a front page story about the devastation being caused by the oil development and the exploration in southern Sudan. It is called, ''Oil Money Is Fueling Sudan's War. New Arms Used to Drive Southerners From Land,'' by Karl Vick, Washington Post Foreign Service. And in the article it says, ''Today, four oil companies are producing more than 200,000 barrels of oil a day and more firms are exploring other reserves. Export revenues have doubled the government's defense budget over the last 2 years, and a multitude of eyewitness reporters say that new guns are being used to drive tens of thousands of Sudanese like Veronica and her family off their land to secure the oil underneath it.''

''The fighting follows the oil,'' says John Ryle, an independent investigator, who recently released a report that documented a broad government effort to clear the petroleum concession, sometimes using helicopter gun boats stationed at oil field airports. They all say the same thing, an aide worker said. People came and destroyed their homes and they had to flee. Time after time we hear that from the people, because it is the grab for the oil by this brutal government and these companies that are looking the other way to make a profit from the blood of the people as they drill the oil for wealth.

The fighting follows the oil, as we said. They all say the same thing. They have to flee. The situation has further stoked Western outrage over the Sudanese government's human rights record. While no American companies are involved, fortunately U.S. law prohibits them from doing business in Sudan, the involvement of Canadian and European firms in extracting Sudanese oil has prompted disinvestment campaigns. And that is what we must do. The same way that we did with firms in South Africa, we must urge our people to disinvest from the Talismans and other companies that are drilling oil in the Sudan.

''These are war crimes,'' said Eric Reeves, a Smith College professor who works against companies doing business in Sudan. The criticism has fallen hardest on Talisman Oil, as I mentioned a Calgary-based firm that was little known outside of Canada until it bought a 25 percent stake in Sudan's most promising oil field. The Muglad Basin is classical geography for oil, a sedimentary plain exposed by two plates being pulled apart. Unfortunately, the same area roughly defines the boundaries between Sudan's north and the south.

Mr. Speaker, a recent report by the British based NGO Christian Aid stated the following: ''In the oil fields of Sudan, civilians are being killed, being raped. The villages are being burned to the ground. They are caught in a war for oil. Part of the wider civil war between the north and the south has been waged for decades, but now oil is a key factor.

□ 2320

This makes it different. Since large-scale productions began 2 years ago, oil has moved the war into a new league. Across the oil-rich regions of Sudan, the government is pursuing a scorched-Earth policy to clear the land of civilians and to make way for exploration of oil by foreign oil companies. The Christian Aid report, ''The Scorched Earth,'' shows how the presence of international oil companies is fueling the war.

Companies from Asia, from the west, including the U.K., have helped to build Sudan's oil industry offering finance, technology, expertise, and supplies to create a strong and growing oil industry in the center of the country. In the name of oil, government forces and government-supported militias are entering the land of civilians, killing and displacing hundreds and thousands of southern Sudanese.

The fact that this is continuing is an outrage. We must focus our attention to that, and in that regard the involvement of Talisman Energy Company has prompted me to introduce legislation, H. Con. Res. 113, which calls for divestment in Sudan's oil companies. It also calls on the President to deny oil companies the ability to raise capital or trade equities in the United States capital markets, and calls on oil companies to freeze oil production. Talisman

Energy's role in scorched-Earth warfare against civilians in southern Sudan has been documented clearly.

A Canadian-British team just back from Sudan has established clearly and authoritativly that Talisman's concession at its air strips, that they are allowing offensive military missions, including attack helicopters to be used from their air strips, gun boats, helicopter gun ships, and it was confirmed by information held by the Canadian Foreign Ministry for over 2 months and leaves only one question: When will the foreign minister, John Manley, halt clearly and start to really pressure this Canadian corporation in its behavior in the Sudan. We cannot allow this to continue. For the most part in the 1990s, the United States and its European allies worked together to contain and isolate the National Islamic Front government in the Sudan, considered by Washington to be a threat to regional stability.

Mr. Speaker, U.S. policy objectives have long been forged in three main areas: the massive destruction to end the civil war; to attempt to stop terrorism which was being conducted in Sudan; and to improve the human rights issues in that country.

In early 1990, the United States attempted unsuccessfully to achieve its policy objectives through diplomatic means. By the mid-1990s, in response to the NIF's defiant attitude and intransigence, the U.S. diplomatic efforts were replaced by a policy of containment and pressures.

This evolution in approach culminated in November 1997 when the Clinton administration imposed comprehensive sanctions on the NIF government after really reviewing its policy.

The sanctions restrict imports and exports from Sudan, financial transactions, and prohibit U.S. investment. This was done by the Clinton administration, and it was a bold move in the right direction.

On August 20, 1998, U.S. Naval forces struck a suspected chemical weapons facility in Khartoum in a terrorist training camp in Afghanistan in retaliation for the U.S. embassy bombings in Nairobi, Kenya and Dar es Salaam, Tanzania. More than 250 people were killed in the embassy attacks, including 12 Americans. The bombing of Khartoum was seen by observers as a message to the NIF regime to stop supporting terrorist groups.

In December 1999, hardliners within the ruling NIF government ousted the founder of the party, Hassan el-Turabi, and his allies from the party and the government in Khartoum. This well-planned move by the NIF leadership was designed to pave the way for rapprochement with the international community and to escape the consequences of U.S. sanctions. Government, eager to reestablish relations with Khartoum, allowed themselves to see the current NIF leadership as having become more moderate, a very cleverly orchestrated plan on the part of the NIF government to give way to allow European governments to say there is a change in Khartoum, but there was no real change in Khartoum.

In contrast, many observers saw the rift within the NIF as a struggle between the old generation and the younger, highly ambitious Islamists. It appeared that there is little ideological difference between el-Turabi and the current crowd that are running Khartoum.

In fact, those now in power have taken a tougher, more strident ideological stance than the reckless fundamentalists of the el-Turabi faction. Indeed, a closer look at the leadership reveals that this group was the author of the NIF's extremist policies in the 1990s, so there is no change. Only a change to the worse.

Mr. Speaker, the desire of some governments in Europe and the Middle East to embrace the National Islamic Front government under the guise of the changing of the guard in Khartoum is driven in large part by commercial interests, and it is clear European oil companies have large stakes in Southern Sudan and are now operational and on the verge of becoming even more prosperous as they go and explore oil.

Unsurprisingly, officials in the NIF government have given a red carpet treatment to European governments. Despite U.N. sanctions, the U.N. Security Council sanctions which intended to restrict the travel of senior Sudanese officials, members of the European Union began this critical dialogue, as they call it, with the National Islamic Front government regime several years ago, rejecting the U.S. policy of containment of the NIF regime. They saw an opportunity to move ahead commercially, and we have to appeal to our allies that they must also have a standard of dignity and not to allow themselves to be corrupted by these pariah regimes.

This new approach, according to EU officials, seek to achieve reform through dialogue and quiet persuasions without pressure, they say. Supporters of this policy argue that the policy of containment and isolation has failed to achieve its desired objectives. But many observers see the European approach as a synonym for a policy of appeasement, one that too obviously serves the commercial interests in Sudan, once again simply because of the potential lucrative oil sector.

Indeed, Mr. Speaker, this so-called critical dialogue is empty rhetoric designed to cover those wishing simply to do business with the NIF government. It is ironic and frustrating to many of us in Washington that America's allies in Europe continue to turn a blind eye to the abuses of the NIF government. Certainly if the objectives of the so-called critical dialogue were to moderate the behavior of the NIF government to improve human rights conditions, to stop the bombing, to end the government controlling the food supply, then we would say fine, let us move in that direction; but it has not done that, and the policy followed by the Europeans has failed miserably.

□ 2330

The government continues to bomb civilian targets in the south. The NIF militia continues to enslave women and children at alarming rates. And the government has become increasingly intransigent in the peace process. They really do not want peace, and they feel the new strength provided to them by the oil revenues.

There were high level contacts between Washington and Khartoum in late 2000, just last year, intended to test and verify Khartoum's seriousness about reform. The United States delivered a road map for the regime to follow if it sought improvements with relations to the United States. Special envoy, former Congressman and former chairman of the Africa Subcommittee from Florida Harry Johnston became that special envoy and visited Khartoum twice to engage the government in discussions on human rights, humanitarian issues, the IGAD process led by Mr. Moi from Kenya, and other areas to try to see whether the government had new ideas, whether they were really interested in having a relationship with the U.S. by ending some of these horrible situations that they have engaged in through the years. The NIF regime balked at any kind of change. And the United States said that enough was enough. There was an attempt to have a lifting of the U.N. sanctions and to get Sudan into the U.N. Security Council as an alternative member, but an aggressive push by the U.S. prevented it in late 2000. That was a victory for us.

What has become clear, though, is that the U.S. and its European allies differ fundamentally on the proper approach to Sudan and basic principles for engagement. We must try to be in sync with our European allies because together we can make a difference in this world, but we have to attempt to get on the same page. Advocates of a tough policy believe that without pressure and support for the democratic forces in Sudan, change is unlikely to come in the near future. Some of our allies in Europe and the Middle East believe that the NIF has changed and further reforms will come through critical dialogue and expanded economic interactions.

The Bush administration undoubtedly will have to weigh both approaches in formulating its new policy toward the NIF regime. Indeed, there are those who are advocating the European line here in Washington, that we

should abandon the tough policy toward the NIF government. They say it has not worked in the past, so we ought to just start to have engagement like the Europeans. President Bush courageously spoke out about the issue in the Sudan on several occasions since he took office. Secretary of State Colin Powell has spoken on this issue more than any other issue in Africa to date. He said in his confirmation hearings that this was an area that they were going to concentrate on. And as I have indicated, he has spoken out against what has happened there.

There are encouraging signs, but the administration must now move forth and needs to articulate its policy clearly. It must do so soon.

I recently read an article about the possible appointment of Chester Crocker, former assistant Secretary of State for African Affairs under the Reagan administration as the special envoy to Sudan. I know Dr. Crocker. He is well known in the African circles. He is extremely familiar with Africa, its issues, its problems. He has studied and taught about the continent for many, many years. And he has a good grasp of the continent.

However, I think it is not the person, it is the policy; and I believe that the policy that we saw as it related to the apartheid government in South Africa, the policy of constructive engagement during those horrible years, lead me to have some questions about whether constructive engagement is the policy at hand today. I fiercely disagreed with the policy, as did the majority of the American people during the South Africa regime.

The constructive engagement policy that Dr. Crocker authored in my view was a policy that did not serve the American people well, and it was really a policy that finally, with the leadership of Ron Dellums, the CAAA legislation was passed, the Comprehensive Anti-Apartheid Act, in 1986, where many people in the House pushed this bill through. It went through both Houses, but was vetoed by the President. Dr. Crocker, of course, opposed the legislation. And it was the courageous vote of Senator LUGAR of Indiana that cast the 67th vote to override the first overridden law of President Reagan, and the good Republican Senator from Indiana said that it was the only right thing to do to end this apartheid government in South Africa.

We also have people in the White House who felt that Nelson Mandela should remain in prison. Vice President CHENEY was one of only five Members of the House who voted that Mr. Mandela after 23 years in prison at that time should not be allowed to be released from prison. It said nothing about the sanctions; it said nothing about the government of South Africa, just that Mr. Mandela should be freed. Mr. CHENEY voted no. Twenty-three years was not long enough for a person to be imprisoned only because he wanted the right to vote.

And so the sensitivity of the envoy to Sudan is going to be very important, and it is going to be the way that people view the envoy. When a person was selected to do the negotiations in Northern Ireland, it was a very carefully done process. Senate leader Mitchell was selected to do the negotiations. Senator Mitchell was respected by both the Protestant majority and the Catholic minority. He was embraced by the Ulster regime and the Sinn Fein, the Gerry Adamses and the Trimbles and the Blair government and the Taoisech government in Ireland. He was a person that did not have any dislike from any group.

I would hope that when we select an envoy for Sudan, it would be the same type of person that Senator Mitchell is. As a matter of fact, it does not have to be anyone who favors the south over the north. I have had the privilege of traveling with a Republican colleague of mine who served in the House, Republican Representative Tom Campbell from California. Mr. Campbell was a person who visited southern Sudan and visited other parts of Arab Northern Africa. He is a person who in my opinion would be the type of person that you would want to possibly be the envoy. He is a person who speaks foreign languages. He is a person who understands both views. He is a person that is not prejudiced to one side or the other.

□ 2340

He is a capable, caring, friend of Africa, who I think would make a difference.

Finally, I would say that tomorrow the House will consider H.R. 20, the Sudanese Peace Act, which I strongly support, one of the original cosponsors. The Sudan Peace Act will reassert the findings from the 106th Congress that the government of Sudan is committing genocide against its people of southern Sudan; that they are employing divide and conquer techniques to further fracture southern opposition to northern governance; that it is helping to allow paramilitary groups to conduct raids and enslave its population.

In the bill, we talk about the way that the government of Sudan is inflicting an ongoing campaign of aerial bombing its citizens, a scorched earth policy designed to drive out people from the land so they can then take the oil revenues.

In this legislation, it expresses a sense of Congress that the Secretary of State should use the State Department personnel to pursue multilateral and bilateral peace processes in Sudan and seek multilateral pressure on all combatants in the civil war and urges the President to use $10 million appropriated in fiscal year 2001 to assist the Sudanese opposition, the National Democratic Alliance, the NDA, for funding for office space and equipment and radio and vehicles and computers and staff and political effectiveness training.

It asks for continued support for humanitarian food distribution through OLS, the Operation Lifeline Sudan. But it also urges the President to develop contingency plans should the government of Sudan obstruct food delivery as it has done in the past; that we should have other ways to get food to people who are in need. It requires all businesses trading securities in the U.S. capital markets and operating in the Sudan to fully disclose the extent and nature of their operations, particularly oil operations, and requires the Secretary of State to collect information about the war to keep updated information, including slavery and rape and aerial bombings of the citizens.

So we are hoping that tomorrow this bill will come to the floor and be passed. We hope that this tragedy in Sudan will finally come to an end.

I am encouraged by the number of people now who have gotten on board. I am encouraged by the number of people who have said enough is enough. I am encouraged by the Congressional Black Caucus who have come back to support this whole question of a change in the Sudan.

I commend Kweisi Mfume and the NAACP who has said this practice must end. I commend Joe Madison, a radio talk host, who has done an extraordinary job in bringing to his listening audience the tragedy of Sudan. I applaud Reverend Sharpton who has gone to Sudan with Mr. Madison, and Reverend Faunteroy and Reverend Jesse Jackson who intends to visit Sudan in the near future, and to the gentleman from Virginia (Mr. WOLF) who for many, many years has been in Sudan, probably the leading person dealing with this tragedy. He has done an outstanding job, and I have a great deal of respect for what he has done; and my colleague, the gentleman from Colorado (Mr. TANCREDO) in the House and the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. HOUGHTON), and Senator BROWNBACK in the U.S. Senate, Senator FRIST, so many who have said enough is enough.

The newspapers are finally putting in its newspapers the truth about what is going on there. It has taken a long time. It has taken 50 years to get the attention it should get but it is getting that attention now.

Ebony Magazine will have an article in its August edition. We have schools. I went to a school in Bergen County, New Jersey, where they have a curriculum on the Sudan and it is attempting to get the board of education in that town to adopt a policy of teaching about the tragedy of the Sudan.

So they say if you start me with 10 who are stout-hearted men, I will soon give you 10,000 more. If I start you with 10 who are stout-hearted men or women, we should say today I will give you 10,000 more, and a trip of a thousand miles must begin with the first step.

There have been many steps but they have been quiet steps. The steps that we are hearing now are louder steps. They are more steps. They are bigger steps. They are steps that are making noise. They are people in high places who are now saying this place in the Sudan we have overlooked for so long now it is time for us to focus on it.

We have people who are saying that we cannot allow in this new millennium to have people still enslaved and children starving to death. We can no longer allow in this time and place that we should look the other way as we did when the tragedy was going on in Somalia and when the terrible situation was going on in Sierra Leone and when we saw civil war in Liberia, and when we watched dictators in Nigeria we looked the other way in many of these instances, but finally we are coming together on this question of Sudan.

I will continue to fight for the right of the people of that nation. I will continue to fight for those voices, people who have no voice, those who suffer daily. We all should be concerned. We all have a responsibility. We all must get involved. We all must call our Congress people and senators, talk to our church people and school friends to have our civic organizations and League of Women Voters put this on their agendas. The women's clubs and the sororities and the fraternities all must take this battle on. We must win. We will win. We are on the right side. No longer can the world run and hide. The world must now decide that enough is enough; that this country needs to be brought into the 21st Century.

I hope that tomorrow will be another step in that direction.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. TANNER (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mr. ROYCE (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mr. ENGLISH, for 5 minutes, June 13.

Mr. BURTON of Indiana, for 5 minutes, today and June 13 and 14.

Mr. FOLEY, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. SCHAKOWSKY, for 5 minutes, today.

ADJOURNMENT

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 13, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2413. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Papayas Grown in Hawaii; Suspension of Grade, Inspection, and Related Reporting Requirements [Docket No. FV01–928–1 IFR] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2414. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Revision of User Fees for 2001 Crop Cotton Classification Services to Growers [CN–00–010] (RIN: 0581–AB57) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2415. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2001–2002 Marketing Year [Docket No. FV–01–985–1 FR] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2416. A letter from the Acting Administrator, Agricultural Marketing Service Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Increased Assessment Rate [Docket No. FV01–932–1 FIR] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2417. A letter from the Acting Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2001 Tariff-Rate Quota Year—received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2418. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Methyl Anthranilate; Exemption from the Requirement of a Tolerance [OPP–301127; FRL–6780–9] (RIN: 2070–AB78) received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2419. A communication from the President of the United States, transmitting requests for Fiscal Year 2002 budget amendments for the Department of Health and Human Services and International Assistance Programs; (H. Doc. No. 107–83); to the Committee on Appropriations and ordered to be printed.

2420. A communication from the President of the United States, transmitting FY 2001 supplemental appropriations proposal for the Department of Defense as well as two supplemental proposals, transmitted on June 1, 2001, for additional funding for the Department of Defense's Overseas Contingency Operations Transfer Fund and reduces funding for the Department of Transportation's Miscellaneous Highway Trust Fund Account, are now recommended to be withdrawn; (H. Doc. No. 107–84); to the Committee on Appropriations and ordered to be printed.

2421. A letter from the Deputy Secretary, Department of Defense, transmitting a report that responds to the Supplemental Appropriations Act regarding the Department of Defense Healthcare Quality Initiatives Review Panel; to the Committee on Armed Services.

2422. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the eleventh annual report on the assessment of the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 nt.; to the Committee on Financial Services.

2423. A letter from the General Counsel for Regulations, Departmant of Housing and Urban Development, transmitting the Department's final rule—Exception Payment Standard to Offset Increase in Utility Costs in the Housing Choice Voucher Program [Docket No. FR 4672–I–01] (RIN: 2577–AC29) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2424. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the annual report of the National Advisory Council on International Monetary and Financial Policies for fiscal year 1998, pursuant to 22 U.S.C. 284b, 285b(b), 286b(b)(5), 286b–1, 286b–2(a), and 290i–3; to the Committee on Financial Services.

2425. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's authorization request for FY 2002–2003, pursuant to Section 607 of the Congressional Budget and Impoundment

Control Act of 1974; to the Committee on Financial Services.

2426. A letter from the Acting Commissioner for Education Statistics, Department of Education, transmitting the annual statistical report of the National Center for Educational Statistics (NCES), ''The Condition of Education,'' pursuant to 20 U.S.C. 1221e–1(d)(1); to the Committee on Education and the Workforce.

2427. A letter from the Prinicpal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Emergency Episode Avoidance Plan and Cascade County Open Burning Rule [SIP NO. MT–001–0034a, MT–001–0035a; FRL–6991–1] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2428. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 242–0280a; FRL–6990–9] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2429. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial—Commercial—Institutional Steam Generating Units [FRL–6995–2] (RIN: 2060–AE56) received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2430. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH140–1a; FRL–6991–9] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2431. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Minnesota [MN68–01a; FRL–6991–7] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2432. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN133–1a; FRL–6990–1] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2433. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Government of Poland (Transmittal No. 05–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2434. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 08–01 regarding project certification for Amendment Two to the US-Sweden Project Agreement Concerning Trajectory Correctable Munitions, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2435. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report for 2000 on International Atomic Energy Agency Activities in Countries Described in Section 307 (a) of the Foreign Assistance Act; to the Committee on International Relations.

2436. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2437. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2438. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2000, through March 31, 2001, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2439. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2440. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Career Transition Assistance for Surplus and Displaced Federal Employees (RIN: 3206–AJ32) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2441. A letter from the Chairman, Federal Election Commission, transmitting the annual report on the Commission's activities for 2000, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

2442. A letter from the Secretary, Department of the Interior, transmitting a Report on the Impact of the Compacts of Free Association in Fiscal Year 2000; to the Committee on Resources.

2443. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Montana Regulatory Program [SPATS No. MT–020–FOR] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2444. A letter from the Acting General Counsel, National Oceanic and Atmospheric Administration, transmitting the Annual Report regarding the 2000 activities of the Northwest Atlantic Fisheries Organization (NAFO); to the Committee on Resources.

2445. A letter from the Fisheries Biologist, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Endangered Status for White Abalone [Docket No. 990910253–1120–03; I.D. No. 041300B] (RIN: 0648–AM90) received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2446. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Summer Period [Docket No. 001121328–1041–02; I.D. 052501E] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2447. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid [Docket No. 001127331–1044–02; I.D. 052301B] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2448. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 052501B] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2449. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Zone Off Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 052501F] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2450. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 052501D] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2451. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Foreign Fishing and Fisheries of the Northeastern United States; Final 2001 Specifications for the Atlantic Herring Fishery and Foreign Fishing Restrictions [Docket No. 010220043–1132–02; I.D. 120400D] (RIN: 0648–AN65) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2452. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Foreign Fishing and Fisheries of the Northeastern United States; Final 2001 Specifications for the Atlantic Herring Fishery and Foreign Fishing Restrictions [Docket No. 010220043–1132–02; I.D. 120400D] (RIN: 0648–AN65) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2453. A letter from the Attorney General, Department of Justice, transmitting the annual report on the status of the United States Parole Commission (USPC); to the Committee on the Judiciary.

2454. A letter from the Deputy Assistant Secretary of the Army, Corps of Engineers, Department of Defense, transmitting the Department's final rule—Public Use of Water Resources Development Projects Administered by the Chief of Engineers—received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2455. A letter from the Deputy Assistant Secretary of the Army, Corps of Engineers, Department of Defense, transmitting the Department's final rule—Navigation Regulations—received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2456. A letter from the Acting Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—National Voluntary Laboratory Accreditation Program; Operating Procedures [Docket No. 000831249–1129–02] (RIN: 0693–ZA39) received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2457. A letter from the Assistant Director for Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the Commission's report entitled, ''Federal Sector Report on EEO Complaints and Appeals for FY 1999,'' pursuant to 42 U.S.C. 2000e–4(e); jointly to the Committees on Education and the Workforce and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 643. A bill to reauthorize the African Elephant Conservation Act; with an amendment (Rept. 107–93). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 700. A bill to reauthorize the Asian Elephant Conservation Act of 1997; with an amendment (Rept. 107–94). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1157. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes (Rept. 107–95). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1020. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; with an amendment (Rept. 107–96). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 161. Resolution providing for consideration of the bill (H.R. 1088) to amend the Securities and Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes (Rept. 107–97). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 162. Resolution providing for consideration of the bill (H.R. 2052) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan (Rept. 107–98). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 163. Resolution providing for consideration of the bill (H.R. 1157) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes (Rept. 107–99). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CANNON (for himself, Mr. CONYERS, Mr. ISSA, and Mr. NADLER):

H.R. 2120. A bill to ensure the application of the antitrust laws to local telephone monopolies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS:

H.R. 2121. A bill to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media; to the Committee on International Relations.

By Mr. CALVERT (for himself, Mr. SHAW, Mr. GALLEGLY, Mr. BARTLETT of Maryland, Mr. PETRI, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. SHADEGG, Mr. RADANOVICH, Mr. GRAHAM, Mr. ENGLISH, Mr. SOUDER, Mr. WELDON of Florida, and Mr. HANSEN):

H.R. 2122. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for election to the House of Representatives or Senate to raise not less than 50 percent of the contributions made with respect to the election from individuals who reside in the State the candidate seeks to represent; to the Committee on House Administration.

By Mr. TERRY (for himself, Mr. ENGLISH, Mr. PASTOR, Mr. SESSIONS, Mr. BARR of Georgia, Mr. RANGEL, Ms. MCKINNEY, Mr. CONDIT, Mr. JONES of North Carolina, Mr. OWENS, Mr. WOLF, Mr. BALDACCI, Mr. KING, Mr. FRANK, Mr. GORDON, and Mr. STUPAK):

H.R. 2123. A bill to amend title 38, United States Code, to increase the rate of payment for funeral and burial expenses and plot allowance for certain veterans; to the Committee on Veterans' Affairs.

By Mrs. KELLY:

H.R. 2124. A bill to authorize the Secretary of the Army to convey a small parcel of land at the United States Military Academy to the Village of Highland Falls, New York; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia:

H.R. 2125. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Ms. BALDWIN, Mr. BARTLETT of Maryland, Mr. KNOLLENBERG, Mr. EHLERS, Mr. SIMPSON, Ms. HOOLEY of Oregon, Mrs. WILSON, Mr. STRICKLAND, Mr. OTTER, and Mr. CALVERT):

H.R. 2126. A bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Science.

By Mr. BROWN of Ohio (for himself, Mr. STARK, Mr. LATOURETTE, Mr. GONZALEZ, Mr. KILDEE, and Mr. BRADY of Pennsylvania):

H.R. 2127. A bill to amend part C of title XVIII to require Medicare+Choice organizations to offer Medicare+Choice plans for a minimum period of three years, and to permit Medicare beneficiaries to enroll and disenroll from such plans at any time; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. HASTINGS of Washington, Mr. WALSH, Mr. REYNOLDS, and Mr. SWEENEY):

H.R. 2128. A bill to provide market loss assistance to apple producers; to the Committee on Agriculture.

By Mr. HINCHEY (for himself, Mr. HOEFFEL, Mrs. CLAYTON, Mr. DINGELL, Mr. MCGOVERN, Mr. CLEMENT, Mr. BALDACCI, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. PASCRELL, Mr. KILDEE, Ms. NORTON, Ms. DELAURO, Mr. BONIOR, Mr. LANTOS, Ms. LEE, Mr. MEEKS of New York, Mr. UDALL of New Mexico, and Ms. CARSON of Indiana):

H.R. 2129. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. MATSUI):

H.R. 2130. A bill to amend the Internal Revenue Code of 1986 to provide that any water and sewerage disposal property conveyed under the Department of Defense privatization program shall be treated as a nontaxable contribution to the capital of the recipient; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. LANTOS, Mr. GILMAN, Mr. CROWLEY, Mr. BEREUTER, Mr. SUNUNU, Ms. MCKINNEY, Mr. LEACH, Mr. FALEOMAVAEGA, Mr. CHABOT, Mr. SHERMAN, Mr. BROWN of Ohio, Mr. BAIRD, Mr. BOUCHER, Mr. CAMP, Mr. CARDIN, Mr. ENGLISH, Mr. FRANK, Mr. GREEN of Wisconsin, Mr. HOBSON, Mr. KIRK, Mr. LATOURETTE, Mr. MANZULLO, Mr. OXLEY, Ms. PRYCE of Ohio, Mr. SMITH of New Jersey, Mr. TIBERI, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 2131. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; to the Committee on International Relations.

By Mr. REYNOLDS (for himself, Mr. ARMEY, Mr. DOOLITTLE, Mr. FLAKE, Mr. SESSIONS, Mr. SUNUNU, and Mr. TOOMEY):

H.R. 2132. A bill to prohibit the Secretary of the Treasury from using surplus funds to make any investment in securities, other than government and municipal securities; to the Committee on Financial Services.

By Mr. RYUN of Kansas (for himself, Mr. MORAN of Kansas, Mr. TIAHRT, and Mr. MOORE):

H.R. 2133. A bill to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education; to the Committee on Government Reform.

By Mr. SANDERS (for himself, Mr. KUCINICH, Mr. HINCHEY, Mr. DEFAZIO, Ms. MCKINNEY, Ms. BROWN of Florida, Ms. LEE, Mr. DAVIS of Illinois, Ms. KAPTUR, Mr. MCGOVERN, Ms. NORTON, Mr. HILLIARD, Mr. COSTELLO, Ms. CARSON of Indiana, Mr. GOODE, Mr. STUPAK, Mr. BROWN of Ohio, and Ms. HART):

H.R. 2134. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to increase the phase-in limitation applicable to the guarantee under such title of benefit improvements made prior to plan termination; to the Committee on Education and the Workforce.

By Mr. SAWYER:

H.R. 2135. A bill to protect consumer privacy; to the Committee on Energy and Commerce.

By Mr. SAWYER (for himself and Mr. WAXMAN:

H.R. 2136. A bill to protect the confidentiality of information acquired from the public for statistical purposes; to the Committee on Government Reform.

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. CONYERS, and Mr. SCOTT):

H.R. 2137. A bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

By Mr. SERRANO (for himself, Mr. LEACH, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Mr. BARCIA, Mr. BISHOP, Mr. BLUMENAUER, Mr. BONIOR, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. GANSKE, Mr. GONZALEZ, Mr. HALL of Ohio, Mr. HILLIARD, Mr. HINCHEY, Mr. HOEFFEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mr. KUCINICH, Mr. LAFALCE, Mr. LAHOOD, Mr. LAMPSON, Mr. LARGENT, Ms. LEE, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. RANGEL, Ms. RIVERS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. STARK, Mr. THOMPSON of California, Mr. THUNE, Mr. TIERNEY, Mr. TOWNS, Mr. TURNER, Ms. VELÁZQUEZ, Mr. WALSH, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2138. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Agriculture, Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas:

H.R. 2139. A bill to authorize the Secretary of Agriculture to make loans for the development of broadband services in rural areas; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER:

H.R. 2140. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for a user fee to cover the cost of customs inspections at express courier facilities; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Ms. HARMAN, Ms. SOLIS, Mrs. CAPPS, Ms. PELOSI, Mrs. DAVIS of California, Ms. WOOLSEY, and Mr. FILNER):

H.R. 2141. A bill to require electric generation facilities owned and operated by the Department of Defense in the Western United States to generate electricity and to conserve energy in electric emergencies, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH (for himself, Mrs. CLAYTON, Mr. DIAZ-BALART, Mr. HALL of Texas, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. LEACH, Ms. LEE, Mrs. KELLY, Mr. LEVIN, Mrs. MORELLA, Mr. TOWNS, Mr. QUINN, Mr. HINCHEY, Mr. FOLEY, Mr. COYNE, and Ms. DELAURO):

H.R. 2142. A bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mr. ARMEY, Mr. DOOLITTLE, Mrs. JO ANN DAVIS of Virginia, Mr. ROHRABACHER, Mr. TOOMEY, Mr. DEMINT, Mr. WAMP, Mr. BLUNT, Mr. GRAVES, Mr. BARTLETT of Maryland, Mr. TANCREDO, Mr. NEY, Mr. GOODE, Mr. PAUL, Mr. LARGENT, Mr. FLAKE, Mr. POMBO, Mr. ADERHOLT, Mr. SHIMKUS, Mrs. CUBIN, Mr. TERRY, Mr. TIBERI, Mr. MANZULLO, Mr. PUTNAM, Mr. CULBERSON, Mr. CRENSHAW, Mr. BARR of Georgia, Mr. ISAKSON, Mr. SHADEGG, Mr. HOSTETTLER, Mr. PITTS, and Mr. EVERETT):

H.R. 2143. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Mrs. TAUSCHER, Ms. PELOSI, Mr. LANTOS, Mr. HONDA, Mrs. CAPPS, Ms. LEE, Mr. THOMPSON of California, Mr. STARK, Mr. GEORGE MILLER of California, Mr. FARR of California, Ms. LOFGREN, and Ms. ESHOO):

H.R. 2144. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatement, and outreach activities relating to sudden oak death syndrome and to establish a Sudden Oak Death Syndrome Advisory Committee; to the Committee on Agriculture.

By Mr. ARMEY (for himself, Mr. GEPHARDT, and Mr. CRANE) (all by request):

H.J. Res. 51. A joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam; to the Committee on Ways and Means.

By Mr. FERGUSON:

H. Con. Res. 156. Concurrent resolution congratulating John R. Kopicki, the Fannie E. Rippel Foundation, and the Schering-Plough Corporation, for receipt of certain awards; to the Committee on Energy and Commerce.

By Mr. MCNULTY:

H. Con. Res. 157. Concurrent resolution recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity; to the Committee on Science.

By Ms. RIVERS:

H. Con. Res. 158. Concurrent resolution recognizing the city of Ann Arbor, Michigan, and its residents for their dedication to building a community that respects ecological integrity, promotes social well-being, and creates economic vitality; to the Committee on Government Reform.

By Mr. KIRK:

H. Res. 164. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

105. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 2 memorializing the United States Congress to speedily adhere to the goal set forth in the Individuals with Disabilities Education Act and appropriate to the states significant, genuine assistance to meet the needs of students with disabilities and to relieve schools from the necessity of cross-subsidizing special education revenue with general education revenue; to the Committee on Education and the Workforce.

106. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 5 memorializing the United States Congress to promptly amend the Railroad Unemployment Insurance Act to allow railroad employees collecting military retirement pay to also be eligible for railroad unemployment and sickness benefits if they otherwise meet the qualifications of these benefit programs; to the Committee on Transportation and Infrastructure.

107. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 4 memorializing the United States Congress to authorize the funding for improvement and rehabilitation of waterways; to the Committee on Transportation and Infrastructure.

108. Also, a memorial of the House of Representatives of the State of Alabama, relative to Resolution HR 611 memorializing the United States Congress to enact the Railroad Retirement and Survivors' Improvement Act of 2001; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. BLUNT, Mr. TANCREDO, and Mrs. ROUKEMA.
H.R. 17: Ms. SANCHEZ and Mr. GUTIERREZ.
H.R. 28: Mr. GONZALEZ and Mr. PLATTS.
H.R. 64: Mr. BOEHLERT, Mr. SHAYS, and Mr. GUTKNECHT.
H.R. 65: Mr. KUCINICH and Mr. MCGOVERN.
H.R. 68: Mr. GREEN of Texas, Mr. LEACH, Mr. BROWN of Ohio, and Mr. FOLEY.
H.R. 80: Mr. JENKINS.
H.R. 82: Mr. JENKINS.
H.R. 91: Mr. SHOWS and Mrs. THURMAN.
H.R. 98: Mr. OTTER, Mr. WELDON of Florida, Mr. JOHNSON of Illinois, Mr. PASTOR, Mr. TERRY, Mr. DOOLEY of California, Mr. CROWLEY, Mr. FROST, and Mr. PUTNAM.
H.R. 100: Ms. SANCHEZ.
H.R. 102: Ms. SANCHEZ.
H.R. 169: Mr. SKEEN.
H.R. 179: Mr. KENNEDY of Minnesota and Mr. ISRAEL.
H.R. 192: Mr. SESSIONS.
H.R. 218: Mr. SPENCE, Mr. BROWN of South Carolina, Mr. SKELTON, and Mr. SMITH of New Jersey.
H.R. 220: Mr. UPTON.
H.R. 260: Mr. WOLF and Mr. LARSON of Connecticut.
H.R. 267: Mrs. CAPPS and Mr. NETHERCUTT.
H.R. 281: Mr. NADLER.
H.R. 285: Mr. OLVER.
H.R. 296: Mr. COSTELLO and Mr. LANTOS.
H.R. 356: Mrs. DAVIS of California and Mr. MCHUGH.
H.R. 458: Mr. SWEENEY and Mr. BARTON of Texas.
H.R. 510: Mr. LANTOS, Mr. STRICKLAND, Mr. TOOMEY, and Mr. LIPINSKI.
H.R. 537: Ms. CARSON of Indiana, Mr. OSE, and Ms. JACKSON-LEE of Texas.
H.R. 571: Mr. BISHOP.
H.R. 572: Mr. SOUDER and Mr. HOLDEN.
H.R. 598: Mr. WELDON of Florida, Ms. ROS-LEHTINEN, and Mr. DIAZ-BALART.
H.R. 602: Mr. LUCAS of Kentucky and Mr. PLATTS.
H.R. 611: Ms. BALDWIN and Mrs. WILSON.
H.R. 612: Mr. GRAHAM, Mr. JOHNSON of Illinois, Mr. FOSSELLA, Mr. THOMPSON of Mississippi, Mr. POMEROY, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. BROWN of Ohio, and Mr. FORD.
H.R. 630: Ms. BALDWIN and Mr. SCHIFF.
H.R. 635: Mr. LAHOOD.
H.R. 638: Mr. WEINER.
H.R. 665: Mr. ANDREWS.
H.R. 668: Mr. KENNEDY of Rhode Island, Mrs. DAVIS of California, and Mr. FALEOMAVAEGA.
H.R. 680: Mr. WATT of North Carolina.
H.R. 699: Mr. JONES of North Carolina.
H.R. 716: Mr. PALLONE, Mr. GANSKE, and Mr. SHOWS.
H.R. 717: Mr. WEINER and Mr. DOOLEY of California.
H.R. 730: Ms. MCKINNEY.
H.R. 746: Mr. DEAL of Georgia and Mr. SHOWS.
H.R. 747: Mr. GARY G. MILLER of California.
H.R. 751: Ms. MCKINNEY, Mr. SMITH of New Jersey, and Mr. ACKERMAN.
H.R. 757: Mr. ISRAEL.
H.R. 760: Mr. GILLMOR.
H.R. 774: Mr. BALLENGER, Mr. COYNE, Mr. SESSIONS, and Mr. UDALL of Colorado.
H.R. 778: Ms. LOFGREN, Ms. BALDWIN, Mr. CAPUANO, and Mr. SANDERS.
H.R. 781: Mr. SCHIFF.
H.R. 786: Ms. JACKSON-LEE of Texas, Mr. BROWN of Ohio and Mr. CUMMINGS.
H.R. 827: Mrs. JONES of Ohio.
H.R. 840: Mr. ABERCROMBIE, Mr. BAIRD, Mr. FARR of California, Mr. MORAN of Virginia, and Mr. SIMMONS.
H.R. 844: Mr. MCGOVERN and Ms. HART.
H.R. 876: Mr. HASTINGS of Washington, Mrs. MINK of Hawaii, Mr. TERRY, Mr. NADLER, Mr. KIND, Mrs. DAVIS of California, Mr. KENNEDY of Rhode Island, Mr. HAYWORTH, Mr. SANDLIN, Mr. PETRI, Mr. DOOLITTLE, Mr. CROWLEY, Mr. TOM DAVIS of Virginia, Mr. BLAGOJEVICH, Mr. SMITH of New Jersey, Mr. SMITH of Washington, and Mr. JOHNSON of Illinois.
H.R. 902: Mr. KINGSTON and Mr. BOUCHER.
H.R. 910: Mr. BONIOR.
H.R. 950: Mr. NORWOOD and Mr. STUMP.
H.R. 981: Mr. BOUCHER, Mr. BISHOP, and Mr. MCKEON.
H.R. 1008: Mr. REHBERG and Mr. RADANOVICH.
H.R. 1014: Mr. GUTIERREZ, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Ms. VELÁZQUEZ, Mr. PASCRELL, Mr. CROWLEY, Mr. GEORGE MILLER of California, and Ms. MCCOLLUM.
H.R. 1073: Mr. WOLF, Mr. CLAY, Mr. CUMMINGS, Mr. BORSKI, and Mr. ACKERMAN.
H.R. 1076: Mr. CARSON of Oklahoma, Ms. DEGETTE, Mr. BARCIA, Ms. KAPTUR, Mrs. DAVIS of California, Mr. ANDREWS, Mr. ISRAEL, Mr. GUTIERREZ, Mr. PRICE of North Carolina, Mr. HOLDEN, and Mr. SMITH of Washington.
H.R. 1077: Mr. SCOTT.
H.R. 1079: Mr. WHITFIELD.
H.R. 1090: Mr. HYDE, Mr. CROWLEY, Mrs. MINK of Hawaii, Mr. BRYANT, Mr. WU, and Mr. EHLERS.
H.R. 1121: Mr. SMITH of New Jersey and Mr. HERGER.
H.R. 1136: Mr. FILNER.
H.R. 1140: Mr. EVERETT, Mr. TAYLOR of North Carolina, Mrs. BIGGERT, Mr. BUYER, and Mr. HALL of Texas.
H.R. 1143: Mr. HILLIARD, Ms. CARSON of Indiana, Mr. BONIOR, Ms. SOLIS, Mr. MCGOVERN, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, Mr. JACKSON of Illinois, and Mr. SMITH of New Jersey.
H.R. 1157: Mr. SMITH of Washington.
H.R. 1170: Mr. WU, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, and Mr. MATSUI.
H.R. 1177: Mr. HOLDEN.
H.R. 1185: Mr. CUMMINGS.
H.R. 1192: Mr. ETHERIDGE and Mr. HOEFFEL.
H.R. 1198: Mr. LANTOS, Ms. Norton, Mr. BISHOP, Mr. GREEN of Texas, Mr. REYES, Mr. RODRIGUEZ, Ms. KILPATRICK, Mr. TIERNEY, Mr. SMITH of Texas, Mr. OWENS, and Mr. BLUNT.
H.R. 1200: Ms. CARSON of Indiana.
H.R. 1201: Mr. GEORGE MILLER of California.
H.R. 1230: Mr. UDALL of New Mexico, Mr. PALLONE, and Mr. FALEOMAVAEGA.
H.R. 1254: Mr. PASCRELL, Mr. LANTOS, Mr. GRUCCI, Mrs. MCCARTHY of New York, Mrs. JONES of Ohio, Mr. PAYNE, and Mr. LANGEVIN.
H.R. 1266: Mr. SCHIFF, Mr. BECERRA, Ms. CARSON of Indiana, Mr. ALLEN, and Mr. LUTHER.
H.R. 1287: Mr. PITTS.
H.R. 1297: Mr. DIAZ-BALART.
H.R. 1304: Mr. TERRY, Mr. FOLEY, and Mr. HOEFFEL.
H.R. 1305: Mr. RYAN of Wisconsin, Mr. BACA, Mr. BENTSEN, Mr. BUYER, Mr. LATHAM, and Mr. DOOLITTLE.
H.R. 1318: Mr. YOUNG of Alaska and Mr. TOWNS.
H.R. 1329: Mr. DOYLE.
H.R. 1335: Ms. CARSON of Indiana.
H.R. 1338: Mr. GONZALEZ, Ms. HART, and Mr. GREEN of Texas.
H.R. 1340: Mr. CLYBURN, Mr. GONZALEZ, and Mr. MCGOVERN.
H.R. 1344: Mr. BONIOR.
H.R. 1352: Mr. GOODE.
H.R. 1353: Mr. TAYLOR of Mississippi, Mr. FROST, Mr. STUPAK, Mr. PLATTS, Mr. MCHUGH, Mr. MURTHA, Ms. HOOLEY of Oregon, Mr. GORDON, and Mr. ROSS.
H.R. 1354: Ms. SANCHEZ, Mr. HINCHEY, Mr. SOUDER, and Mr. WELDON of Florida.
H.R. 1360: Mr. KUCINICH, Mr. LANTOS, and Mr. DINGELL.
H.R. 1363: Mr. SWEENEY.
H.R. 1389: Ms. MILLENDER-MCDONALD.
H.R. 1405: Mrs. MCCARTHY of New York and Mr. CAPUANO.
H.R. 1406: Mr. MCGOVERN and Mr. OBERSTAR.
H.R. 1407: Mr. MEEKS of New York.
H.R. 1427: Mr. GREEN of Texas.
H.R. 1433: Mr. SOUDER.
H.R. 1434: Ms. KAPTUR and Mr. STARK.
H.R. 1436: Mr. TURNER, Mr. DOYLE, Mr. FARR of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. RANGEL, Mr. ACKERMAN, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. OLVER, Mr. CONYERS, Ms. CARSON of Indiana, Mr. DEUTSCH, Mr. RADANOVICH, Mr. COYNE, Mr. HOLDEN, Mr. SOUDER, Ms. DEGETTE, Mr. LUCAS of Kentucky, Mr. CLAY, and Ms. SANCHEZ.
H.R. 1438: Mr. SHAW and Mr. SCHROCK.
H.R. 1452: Mr. SHAYS.
H.R. 1463: Mr. COOKSEY.
H.R. 1484: Mr. CROWLEY.
H.R. 1492: Mr. CLEMENT.
H.R. 1511: Ms. WATERS, Mrs. JO ANN DAVIS of Virginia, Mr. FROST, Mr. KIRK, and Mr. SOUDER.
H.R. 1525: Mr. GUTIERREZ.
H.R. 1541: Mrs. TAUSCHER.
H.R. 1542: Mr. ACEVEDO-VILA, Mr. MOLLOHAN, and Mr. HASTINGS of Florida.
H.R. 1556: Mr. UDALL of New Mexico, Mr. MEEHAN, Mr. MCGOVERN, and Mr. BLUNT.
H.R. 1591: Mr. KUCINICH.
H.R. 1595: Mr. PITTS.
H.R. 1609: Mr. LATHAM, Mr. GORDON, Mr. CHAMBLISS, and Mr. MOLLOHAN.
H.R. 1616: Mr. OWENS.
H.R. 1637: Mr. HASTINGS of Florida.
H.R. 1644: Mr. KENNEDY of Minnesota and Mr. NORWOOD.
H.R. 1648: Mr. MURTHA and Mr. BLUMENAUER.
H.R. 1650: Mr. JEFFERSON, Mr. PALLONE, and Mr. ABERCROMBIE.
H.R. 1669: Ms. SOLIS and Mr. BAIRD.
H.R. 1671: Mr. DOYLE, Mr. PALLONE, and Mr. LATHAM.
H.R. 1683: Ms. SCHAKOWSKY.
H.R. 1700: Mr. MORAN of Virginia, Ms. DELAURO, Mr. BROWN of Ohio, Mr. FILNER, Mr. FRANK, Mr. CAPUANO, and Mr. CUMMINGS.
H.R. 1701: Mr. RYUN of Kansas and Mr. COSTELLO.
H.R. 1707: Ms. SANCHEZ and Mr. SHERMAN.
H.R. 1716: Mrs. KELLY and Mr. CROWLEY.
H.R. 1718: Mr. GREENWOOD, Mr. UDALL of Colorado, Ms. MCCOLLUM, Mr. SOUDER, Mr. FOSSELLA, and Mr. BOYD.
H.R. 1733: Ms. WOOLSEY, Ms. CARSON of Indiana, Mr. BLAGOJEVICH, Mr. PAYNE, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, and Mr. ROSS.
H.R. 1750: Mrs. DAVIS of California.
H.R. 1751: Mrs. DAVIS of California.
H.R. 1759: Mr. MEEHAN.
H.R. 1786: Mr. DOYLE, Ms. HART, and Mr. SMITH of Michigan.
H.R. 1797: Mr. SMITH of Washington and Mr. NETHERCUTT.
H.R. 1798: Mr. OBERSTAR and Mr. MCGOVERN.

H.R. 1805: Mr. BUYER.

H.R. 1808: Ms. JACKSON-LEE of Texas, Ms. BROWN of Florida, Ms. SCHAKOWSKY, Ms. WATERS, Mr. ENGEL, and Mrs. TAUSCHER.

H.R. 1809: Mr. DOYLE and Ms. SANCHEZ.

H.R. 1810: Mr. KUCINICH, Mr. ALLEN, Mr. WAXMAN, Mr. STUPAK, Mr. BROWN of Ohio, Mr. LIPINSKI, Ms. SANCHEZ, Mr. CUMMINGS, Mr. LEVIN, Mr. PAUL, and Mr. LAHOOD.

H.R. 1828: Ms. NORTON and Mr. BRADY of Texas.

H.R. 1832: Mr. SPENCE.

H.R. 1839: Mr. PLATTS.

H.R. 1846: Mr. SMITH of New Jersey.

H.R. 1847: Mr. SMITH of New Jersey.

H.R. 1861: Ms. CARSON of Indiana.

H.R. 1862: Mr. BRADY of Pennsylvania, Mr. BARCIA, Mr. FILNER, Mr. FROST, and Mr. KUCINICH.

H.R. 1863: Mr. HUTCHINSON.

H.R. 1864: Mr. MCGOVERN.

H.R. 1889: Mr. UDALL of Colorado.

H.R. 1896: Mr. UDALL of New Mexico and Ms. MCKINNEY.

H.R. 1907: Ms. SANCHEZ and Mr. RODRIGUEZ.

H.R. 1908: Mr. BLUNT.

H.R. 1910: Mr. DOOLITTLE, Mr. TANCREDO, and Mr. SHIMKUS.

H.R. 1911: Mr. BOUCHER.

H.R. 1922: Ms. SOLIS.

H.R. 1927: Mr. STUPAK.

H.R. 1931: Mr. SOUDER.

H.R. 1938: Mr. SESSIONS, Mrs. JONES of North Carolina, and Mr. GREENWOOD.

H.R. 1939: Mr. FRANK.

H.R. 1944: Mr. GUTKNECHT.

H.R. 1945: Ms. LEE and Mrs. THURMAN.

H.R. 1950: Mr. BARR of Georgia, Mr. PAUL, and Mr. WELDON of Florida.

H.R. 1954: Mr. GREEN of Texas, Mr. LARSEN of Washington, Mr. MATHESON, Mr. CLEMENT, Mr. NUSSLE, Mr. LATHAM, Mr. HEFLEY, Ms. DELAURO, Mr. WOLF, and Mr. LINDER.

H.R. 1957: Mr. STRICKLAND.

H.R. 1968: Mr. STUPAK, Ms. SANCHEZ, and Mr. KUCINICH.

H.R. 1969: Mr. CROWLEY and Mrs. THURMAN.

H.R. 1979: Mr. FROST, Mr. ENGLISH, Mr. GOODE, Ms. HART, and Mr. BISHOP.

H.R. 1982: Mr. PETERSON of Pennsylvania, Mrs. WILSON, Mr. WELDON of Florida, and Mr. PAUL.

H.R. 1985: Mr. CUNNINGHAM.

H.R. 1986: Mr. BARR of Georgia.

H.R. 1992: Mr. PASCRELL.

H.R. 1997: Mrs. JONES of Ohio and Mr. PETRI.

H.R. 2001: Mr. POMEROY, Mr. HANSEN, and Mr. SESSIONS.

H.R. 2020: Mr. SAXTON, Mr. HANSEN, Mr. BARTLETT of Maryland, Mr. CHAMBLISS, and Mr. MCGOVERN.

H.R. 2023: Mr. GORDON, Mr. TOWNS, Mr. JENKINS, Mr. REYNOLDS, Mr. DOOLITTLE, and Mr. LATHAM.

H.R. 2040: Mr. DOOLEY of California, Mr. BERMAN, and Ms. CARSON of Indiana.

H.R. 2047: Mr. ISAKSON.

H.R. 2048: Mr. CONYERS.

H.R. 2055: Mr. TANCREDO, Mr. CANTOR, Ms. GRANGER, Mr. HILLEARY, Mr. DOOLITTLE, Mr. BARTON of Texas, Mr. WELDON of Florida, Mr. WICKER, and Mr. TERRY.

H.R. 2059: Mrs. THURMAN, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. EVANS, Mr. FILNER, Mr. HINCHEY, Mr. HONDA, Mr. PALLONE, Mrs. NAPOLITANO, and Mr. DEFAZIO.

H.R. 2064: Mr. STARK, Mr. MALONEY of Connecticut, Mr. ACEVEDO-VILA, Mr. FROST, and Mr. SMITH of New Jersey.

H.R. 2074: Mr. FILNER, Mr. MATHESON and Ms. MCKINNEY.

H.R. 2079: Mr. SANDERS.

H.R. 2080: Mr. SANDERS.

H.R. 2088: Mr. GRAVES, Mr. CLAY, and Mr. LIPINSKI.

H.R. 2095: Mr. FILNER, Mr. MCGOVERN, and Mr. SANDERS.

H.R. 2096: Mr. WELDON of Florida, Mr. BUYER, Mr. TIBERI, Mr. TAYLOR of Mississippi, Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Washington, Mr. BARTON of Texas, Mr. HEFLEY, Mr. SUNUNU, Mr. SENSENBRENNER, and Mr. ISAKSON.

H.R. 2102: Mr. PAYNE, Ms. NORTON, Ms. HOOLEY of Oregon, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mr. BOEHLERT, and Mr. TAYLOR of Mississippi.

H.R. 2108: Mr. MORAN of Virginia and Mr. RANGEL.

H.R. 2117: Mr. GEORGE MILLER of California and Mr. MOORE.

H.J. Res. 6: Mr. HORN.

H.J. Res. 36: Mr. WELDON of Florida, Mr. HOBSON, Mr. FROST, Mr. BOEHNER, Ms. HARMAN, Mrs. BONO, and Mr. HOUGHTON.

H.J. Res. 45: Mr. HOSTETTLER.

H. Con. Res. 68: Mr. HEFLEY.

H. Con. Res. 121: Mr. KING, Mr. SCHAFFER, and Mr. HAYWORTH.

H. Con. Res. 145: Mr. VISCLOSKY, Mr. FRANK, Mr. BACA, and Mr. MOORE.

H. Res. 97: Mr. DAVIS of Illinois.

H. Res. 117: Mr. LANTOS and Mr. FERGUSON.

H. Res. 124: Mr. FOLEY, Mr. HYDE, Ms. KAPTUR, Mrs. ROUKEMA, Mrs. MORELLA, and Mr. MILLER of Florida.

H. Res. 152: Ms. HART, Mr. SHOWS, Mr. MATSUI, Mr. GREEN of Texas, Ms. HARMAN, Ms. SANCHEZ, Mr. TANNER, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1716: Mr. EDWARDS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1088

OFFERED BY: MR. OXLEY

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Investor and Capital Markets Fee Relief Act''.

SEC. 2. IMMEDIATE TRANSACTION FEE REDUCTIONS.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) by striking ''1/300 of one percent'' each place it appears in subsections (b) and (d) and inserting ''$15 per $1,000,000'';

(2) by striking ''and security futures products'' each place it appears in such subsections and inserting ''security futures products, and options on securities indexes (excluding a narrow-based security index)'';

(3) in the first sentence of subsection (b), by striking '', except that'' and all that follows through the end of such sentence and inserting a period;

(4) in paragraph (1) of subsection (d), by striking '', except that'' and all that follows through the end of such paragraph and inserting a period;

(5) in subsection (e), by striking ''$0.02'' and inserting ''$0.009''; and

(6) by adding at the end the following new subsection:

''(i) PRO RATA APPLICATION.—The rates per $1,000,000 required by this section shall be applied pro rata to amounts and balances of less than $1,000,000.''.

SEC. 3. REVISION OF SECURITIES TRANSACTION FEE PROVISIONS; ADDITIONAL FEE REDUCTIONS.

(a) POOLING AND ALLOCATION OF COLLECTIONS.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended—

(1) in subsection (b)—

(A) by striking ''Every'' and inserting ''Subject to subsection (j), each''; and

(B) by striking the last sentence;

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking paragraphs (2) and (3);

(B) by striking the following:

''(d) OFF-EXCHANGE TRADES OF LAST-SALE-REPORTED SECURITIES.—

''(1) COVERED TRANSACTIONS.—Each national securities''

and inserting the following:

''(c) OFF-EXCHANGE TRADES OF EXCHANGE REGISTERED AND LAST-SALE-REPORTED SECURITIES.—Subject to subsection (j), each national securities'';

(C) by inserting ''registered on a national securities exchange or'' after ''narrow-based security index))'' (as added by section 2(2)); and

(D) by striking '', excluding any sales for which a fee is paid under subsection (c)'';

(4) in subsection (e), by striking ''except that for fiscal year 2007'' and all that follows through the end of such subsection and inserting the following: ''except that for fiscal year 2007 and each succeeding fiscal year such assessment shall be equal to $0.0042 for each such transaction.'';

(5) in subsection (f), by striking ''DATES FOR PAYMENT OF FEES.—The fees required'' and inserting ''DATES FOR PAYMENTS.—The fees and assessments required'';

(6) by redesignating subsections (e) through (i) (as added by section 2(5)) as subsections (d) through (h), respectively;

(7) by adding at the end the following new subsection:

''(i) DEPOSIT OF FEES.—

''(1) OFFSETTING COLLECTIONS.—Fees collected pursuant to subsections (b), (c), and (d) for any fiscal year—

''(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

''(B) except as provided in subsection (k), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

''(2) GENERAL REVENUES PROHIBITED.—No fees collected pursuant to subsections (b), (c), and (d) for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.''.

(b) ADDITIONAL REDUCTIONS OF FEES.—

(1) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended by adding after subsection (i) (as added by subsection (a)(7)) the following new subsections:

''(j) RECAPTURE OF PROJECTION WINDFALLS FOR FURTHER RATE REDUCTIONS.—

''(1) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for

such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including assessments collected under subsection (d)) that are equal to the target offsetting collection amount for such fiscal year.

''(2) MID-YEAR ADJUSTMENT.—For each of the fiscal years 2002 through 2011, the Commission shall determine, by March 1 of such fiscal year, whether, based on the actual aggregate dollar volume of sales during the first 5 months of such fiscal year, the baseline estimate of the aggregate dollar volume of sales used under paragraph (1) for such fiscal year (or $48,800,000,000,000 in the case of fiscal year 2002) is reasonably likely to be 10 percent (or more) greater or less than the actual aggregate dollar volume of sales for such fiscal year. If the Commission so determines, the Commission shall by order, no later than such March 1, adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the revised estimate of the aggregate dollar amount of sales for the remainder of such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including fees collected during such 5-month period and assessments collected under subsection (d)) that are equal to the target offsetting collection amount for such fiscal year. In making such revised estimate, the Commission shall, after consultation with the Congressional Budget Office and the Office of Management and Budget, use the same methodology required by subsection (l)(2).

''(3) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for all of such fiscal years to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this section in fiscal year 2012 (including assessments collected under subsection (d)) equal to the target offsetting collection amount for fiscal year 2011.

''(4) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (1), (2), or (3) and published under subsection (g) shall not be subject to judicial review. Subject to subsections (i)(1)(B) and (k)—

''(A) an adjusted rate prescribed under paragraph (1) shall take effect on the later of—

''(i) the first day of the fiscal year to which such rate applies; or

''(ii) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted;

''(B) an adjusted rate prescribed under paragraph (2) shall take effect on April 1 of the fiscal year to which such rate applies; and

''(C) an adjusted rate prescribed under paragraph (3) shall take effect on the later of—

''(i) the first day of fiscal year 2012; or

''(ii) 30 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

''(k) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect (as offsetting collections) the fees and assessments under subsections (b), (c), and (d) at the rate in effect during the preceding fiscal year, until 30 days after the date such a regular appropriation is enacted.

''(l) DEFINITIONS.—For purposes of this section:

''(1) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

''Fiscal year:	Target offsetting collection amount
2002	$732,000,000
2003	$849,000,000
2004	$1,028,000,000
2005	$1,220,000,000
2006	$1,435,000,000
2007	$881,000,000
2008	$892,000,000
2009	$1,023,000,000
2010	$1,161,000,000
2011	$1,321,000,000

''(2) BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—The baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, security futures products, and options on securities indexes (excluding a narrow-based security index)) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(2) CONFORMING AMENDMENT.—Section 31(g) of such Act (as redesignated by subsection (a)(6) of this section) is amended by inserting before the period at the end the following: ''not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such fees are based''.

SEC. 4. REDUCTION OF REGISTRATION FEES.

Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended by striking paragraphs (2) through (5) and inserting the following:

''(2) FEE PAYMENT REQUIRED.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee at a rate that shall be equal to $92 per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered, except that during fiscal year 2003 and any succeeding fiscal year such fee shall be adjusted pursuant to paragraph (5) or (6).

''(3) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

''(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

''(B) except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

''(4) GENERAL REVENUES PROHIBITED.—No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

''(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (2) for such fiscal year to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for such fiscal year, is reasonably likely to produce aggregate fee collections under this subsection that are equal to the target offsetting collection amount for such fiscal year.

''(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (2) for all of such fiscal years to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this subsection in fiscal year 2012 equal to the target offsetting collection amount for fiscal year 2011.

''(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than $1,000,000.

''(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (3)(B) and (9)—

''(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

''(i) the first day of the fiscal year to which such rate applies; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

''(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

''(i) the first day of fiscal year 2012; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

''(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

''(10) PUBLICATION.—The Commission shall publish in the Federal Register notices of the rate applicable under this subsection and under sections 13(e) and 14(g) for each fiscal year not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such rate is based.

''(11) DEFINITIONS.—For purposes of this subsection:

''(A) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

''Fiscal year:	Target offsetting collection amount
2002	$337,000,000
2003	$435,000,000
2004	$467,000,000
2005	$570,000,000
2006	$689,000,000
2007	$214,000,000
2008	$234,000,000
2009	$284,000,000
2010	$334,000,000
2011	$394,000,000

''(B) BASELINE ESTIMATE OF THE AGGREGATE MAXIMUM OFFERING PRICES.—The baseline estimate of the aggregate maximum offering

prices for any fiscal year is the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

SEC. 5. FEES FOR STOCK REPURCHASE STATEMENTS.

Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended

(1) in paragraph (3), by striking ''a fee of 1/50 of 1 per centum of the value of securities proposed to be purchased'' and inserting ''a fee at a rate that, subject to paragraphs (5) and (6), is equal to $92 per $1,000,000 of the value of securities proposed to be purchased'';

(2) by inserting after paragraph (3) the following new paragraphs:

''(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

''(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

''(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

''(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than $1,000,000.

''(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

''(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

''(i) the first day of the fiscal year to which such rate applies; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

''(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

''(i) the first day of fiscal year 2012; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

''(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

''(10) PUBLICATION.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.''.

SEC. 6. FEES FOR PROXY SOLICITATIONS AND STATEMENTS IN CORPORATE CONTROL TRANSACTIONS.

Section 14(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(3)) is amended—

(1) in paragraphs (1) and (3), by striking ''a fee of 1/50 of 1 per centum of'' each place it appears and inserting ''a fee at a rate that, subject to paragraphs (5) and (6), is equal to $92 per $1,000,000 of'';

(2) by redesignating paragraph (4) as paragraph (11); and

(3) by inserting after paragraph (3) the following new paragraphs:

''(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

''(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

''(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

''(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than $1,000,000.

''(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

''(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

''(i) the first day of the fiscal year to which such rate applies; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

''(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

''(i) the first day of fiscal year 2012; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

''(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

''(10) PUBLICATION.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.''.

SEC. 7. TRUST INDENTURE ACT FEE.

Section 307(b) of the Trust Indenture Act of 1939 (15 U.S.C. 77ggg(b)) is amended by striking ''Commission, but, in the case'' and all that follows and inserting ''Commission.''.

SEC. 8. COMPARABILITY PROVISIONS.

(a) COMMISSION DEMONSTRATION PROJECT.—Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

''Sec.
''4801. Nonapplicability of chapter 47.
''4802. Securities and Exchange Commission.

''§ 4801. Nonapplicability of chapter 47

''Chapter 47 shall not apply to this chapter.

''§ 4802. Securities and Exchange Commission

''(a) In this section, the term 'Commission' means the Securities and Exchange Commission.

''(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

''(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

''(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

''(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

''(f) This section shall be administered consistent with merit system principles.''.

(b) EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS.—To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section (including the amendments made by this section).

(c) IMPLEMENTATION PLAN AND REPORT.—

(1) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.

(B) INCLUSION IN ANNUAL PERFORMANCE PLAN AND REPORT.—The Securities and Exchange Commission shall include—

(i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and

(ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

(2) IMPLEMENTATION REPORT.—

(A) IN GENERAL.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) CONTENT.—The report under this paragraph shall include—

(i) evidence and supporting documentation justifying the plan; and

(ii) budgeting projections on costs and benefits resulting from the plan.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—

(A) The table of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following:

''48. Agency Personnel Demonstration Project ..... 4801.''.

(B) Section 3132(a)(1) of title 5, United States Code, is amended—

(i) in subparagraph (C), by striking ''or'' after the semicolon;

(ii) in subparagraph (D), by inserting ''or'' after the semicolon; and

(iii) by adding at the end the following:

''(E) the Securities and Exchange Commission;''.

(C) Section 5373(a) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking ''or'' after the semicolon;

(ii) in paragraph (3), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(4) section 4802.''.

(2) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) APPOINTMENT AND COMPENSATION.—The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

''(2) REPORTING OF INFORMATION.—In establishing and adjusting schedules of compensation and benefits for officers, attorneys, economists, examiners, and other employees of the Commission under applicable provisions of law, the Commission shall inform the heads of the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) and Congress of such compensation and benefits and shall seek to maintain comparability with such agencies regarding compensation and benefits.''.

(3) AMENDMENT TO FIRREA OF 1989.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by striking ''the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation''.

SEC. 9. STUDY OF THE EFFECT OF FEE REDUCTIONS.

(a) STUDY.—The Office of Economic Analysis of the Securities and Exchange Commission (hereinafter referred to as the ''Office'') shall conduct a study of the extent to which the benefits of reductions in fees effected as a result of this Act are passed on to investors.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Office shall—

(1) consider the various elements of the securities industry directly and indirectly benefitting from the fee reductions, including purchasers and sellers of securities, members of national securities exchanges, issuers, broker-dealers, underwriters, participants in investment companies, retirement programs, and others;

(2) consider the impact on different types of investors, such as individual equity holders, individual investment company shareholders, businesses, and other types of investors;

(3) include in the interpretation of the term ''investor'' shareholders of entities subject to the fee reductions; and

(4) consider the economic benefits to investors flowing from the fee reductions to include such factors as market efficiency, expansion of investment opportunities, and enhanced liquidity and capital formation.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Congress the report prepared by the Office on the findings of the study conducted under subsection (a).

SEC. 10. STUDY OF CONVERSION TO SELF-FUNDING.

(a) GAO STUDY REQUIRED.—The Comptroller General shall conduct a study of the impact, implications, and consequences of converting the Securities and Exchange Commission to a self-funded basis. Such study shall include analysis of the following issues:

(1) SEC OPERATIONS.—The impact of such conversion on the Commission's operations, including staff quality, recruitment, and retention.

(2) CONGRESSIONAL OVERSIGHT.—The implications for congressional oversight of the Commission, including whether imposing annual expenditure limitations would be beneficial to such oversight.

(3) FEES.—The likely consequences of the conversion on the rates, collection procedures, and predictability of fees collected by the Commission.

(4) APPROPRIATIONS.—The methods by which the conversion may be accomplished without reducing the availability of offsetting collections for appropriations.

(5) OTHER MATTERS.—Such other impacts, implications, and consequences as the Comptroller General may consider relevant to congressional consideration of the question of such conversion.

(b) SUBMISSION OF REPORT.—The Comptroller General shall submit to the Committees on Financial Services and Government Reform of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate a report on the study required by subsection (a) no later than 180 days after the date of enactment of this Act.

(c) DEFINITION.—For the purposes of this section, the term ''self-funded basis'' means that—

(1) an agency is authorized to deposit the receipts of its collections in the Treasury of the United States, or in a depository institution, but such deposits are not treated as Government funds or appropriated monies, and are available for the salaries and other expenses of the Commission and its employees without annual appropriation or apportionment; and

(2) the agency is authorized to employ and fix the salaries and other compensation of its officers and employees, and such salaries and other compensation are paid without regard to the provisions of other laws applicable to officers and employees of the United States.

SEC. 11. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this Act shall take effect on October 1, 2001.

(b) IMMEDIATE TRANSACTION FEE REDUCTIONS.—The amendments made by section 2 shall take effect on the later of—

(1) the first day of fiscal year 2002; or

(2) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted.

(c) ADDITIONAL EXCEPTIONS.—The authorities provided by section 6(b)(9) of the Securities Act of 1933 and sections 13(e)(9), 14(g)(9) and 31(k) of the Securities Exchange Act of 1934, as so designated by this Act, shall not apply until October 1, 2002.

H.R. 1088

OFFERED BY: MR. LAFALCE

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Fairness in Securities Transactions Act''.

(b) FINDINGS.—The Congress finds the following:

(1) The United States capital markets are recognized as the most liquid, efficient, and fair in the world.

(2) The Securities and Exchange Commission has been charged since 1934 with maintaining the integrity of the United States capital markets and with the protection of investors in those markets.

(3) The majority of American households have their savings invested in those securities markets.

(4) A lack of pay parity for the employees of the Securities and Exchange Commission with other United States financial regulators poses a serious threat to the ability of the Commission to recruit and retain the professional staff required to carry out its essential mission.

SEC. 2. IMMEDIATE FEE REDUCTION.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended by striking ''1/300 of one percent'' each place it appears and inserting ''1/500 of one percent''.

SEC. 3. REVISION OF SECURITIES TRANSACTION FEE PROVISIONS; ADDITIONAL FEE REDUCTIONS.

(a) POOLING AND ALLOCATION OF COLLECTIONS.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended—

(1) in subsection (b)—

(A) by striking ''Every'' and inserting ''Subject to subsection (i), each''; and

(B) by striking the last sentence;

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking paragraphs (2) and (3);

(B) by striking the following:

''(d) OFF-EXCHANGE TRADES OF LAST-SALE-REPORTED SECURITIES.—

''(1) COVERED TRANSACTIONS.—Each national securities''

and inserting the following:

''(c) OFF-EXCHANGE TRADES OF EXCHANGE REGISTERED AND LAST-SALE-REPORTED SECURITIES.—Subject to subsection (i), each national securities'';

(C) by inserting ''registered on a national securities exchange or'' after ''security futures products)'';

(D) by striking '', excluding any sales for which a fee is paid under subsection (c)'';

(4) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively;

(5) in subsection (e) (as redesignated by paragraph (4)), by striking ''(b), (c), and (d)'' and inserting ''(b) and (c)''; and

(6) by adding at the end the following new subsection:

''(h) DEPOSIT OF FEES.—

''(1) OFFSETTING COLLECTIONS.—Fees collected pursuant to subsections (b) and (c) for any fiscal year—

''(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, except that the amount so deposited and credited for fiscal years 2007 through 2011 shall not exceed the target offsetting collection amount for such fiscal year; and

''(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

''(2) GENERAL REVENUES.—Fees collected pursuant to subsections (b) and (c) for fiscal years 2007 through 2011 in excess of the amount deposited and credited as offsetting collections pursuant to paragraph (1) for such fiscal year shall be deposited and credited as general revenue of the Treasury. No fees collected pursuant to such subsections for fiscal years 2002 through 2006, fiscal year 2012, or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.''.

(b) ADDITIONAL REDUCTIONS OF FEES.—

(1) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended by adding after subsection (h) (as added by subsection (a)(6)) the following new subsections:

''(i) RECAPTURE OF PROJECTION WINDFALLS FOR FURTHER RATE REDUCTIONS.—

''(1) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section that are equal to the sum of—

''(A) the target offsetting collection amount for such fiscal year; and

''(B) the target general revenue amount for such fiscal year.

''(2) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for all of such fiscal years to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this section in fiscal year 2012 equal to the target offsetting collection amount for fiscal year 2011.

''(3) LIMITATION ON RATE ADJUSTMENT.—Notwithstanding paragraphs (1) and (2), no adjusted rate established under this subsection for any fiscal year shall exceed the rate that would otherwise be applicable under subsections (b) and (c) for such fiscal year.

''(4) REVIEW AND EFFECTIVE DATE.—An adjusted rate prescribed under paragraph (1) or (2) and published under subsection (g) shall not be subject to judicial review. Subject to subsections (h)(1)(B) and (j), an adjusted rate prescribed under paragraph (1) shall take effect on the first day of the fiscal year to which such rate applies and an adjusted rate prescribed under paragraph (2) shall take effect on the first day of fiscal year 2012.

''(j) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under subsections (b) and (c) at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

''(k) DEFINITIONS.—For purposes of this section:

''(1) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount is an amount equal to—

''(A) $976,000,000 for fiscal year 2002;

''(B) $1,132,000,000 for fiscal year 2003;

''(C) $1,370,000,000 for fiscal year 2004;

''(D) $1,627,000,000 for fiscal year 2005;

''(E) $1,913,000,000 for fiscal year 2006;

''(F) $1,110,000,000 for fiscal year 2007;

''(G) $1,144,000,000 for fiscal year 2008;

''(H) $1,327,000,000 for fiscal year 2009;

''(I) $1,523,000,000 for fiscal year 2010; and

''(J) $1,745,000,000 for fiscal year 2011.

''(2) TARGET GENERAL REVENUE AMOUNT.—The target general revenue amount is an amount equal to—

''(A) zero for each of the fiscal years 2002 through 2006;

''(B) $463,000,000 for fiscal year 2007;

''(C) $449,000,000 for fiscal year 2008;

''(D) $500,000,000 for fiscal year 2009;

''(E) $551,000,000 for fiscal year 2010; and

''(F) $614,000,000 for fiscal year 2011.

''(3) BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—The baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, and security futures products) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Congressional Budget Office in making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and as contained in the projection required to be made in March of the preceding fiscal year.''.

(2) CONFORMING AMENDMENT.—Section 31(g) of such Act is amended by inserting before the period at the end the following: ''not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies''.

SEC. 4. COMPARABILITY PROVISIONS.

(a) COMMISSION DEMONSTRATION PROJECT.—Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

''Sec.

''4801. Nonapplicability of chapter 47.

''4802. Securities and Exchange Commission.

''§ 4801. Nonapplicability of chapter 47.

''Chapter 47 shall not apply to this chapter.

''§ 4802. Securities and Exchange Commission

''(a) In this section, the term 'Commission' means the Securities and Exchange Commission.

''(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

''(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

''(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

''(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

''(f) This section shall be administered consistent with merit system principles.''.

(b) EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS.—To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section (including the amendments made by this section).

(c) IMPLEMENTATION PLAN AND REPORT.—

(1) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.

(B) INCLUSION IN ANNUAL PERFORMANCE PLAN AND REPORT.—The Securities and Exchange Commission shall include—

(i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and

(ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

(2) IMPLEMENTATION REPORT.—

(A) IN GENERAL.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) CONTENT.—The report under this paragraph shall include—

(i) evidence and supporting documentation justifying the plan; and

(ii) budgeting projections on costs and benefits resulting from the plan.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—

(A) The table of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following:

''48. Agency Personnel Demonstration Project ..... 4801.''.

(B) Section 3132(a)(1) of title 5, United States Code, is amended—

(i) in subparagraph (C), by striking ''or'' after the semicolon;

(ii) in subparagraph (D), by inserting ''or'' after the semicolon; and

(iii) by adding at the end the following:

''(E) the Securities and Exchange Commission;''.

(C) Section 5373(a) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking ''or'' after the semicolon;

(ii) in paragraph (3), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(4) section 4802.''.

(2) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) APPOINTMENT AND COMPENSATION.—The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

''(2) REPORTING OF INFORMATION.—In establishing and adjusting schedules of compensation and benefits for officers, attorneys, economists, examiners, and other employees of the Commission under applicable provisions of law, the Commission shall inform the heads of the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) and Congress of such compensation and benefits and shall seek to maintain comparability with such agencies regarding compensation and benefits.''.

(3) AMENDMENT TO FIRREA OF 1989.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by striking ''the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation''.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 2001.

H.R. 1157

OFFERED BY: MR. GILCHREST

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pacific Salmon Recovery Act''.

SEC. 2. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Commerce shall provide financial assistance in accordance with this Act to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration activities.

(b) ALLOCATION.—Of the amounts available to provide assistance under this section each fiscal year (after the application of section 3(g)), the Secretary—

(1) shall allocate 85 percent among qualified States, in equal amounts; and

(2) shall allocate 15 percent among qualified tribal governments, in amounts determined by the Secretary.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary shall promptly transfer—

(A) to a qualified State that has submitted a Conservation and Restoration Plan under section 3(a) amounts allocated to the qualified State under subsection (b)(1) of this section, unless the Secretary determines, within 30 days after the submittal of the plan to the Secretary, that the plan is inconsistent with the requirements of this Act; and

(B) to a qualified tribal government that has entered into a memorandum of understanding with the Secretary under section 3(b) amounts allocated to the qualified tribal government under subsection (b)(2) of this section.

(2) TRANSFERS TO QUALIFIED STATES.—The Secretary shall make the transfer under paragraph (1)(A)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) REALLOCATION.—

(1) AMOUNTS ALLOCATED TO QUALIFIED STATES.—Amounts that are allocated to a qualified State for a fiscal year shall be reallocated under subsection (b)(1) among the other qualified States, if—

(A) the qualified State has not submitted a plan in accordance with section 3(a) as of the end of the fiscal year; or

(B) the amounts remain unobligated at the end of the subsequent fiscal year.

(2) AMOUNTS ALLOCATED TO QUALIFIED TRIBAL GOVERNMENTS.—Amounts that are allocated to a qualified tribal government for a fiscal year shall be reallocated under subsection (b)(2) among the other qualified tribal governments, if the qualified tribal government has not entered into a memorandum of understanding with the Secretary in accordance with section 3(b) as of the end of the fiscal year.

SEC. 3. RECEIPT AND USE OF ASSISTANCE.

(a) QUALIFIED STATE SALMON CONSERVATION AND RESTORATION PLAN.—

(1) IN GENERAL.—To receive assistance under this Act, a qualified State shall develop and submit to the Secretary a Salmon Conservation and Salmon Habitat Restoration Plan.

(2) CONTENTS.—Each Salmon Conservation and Salmon Restoration Plan shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) except as provided in subparagraph (D), give priority to use of assistance under this section for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the qualified State;

(D) in the case of a plan submitted by a qualified State in which, as of the date of the enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs to conserve and enhance species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon-related research, data collection, and monitoring;

(II) salmon supplementation and enhancement;

(III) salmon habitat restoration;

(IV) increasing economic opportunities for salmon fishermen; and

(V) national and international cooperative habitat programs; and

(ii) provide for revision of the plan within one year after any date on which any salmon species that spawns in the qualified State is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation and recovery of salmon;

(H) require that the qualified State maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act; and

(I) ensure that activities funded under this Act are conducted in a manner in which, and in areas where, the State has determined that they will have long-term benefits.

(3) SOLICITATION OF COMMENTS.—In preparing a plan under this subsection a qualified State shall seek comments on the plan from local governments in the qualified State.

(b) TRIBAL MOU WITH SECRETARY.—

(1) IN GENERAL.—To receive assistance under this Act, a qualified tribal government shall enter into a memorandum of understanding with the Secretary regarding use of the assistance.

(2) CONTENTS.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) give priority to use of assistance under this Act for activities that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing,

under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the ordinances or regulations of the qualified tribal government;

(D) in the case of a memorandum of understanding entered into by a qualified tribal government for an area in which, as of the date of the enactment of this Act, there is no area at which a salmon species that is referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs described in subsection (a)(2)(D)(i);

(ii) include a requirement that the memorandum shall be revised within 1 year after any date on which any salmon species that spawns in the area is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) establish specific requirements for reporting to the Secretary by the qualified tribal government;

(H) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation or recovery of salmon; and

(I) require that the qualified tribal government maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act.

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Assistance under this Act may be used by a qualified State in accordance with a plan submitted by the State under subsection (a), or by a qualified tribal government in accordance with a memorandum of understanding entered into by the government under subsection (b), to carry out or make grants to carry out, among other activities, the following:

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multi-year grants.

(B) Salmon-related research, data collection, and monitoring, salmon supplementation and enhancement, and salmon habitat restoration.

(C) Maintenance and monitoring of projects completed with such assistance.

(D) Technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat.

(E) Other activities related to salmon conservation and salmon habitat restoration.

(2) USE FOR LOCAL AND REGIONAL PROJECTS.—Funds allocated to qualified States under this Act shall be used for local and regional projects.

(d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE OF JURISDICTION OF RECIPIENT.—Assistance under this section provided to a qualified State or qualified tribal government may be used for activities conducted outside the areas under its jurisdiction if the activity will provide conservation benefits to naturally produced salmon in streams of concern to the qualified State or qualified tribal government, respectively.

(e) COST SHARING BY QUALIFIED STATES.—

(1) IN GENERAL.—A qualified State shall match, in the aggregate, the amount of any financial assistance provided to the qualified State for a fiscal year under this Act, in the form of monetary contributions or in-kind contributions of services for projects carried out with such assistance. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) LIMITATION ON REQUIRING MATCHING FOR EACH PROJECT.—The Secretary may not require a qualified State to provide matching funds for each project carried out with assistance under this Act.

(3) TREATMENT OF MONETARY CONTRIBUTIONS.—For purposes of subsection (a)(2)(H), the amount of monetary contributions by a qualified State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(f) COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—Each qualified State and each qualified tribal government receiving assistance under this Act is encouraged to carefully coordinate salmon conservation activities of its agencies to eliminate duplicative and overlapping activities.

(2) CONSULTATION.—Each qualified State and qualified tribal government receiving assistance under this Act shall consult with the Secretary to ensure there is no duplication in projects funded under this Act.

(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

(1) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amount made available under this Act each fiscal year, not more than 1 percent may be used by the Secretary for administrative expenses incurred in carrying out this Act.

(2) STATE AND TRIBAL ADMINISTRATIVE EXPENSES.—Of the amount allocated under this Act to a qualified State or qualified tribal government each fiscal year, not more than 3 percent may be used by the qualified State or qualified tribal government, respectively, for administrative expenses incurred in carrying out this Act.

SEC. 4. PUBLIC PARTICIPATION.

(a) QUALIFIED STATE GOVERNMENTS.—Each qualified State seeking assistance under this Act shall establish a citizens advisory committee or provide another similar forum for local governments and the public to participate in obtaining and using the assistance.

(b) QUALIFIED TRIBAL GOVERNMENTS.—Each qualified tribal government receiving assistance under this Act shall hold public meetings to receive recommendations on the use of the assistance.

SEC. 5. CONSULTATION NOT REQUIRED.

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be required based solely on the provision of financial assistance under this Act.

SEC. 6. REPORTS.

(a) QUALIFIED STATES.—Each qualified State shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by the qualified State under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(a)(2).

(b) SECRETARY.—

(1) ANNUAL REPORT REGARDING QUALIFIED TRIBAL GOVERNMENTS.—The Secretary shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by qualified tribal governments under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(b)(2).

(2) BIANNUAL REPORT.—The Secretary shall, by not later than December 31 of the second year in which amounts are available to carry out this Act, and of every second year thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a biannual report on the use of funds allocated to qualified States under this Act. The report shall review programs funded by the States and evaluate the success of this Act in meeting the criteria listed in section 3(a)(2).

SEC. 7. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) QUALIFIED STATE.—The term ''qualified State'' means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) QUALIFIED TRIBAL GOVERNMENT.—The term ''qualified tribal government'' means—

(A) a tribal government of an Indian tribe in Washington, Oregon, California, or Idaho that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act; and

(B) a village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act.

(4) SALMON.—The term ''salmon'' means any naturally produced salmon or naturally produced trout of the following species:

(A) Coho salmon (oncorhynchus kisutch).

(B) Chinook salmon (oncorhynchus tshawytscha).

(C) Chum salmon (oncorhynchus keta).

(D) Pink salmon (oncorhynchus gorbuscha).

(E) Sockeye salmon (oncorhynchus nerka).

(F) Steelhead trout (oncorhynchus mykiss).

(G) Sea-run cutthroat trout (oncorhynchus clarki clarki).

(H) For purposes of application of this Act in Oregon—

(i) Lahontan cutthroat trout (oncorhnychus clarki henshawi); and

(ii) Bull trout (salvelinus confluentus).

(I) For purposes of application of this Act in Washington and Idaho, Bull trout (salvelinus confluentus).

(5) SECRETARY.—The term Secretary means the Secretary of Commerce.

SEC. 8. REPORT REGARDING TREATMENT OF INTERNATIONAL FISHERY COMMISSION PENSIONERS.

The President shall—

(1) determine the number of United States citizens who—

(A) served as employees of the International Pacific Salmon Fisheries Commission or the International North Pacific Fisheries Commission; and

(B) worked in Canada in the course of employment with that commission;

(2) calculate for each such employee the difference between—

(A) the value, in United States currency, of the annuity payments made and to be made (determined by an actuarial valuation) by or on behalf of each such commission to the employee; and

(B) the value, in Canadian currency, of such annuity payments; and

(3) by not later than September 1, 2001, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the determinations and calculations made under paragraphs (1) and (2).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $200,000,000 for each of the fiscal years 2002, 2003, and 2004 to carry out this Act. Funds appropriated under this section may remain until expended.

H.R. 1157

OFFERED BY: MS. HOOLEY OF OREGON

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: At the end of the bill add the following:

SEC. . REPORT ON EFFECTS ON PACIFIC SALMON STOCKS OF CERTAIN TIMBER HARVESTING IN CANADA.

The Secretary, in conjunction with other Federal agencies, shall by not later than December 31 of each year report to the Congress to the best of the ability of the Secretary regarding the effects on Pacific Salmon stocks of timber harvesting on publicly owned lands in British Columbia.

H.R. 1157

OFFERED BY: MR. OTTER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 3: Add at the end the following:

SEC. . SENSE OF THE CONGRESS REGARDING BIPARTISAN JULY 2000 GOALS.

It is the sense of the Congress that the Congress supports the bipartisan July 2000 goals, objectives, and recommendations of the Governors of Idaho, Montana, Oregon and Washington to protect and restore salmon and other aquatic species to sustainable and harvestable levels while meeting the requirements of the Endangered Species Act of 1973, the Clean Water Act, the Pacific Northwest Electric Power Planning and Conservation Act, tribal treaty rights, and executive orders and while taking into account the need to preserve a sound economy in Alaska, California, Idaho, Montana, Oregon, and Washington.

H.R. 2052

OFFERED BY: MR. BACHUS

AMENDMENT NO. 1: Insert the following after section 8 and redesignate the succeeding sections, and references thereto, accordingly:

SEC. 9. PROHIBITION ON TRADING IN U.S. CAPITAL MARKETS.

(a) PROHIBITION.—The President shall exercise the authorities he has under the International Emergency Economic Powers Act to prohibit any entity engaged in the development of oil or gas in Sudan—

(1) from raising capital in the United States; or

(2) from trading its securities (or depository receipts with respect to its securities) in any capital market in the United States.

(b) DEFINITION.—For purposes of this section, an entity is ''engaged in the development of oil or gas in Sudan'' if that entity is directly engaged in the exploration, production, transportation (by pipeline or otherwise), or refining of petroleum, natural gas, or petroleum products in Sudan.

SENATE—*Tuesday, June 12, 2001*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

God our Father, all Your attributes are summed up in Your goodness. It is the password for Your presence, the metonym for Your majesty, and the synonym for Your strength. Your goodness is generosity that You define. It is Your outrushing, unqualified love poured out in graciousness and compassion. You are good when circumstances seem bad. When we ask for Your help, Your goodness can bring what is best out of the most complicated problems.

Thank You for Your goodness given so lavishly to our Nation throughout our history. Today, again we turn to You for Your guidance for what is good for our country. Keep us grounded in Your sovereignty, rooted in Your commandments, and nurtured by the absolutes of Your truth and righteousness. May Your goodness always be the source of our Nation's greatness. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD 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.

RESERVATION OF LEADER TIME

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

SCHEDULE

Mr. REID. Mr. President, we will resume consideration of the education bill. Senators KENNEDY and GREGG will be the managers of the bill. First thing this morning we will consider Senator GREGG's amendment regarding vouchers. There is an agreed-upon 4 hours. The Senate will recess from 12:30 to 2:15 for the weekly party conferences. We expect to vote in relation to the Gregg amendment at approximately 3:15. On the disposition of the Gregg amendment, the Senate will consider the Carper amendment regarding public school choice under a 2-hour time agreement. We expect additional rollcall votes tonight and during the week.

I spoke to the majority leader a minute ago and he wants us to work tonight late. Everyone should understand this bill will be finished this week. It doesn't matter what the people do to try to slow things down. We hope that is not the case. We will work until this bill is completed, whether it is Thursday, Friday, Saturday, Sunday. If necessary, we will go through the weekend. This bill will be completed. This is the eighth week we have been on this bill.

I ask that the time on the Gregg amendment start right now.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1, 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.

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.

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.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

Reed amendment No. 431 (to amendment No. 358), to provide for greater parental involvement.

Dodd/Biden further modified amendment No. 459 (to amendment No. 358), to provide for the comparability of educational services available to elementary and secondary students within States.

Clinton modified amendment No. 516 (to amendment No. 358), to provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children and to establish the Healthy and High Performance Schools Program.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand the proponent of the amendment, Senator GREGG, will be here momentarily. I back up what our leaders have stated. We are interested in the completion of this legislation. We have been making progress in the disposition of amendments, but we have a number of our colleagues who have said they are not ready to call up their amendments. That might have been a reasonable comment a week ago or 4 weeks ago or 5 weeks ago, but it certainly is not now. We are going to move ahead. Regrettably, there are ways we can ultimately dispose of these amendments if we are put in that position.

What is completely unacceptable and completely unfair to our colleagues is the failure to bring these amendments up and to indicate to the floor managers a willingness to work through these amendments.

We are glad to have the votes when the votes are due. We are glad to debate amendments, discuss them, and accept them when we can. We are glad to cooperate in every way. We have received the strong direction from our leader saying we want disposition. This bill has been before the Senate for 8 weeks. Members have had an opportunity to study it, to read about it, to think about it, and work with their staffs. There is no further reason for delay. We will make every effort to dispose of the amendments in a timely way. We are prepared to work long and hard on these measures. We intend to accept the leader's challenge and complete the work this week.

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

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

Mr. REID. Mr. President, I ask unanimous consent the time that has been running against the amendment be charged equally against both sides. I am going to suggest the absence of a quorum and request the time be charged equally.

The PRESIDENT pro tempore. Is there objection?

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

There being no objection, that will be the order.

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. GREGG. I thank the Chair.

AMENDMENT NO. 536

The PRESIDENT pro tempore. Under the previous order, the Senator from New Hampshire, Mr. GREGG, is recognized to offer amendment No. 536, on which there will be 4 hours for debate.

Mr. GREGG. I ask that the clerk report my amendment.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. HUTCHINSON, proposes an amendment numbered 536.

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

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

(The text of the amendment printed in the RECORD of May 9, 2001, under ''Amendments Submitted''.)

The PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment has popularly been referred to as the choice amendment or the portability amendment. It is an amendment which is crucial to the issue of how we are going to approach education as we proceed as a nation. It is crucial for a lot of different reasons, but primarily it deals with a group of people in our country who have been left behind in our educational system. It doesn't deal with the wealthy. It doesn't deal with those of moderate income. It really deals with low-income people, most of them in urban schools, who find the school systems their children are put into are failing and that their children are being left behind.

The American dream, which is the essence of what makes our country such a vibrant nation, is tied to the ability to be an educated individual. You cannot participate in the American dream unless you are well educated, unless you can compete and participate in our society, and that requires a quality education.

So when you go through a school which does not teach, which is filled with violence or filled with drugs, when you know every day a child who goes to that school is falling further and further behind his or her peers in other schools because that school is not able to teach that child, then that child cannot participate in the American dream—you are denying that child the opportunity to participate in the American dream.

There are many attempts in this bill to correct the problem. There are many initiatives in this bill to try to make failing schools work better. Regrettably, they are not going to all work. There will continue to be schools that fail.

Today, in our system of education, literally thousands of schools across this country are defined as failing schools, and that means that thousands, tens of thousands, potentially millions of children, unfortunately, are in schools that are not educating them adequately.

So, one option that should be given to the parents of those children is to allow them, after their children have been in a failing school for a period of time and the school has not improved even though attempts have been made to improve it—to allow those children, and the parents of those children, to have other options, to go to schools where they will be able to learn, where they will be able to succeed, and where they will, therefore, be able to take advantage of the American dream.

This bill, hopefully, will include an expansion of what is known as public school choice. But there are a lot of communities in this country, regrettably, that have no public schools that are not failing to which kids can move. Therefore, the option of going to some other type of school, a private school, should be available to them.

In our society, if you have a fairly decent income, you can leave the public school system and go to a private school. A lot of people who have the income to accomplish it choose that option. The former President of the United States, for example, chose that option. But if you are a single mother, especially a single mother in an urban area, trying to raise your children on a low income, you do not have that option; you are stuck in that failing school. Your children are sentenced to that school even though the school is unable to accomplish what it is supposed to do, which is to teach your children.

This amendment is not going to fully address the issue. I wish it would, but it is not. This amendment is going to set up a demonstration program, and a very limited demonstration program, the purpose of which is to see if private school choice using Federal dollars can alleviate the problem to some degree, can allow some children today, who are not in schools that are teaching them, to go to schools that will teach them; to allow some children to have a chance at the American dream who do not have it today. Private school choice is used in a lot of public systems.

Remember, when you are talking private school choice, it sounds as if you are saying the public schools are left out of the process. In the public system, they use private school choices. Today, in the public system, the elected officials are responsible. They make the decision that children in the school system should have a choice between a public and private system. It is used in a lot of different communities. It is used in Milwaukee. It is used in Cleveland. It is used in Florida. It is used to some degree in Arizona.

The difficulty, of course, behind this is that these States and these communities have come to the conclusion that they will improve their public school system by allowing some of the children in their public school systems to have the option of going to a private school if the public school isn't working well.

This demonstration program is an attempt to follow the leadership that has been shown already by a lot of other public school districts across this country who have chosen to put in place a private school option as part of their public school education system, as I said, in a very limited proposal. In fact, I intend to modify it to make it even more limited as we go down the road. But, essentially, under the present structure, it will only be voluntary, and it will only apply to families who make less than $32,000 a year. This is not going to be a high-income option. It will only apply to families who make less than $32,000 a year and whose children are in school systems where the school has failed for 3 years. That means by definition, that child, if he or she is in the third grade, is already probably 3 years behind their peers in the school system that is working correctly.

It will also be limited as to the number of groups that can participate to 3 States in 10 school districts.

It is a very small demonstration program. It will be limited to $50 million, funds which come from outside the title I program.

It cannot be argued that the dollars to fund this demonstration program are in any way undermining the dollars available to the public school system. This will be a new pool of money available to fund the child who moves on to a private system because the school system isn't working correctly.

It will also have as a component that special consideration must be given for applications of students coming from the highest number of low-income families. It will really focus on those families who need it the most, who, in my opinion, happen to be in primary instances single moms trying to raise their kids mostly in inner-city schools.

Since the purpose of this amendment is a demonstration grant and a small one at that, it will have an extremely aggressive evaluation procedure so that we can find out whether or not private school choice under a public school system works.

Parents in our urban schools have been waiting for this type of reform for a long time. There has been a lot of rhetoric about it. About every 2 years, the superintendent of the District of Columbia school system changes. While the system of the superintendent changes, the school systems regrettably don't. We continue to see failure.

Today we have 9,000 schools across this country which are identified as failures—9,000 schools. Some have been identified as failures for 4 years, for 6 years, and for 8 years.

It is not unheard of, for example, for an entire public school district to be identified as failing. That is the case, for example, in Kansas City. Clearly the parents there, have no option. They cannot go from one public school to another public school, because all of the public schools in the districts have failed.

As a result of this failure, we have seen especially a debilitating impact on minority kids. We know, for example, that today two out of every three African-American students and Hispanic students in fourth grade can barely read. Seventy percent of the children in high-poverty schools score below even the most basic levels of reading, and half the students from urban school districts fail to graduate on time, if they graduate at all.

We need to give the parents of these children an additional option.

There is, I believe, great interest in this. You don't have to believe me. You don't have to take this as just a vague statement because there have been exercises in this area that have shown this, especially from low-income families.

The Children's Scholarship Fund, which was founded by Ted Forstmann and John Walton, created a private foundation to provide scholarships to low-income children who wanted the opportunity to go out of the public school system into a private school system. They received 1.25 million applications from poor families across the country. Unfortunately, they could only give out 40,000 scholarships. But in New York City, 29 percent of the poor families of school-age children applied. In the District of Columbia, 33 percent of families of poor children applied. In Baltimore, 44 percent of poor families with school-aged children applied.

Joseph Califano, in commenting on this, said:

> These parents sent a powerful message. They want out of schools that cannot protect their children's safety, let alone teach them. This tidal wave of applications from parents desperate to give their children an opportunity to receive a quality education must serve as a wake-up call . . . By quarantining poor—

That is probably the best way to describe it because that is what we do in our society—

> mostly minority children in schools affluent families would never tolerate, we do not preserve the institution of public education. We dishonor its guiding ideals.

Alveda King, the niece of Martin Luther King, in commenting on this, said:

> . . . some children receive a better education than others due to their parents' abilities to pay for benefits that are often missing in public schools. This inequity is a violation of the civil right of the parents and children who are so afflicted by lack of income and by the mismanagement endemic to so many of the country's public school systems.

Some would say if you take this option, you are going to undermine the public system because you are going to take kids out of the public system and put them into a private system. Of course, we really do not know what will happen because we have never tried it at the Federal level. But we do have examples of what has happened in public school systems in other communities that have tried to put in their State and local dollars.

We know, for example, that in places such as Charlotte and Milwaukee the public school systems have been perceived, at least by the local community, as improving significantly as a result of a private school choice.

A study, in fact, which was done by Harvard economist Caroline Hoxby, found the Milwaukee private school choice program pushed the city's public elementary schools to improve.

Quoting from the leadership in the Milwaukee public school system, Kenneth Johnson, vice president of the Milwaukee public school board of directors and an AFL–CIO member, said:

> Private school choice is one of the best things that ever happened to my city's public schools. . . . When choice came about, the Milwaukee Public School System had to rethink education. It's now a matter of seeing parents as customers.

Milwaukee public school superintendent Spence Korte said:

> Between choice and the general decline of live births, we're all feeling the pinch to make sure that people understand what our programs offer and, certainly that we're competitive.

In other words, the school systems are improving as a result of choice.

John Gardiner, an at-large member of the Milwaukee public school board of directors and a member of the NAACP and the ACLU, stated the following about the effects of choice on public schools in Milwaukee:

> My involvement in the MPS—as a member of the school board, as a parent and as an active and concerned citizen—has persuaded me that MPS's internal reforms require the sustained challenge and competition of the Milwaukee Parental Choice Program. The program puts effective pressure on MPS to expand, accelerate and improve reforms long deliberated and too-long postponed.

The simple fact is, we have seen in Milwaukee, which has tried public school/private school choice options aggressively, a significant improvement in the school system and a significant improvement in the quality of the education of the students, which is the basic goal.

In Florida the same situation can be cited. Florida has a statewide choice program where they rate the schools; and if you are in a school that is rated D or F, you have the opportunity to choose a private school option.

The Urban League of Miami found that the Florida voucher plan instilled in public schools a sense of urgency and zeal for reform not seen in the past, when a school's failure was rewarded only with more money that reinforced failure.

It is fairly obvious, I believe, first through just looking at the situation and in reviewing it, and from intuition, that if you create competition you usually improve a product.

The reason somebody chooses McDonald's over Burger King is because they think the product is better at one or the other. Regrettably, our public school systems have not ever had the competition necessary to improve the product.

The purpose of choice, of course, is not to undermine the public school system; it is just the opposite. It is to create an incentive for reform in the public school system which improves those systems. That is exactly what has been seen to happen in those areas of our country where choice has been given a reasonable opportunity to be tested, specifically in Milwaukee and Florida.

What about student achievement, which, of course, is the bottom line? The goal is to take these kids who have been locked in a failing school, who are reading at two or three grade levels behind their peers, who are not graduating, who, therefore, cannot participate in the American dream, and give them an opportunity.

Every major evaluation of school choice effectiveness has found significant academic gains for the students participating in those programs. Test scores in Milwaukee, Dayton, and Charlotte have all been reviewed by scholars from Harvard, Princeton, Stanford, Georgetown, and the University of Texas. In all those communities it has been determined that the kids who have been able to participate in the private school option have had their test scores go up. These, in all instances, have been kids from low-income families, urban poor in most instances, who before they had this option were left out of the American dream.

We have spent $120 billion in the last 35 years on title I, directed at trying to help low-income kids. The result of those expenditures has been that low-income kids are reading two grade levels below their peers and are graduating from high school at half the rate of their peers. There has been absolutely no academic improvement in those kids over this 35-year period. In the last 10 years, when we spent the

most amount of money, the academic improvement also has not increased at all.

There has been $120 billion spent to try to help kids who have come from low-income families, and we have left them behind. It is a disgrace. We have locked these children in schools where they cannot learn because there is violence, because there are drugs, and because the school system simply will not respond to the needs of those children.

What I am suggesting in this amendment is a small step—a two-tenths of 1 percent step compared to what we spend in the rest of title I in this bill—to be applied to a demonstration—$50 million—to see if we can determine whether or not the option of giving children a private school choice is going to improve their academic achievement. It is hardly a big expense in the context of what we have done, but if you look at it in the context of what the results have been in communities such as Milwaukee and Dayton and Charlotte and the State of Florida, the returns may be overwhelming.

This could be the best investment we make in this entire bill in terms of giving kids an opportunity to learn and participate in the American dream.

Are parents satisfied with this option? If you look at the States and the communities that have used this approach, parents are extraordinarily satisfied.

In Charlotte, nearly twice as many choice parents gave their children's school an A rating as did those parents whose kids went to public schools.

In Milwaukee, 72 percent of the parents with kids going to private schools gave their kids' school an A rating as compared to 16 percent for the public schools.

So the impact is significant. The parents see it and, most importantly, the children see it in their better chance to participate in America.

One of those images that stands out from when I was a kid watching TV—and I do not even remember the Governor's full name; I guess it was Faubus, from Arkansas—I remember the National Guard going up to the school. I must have been in the first grade or so or maybe I was in the third grade. The National Guard went up to the school door, and this elected official, who was the Governor of the State, was standing in the school door saying he was not going to let this child, who seemed to be a little bit older than me, about the age of my brother—I think it was a girl—in the school. I could not understand it. Of course, we learned this was wrong. And we changed our Nation because of it.

Today what we have are people standing in that school door not letting kids out, locking them in those schools which are not teaching them. And why? Why are they doing that? Because the bureaucracy and the labor unions fear the option of giving parents a choice. It is that simple.

This is not about education. This is about the power of political groups to influence the process. When you have lost generation after generation of kids to schools that are failing, when you have 9,000 schools in this country that are designated as failing, and those schools have failed for 4 and 5 and 6 and 8 years, and you know that every child who goes through that school is not going to have a chance to participate in the American dream, Miss King is right, a civil right is being denied—absolutely being denied to those children—simply because they do not have the wherewithal to get out of that school and get a decent education.

In this bill we attempt to improve those schools that have failed. We make a huge commitment in that area. But we know we are not going to be successful everywhere. We know that. We know that in some urban areas the schools simply are not going to cut it, and the kids who go to those schools are going to be left behind.

We have an obligation, I believe, to at least find out whether or not there isn't a better way, to first give that child an option to get a decent education and, second, to put real pressure on that public school system to improve.

We have seen it work in Milwaukee. We have seen it work in Charlotte. We have seen it work in Florida. And for a small amount of $50 million, we can see whether it can work here with the Federal Government, targeted solely on the child who comes from a low-income family and who is stuck in a school that has failed for 3 consistent years.

I can't see how this amendment can be opposed, other than on the grounds that it affronts the power politics of Washington, DC, which are structured around bureaucracies and labor unions that will at all costs defend their turf, even if that cost involves a child's education.

Mr. President, I yield to the Senator from Arkansas such time as he may consume.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I thank the Senator from New Hampshire, Mr. GREGG, for his leadership on this issue. He has outlined not only what this amendment is but what it would do and why it is so important.

It would enable 10 interested cities, 3 interested States, to provide low-income parents with the option to send their children to the public or private school of their choice. The Secretary of Education would award grant money to these interested cities and States based on their application.

Under the amendment, special consideration would be given to applications which sought to serve the highest number of children from low-income families and that provided parents with a diverse range of schools from which to choose. No money would be taken away from public schools for this program. Whether it is title I or IDEA, there would be a hold harmless. Nobody would be reduced. A pool of money of $50 million would be established in fiscal year 2002 to be used for this new program.

Only children who are eligible for free and reduced-price lunch, children from families at 185 percent of poverty or below, and who attend a school that has been identified as failing for 3 successive years would be eligible to receive educational certificates for tuition under this amendment.

There is also a strong evaluation component to this program. It requires the Secretary of Education to contract with an independent evaluating entity to conduct an ongoing evaluation of the program. For all the doubters out there, we would at least be able to provide the data, to provide the evidence one way or another on whether choice really benefits students and parents and, in fact, improves public schools.

The Center on Education Policy, an independent advocate for public schools, states in their report entitled ''School Vouchers: What We Know and Don't Know and How We Could Learn More,'' evaluation requirements are important to any public policy on school choice.

This little pittance of $50 million for the entire Nation could provide us the kind of database we need, the kind of evidence, the kind of analysis to allow public policymakers of the future to know. Senator GREGG and I may have the confidence—we may believe the evidence is there—but this demonstration program will provide the kind of evidence needed to convince policymakers, both at the State and Federal level, of the value of a choice program.

The idea of school choice is not at all new. It has been around for years. We currently have three high-profile school choice programs in Milwaukee, Cleveland, and Florida. There are a number of others around the country. They offer a money-back guarantee to parents of children in failing schools.

Taxpayers deserve to get results from funding that goes to public schools. After 35 years and $120 billion in Federal funding, it is time we hold schools accountable for enabling our children to reach high standards.

In my own thinking, as I have cosponsored this amendment and thought about the issue of what is the legitimate role of the Federal Government, do we have a role, I believe it must be very limited. I do believe, however, that a demonstration program that targets only low-income students—and that has been the basis upon which the Federal Government has involved itself

in a domain that has been historically left to State and local entities; we have said the Federal Government has a responsibility for disadvantaged students in trying to narrow the learning gap between advantaged and disadvantaged students—fits the proper Federal role. This amendment targets directly those who are disadvantaged. Only low-income students from low-income families would be able to access these education certificates.

In my own mind, I have outlined five reasons I believe this amendment should be passed. No. 1, it is totally voluntary and permissive. We are talking about 10 cities in 3 States. No one would be forced. There would be no compulsion. I know some of my colleagues from Western States do not support the idea of choice. They don't see that as advantageous in their particular situation. I understand that. I ask them—not for what it might do for their rural States in which there are few choices and in which schools are widely diverse and separated by many miles—to think, as they vote on the amendment, not about their States, because it will not affect them, but about those children trapped in failing schools in the inner cities of our country, to think about inner-city Philadelphia or inner-city Washington, DC, or Atlanta or Houston where the Secretary of Education understands the value of this kind of a program and has endorsed this very concept.

No one would be forced to be involved. There is no compulsion. There would be an independent entity to evaluate and determine whether or not this was a worthwhile approach.

A report prepared by the National Research Council and commissioned by the Clinton administration recommends that Government conduct ''a large and ambitious research experiment to determine whether school choice programs improve student performance.'' That was the recommendation of a study commissioned by the Clinton administration, issued in 1999, that said this is exactly the kind of large-scale experiment—if you can call $50 million nationwide large scale—to give us the answers to the questions posed concerning the value of a choice program.

I believe choice opponents, those who oppose the idea of allowing parents this kind of choice, should support this amendment. If in fact they are right, this will give them the data to put the stake, finally, in the idea of choice programs.

It is totally voluntary. It is entirely permissive. I hope my colleagues who have reservations about choice will support this amendment, realizing that no school district and no State would be required to participate. It is entirely permissive. Only those who are interested, only those who, on their own volition, decide they want to experiment, they want to try, they want to be a part of this demonstration program, will even be affected.

No. 2, I ask my colleagues to support this amendment because in fact it does target and benefit those for whom we have our greatest concern—low-income families. It would only be failing schools, those who have failed year after year after year. The certificates would only be for children who are eligible for free and reduced lunch.

We have a form of choice in this country right now. The choice, though, is limited to your ability to move to a new neighborhood. I am told that in Dallas, TX, there are about 158 local schools. Affluent families are limited in their choice of what elementary school to go to only by their ability to buy a home in that particular neighborhood.

Those who have the means to relocate—and it happens here in the Washington, DC, area. When people think about buying a home or a townhouse, they will investigate the neighborhood, the schools, the crime rate, and they will check out where the best schools are, which schools have the best teachers, which schools produce the best academic product. They will make their determination of where they want to locate, buy their townhouse, or build their home based upon the quality of the schools. They have their choice.

But those who have no choice are those who are trapped by a limited income and limited resources and cannot make the decision that their more affluent neighbors can make to move to a better neighborhood. Those low-income families are trapped. They have no choice.

My friends, we have a choice program in this country. The choice is whether we want to extend those choices to those today who are left out, who don't have the resources. This amendment targets only those who are in the title I category, those who are low income.

In August of 2000, Dr. Jay Greene issued a report entitled ''The Effective School Choice and Evaluation of the Charlotte Children Scholarship Fund.'' He released the results of that study on the Charlotte scholarship program. Among the study's findings, he found that school choice improved scores, pleased parents, provided a safer environment, reduced racial conflict, operated with less money, and offered smaller class sizes and helped low-income parents.

In early 2000, John Witt, a professor of the University of Wisconsin, Milwaukee, the official evaluator of the Milwaukee school choice program, released the results of that latest study. His prior reports, which often had been critical of the Milwaukee choice program and basically concluded they didn't work, most recently changed his conclusions and said the market approach to education and analysis of America's voucher program said that ''choice is a useful tool to aid low-income families.''

That is the reason I ask my colleagues to join in supporting this amendment because it is targeting only the most disadvantaged. The argument so often raised against vouchers is this is only going to benefit higher income people making the choice to go to private schools and this is going to make it easier for them to flee the public schools for the private schools. You cannot make that case under this amendment. It targets and it is limited only to failing schools and low-income families.

Low-income academic improvement has been undisputed in the choice programs in this country. In August of 2000, Harvard University professor Paul Peterson and his colleagues released the results of a study of a privately funded voucher program in New York, in Dayton, OH, and in the District of Columbia. They found that African-American children who used vouchers to attend private schools made significant academic improvements. Black students in their second year at a private school had improved their test scores by 6.3 percentile points—a striking advance at a time when schools around the country were showing an inability to close the achievement gap between white and African-American students.

If we are really concerned, as we insist we are, in increasing title I funding because of our concern about disadvantaged students, everyone who says that should support this amendment because it can only benefit those who are least advantaged today.

Another piece of evidence is that test scores of low-income children are consistently improving when they are placed in schools with middle-income children. For example, a congressionally mandated 4-year study of about 27,000 title I students found that poor students who attended middle-class schools performed significantly better than those who attended schools where at least half the children were eligible for subsidized lunch. The contrast was even greater with schools in which more than 75 percent of students lived in low-income households. I think that is very compelling; that this kind of a demonstration program, this kind of a choice opportunity is going to be particularly beneficial academically for low-income, disadvantaged students who now would be able to be shoulder to shoulder in a school that had higher income students—what we call middle and upper middle class students. The evidence is that when put in that classroom context, academic scores go up. I ask my colleagues to support this amendment because, in fact, it targets and benefits the most needy—low-income students.

Thirdly, it takes absolutely nothing from the public schools. No State will lose money. Not a State in this country would see their portion of Federal funding reduced because of this amendment. There would be no title I reductions; there would be no IDEA impact. All of the kinds of traditional arguments we hear against choice programs are taken off the table by this amendment. No school would lose money; no public school would be hurt. It would merely provide an opportunity—a small opportunity indeed—for $50 million statewide, 3 States, 10 cities—but it would begin to give us the evidence we need, and it would give hope to a few who would be able to participate in this demonstration program.

It answers the main concern that opponents have raised, and that is that it is taking money away from public schools. It will not do that. I think that is evidenced by the fact the Washington Post endorsed the Gregg amendment. Everybody—all my colleagues—has on their desk a copy of that endorsement. Their concern has been that these kinds of choice programs are going to take money away from the public schools or they are going to only benefit higher income people. This amendment addresses both of those concerns. That is why the Washington Post has endorsed this amendment, because it targets the low income and will have no negative impact on public schools.

Fourthly, I ask Senators to support this amendment because this whole concept is, in fact, immensely popular. It is supported by the vast majority of the American people—this kind of idea to give parents more choices and more opportunities.

For example, a congressionally mandated 4-year study of about 27,000 title I students—I made reference to that, but they showed great academic improvement. The popularity of this program is becoming increasingly beyond dispute.

In March 2001, the National Education Association released their findings from a recent survey in which a clear majority of the American people supported the President's proposal to allow parents of children in chronically failing schools to use public dollars to send their children to a public, private, or charter school of choice. In fact, 63 percent favored giving them tuition vouchers worth $1,500 a year, as the President originally proposed.

Frankly, I wish we had done what the President campaigned on and what he proposed doing, in taking part of that title I money, the Federal dollars, for low-income children, and in chronically failing schools that failed in 3 successive years, giving them the opportunity to take that money and use it in private schools, with tutors. That has been watered down, diluted, and basically removed. All that remains is supplemental services, not a voucher at all. I wish we had done that. The American people supported that. But we didn't and we are where we are. This is our opportunity to at least give it a try. It is supported and is very popular.

Senator GREGG cited the statistics during his opening comments that last year the Children's Scholarship Foundation, a private scholarship fund, offered 40,000 scholarships nationwide and had one and a quarter million applicants. Maybe that is the best evidence. Maybe that is the best evidence of the popularity of this approach. Those one and a quarter million applications were in spite of the fact that applicants had to match the scholarship with $1,000 of their own money. Low-income, poor families were willing to put up $1,000 in order to be able to participate, to have the choice that wealthier, higher income people have every day.

This is a popular concept. It is something we as a Senate, we as a Congress, should give a trial opportunity—or fail. We should not buckle under to the teachers unions and those who are wedded to the status quo. If we are concerned about leaving no child behind, this is an amendment that ought to get overwhelming support in the Senate.

I ask my colleagues to support this amendment because it fosters competition and innovation. I believe competition between private schools and public schools benefits all children in this country.

I have often used the analogy of our higher education in this country. We have, indisputably, the best higher educational system in the world. Travel the world; we find leaders in most of the countries of this world who have received part of their higher education in the United States. Foreign students flock to this country to receive the best in higher education. How did we achieve that? We created a system of Pell grants. One can take that Pell grant and go anywhere, any accredited institution: public, private, parochial or otherwise. That competition has enhanced the quality and the academic standing of all of our institutions of higher learning. It has fostered innovation and made our colleges and universities world class by all standards.

Then we look at elementary, look at high school, and see between 4th grade and 12th grade this steep decline in our competitiveness with other nations. The difference is, in higher education, there is choice; in elementary and secondary, there is no choice unless you are wealthy enough to take advantage, unless you have the resources. Then you have choice.

Why should we not give low-income parents the same opportunity, the same choices, the same chance to give their children the opportunity to live the American dream that their more affluent neighbors have? That is the heart, that is the crux of the Gregg amendment.

I believe, as we have seen in Milwaukee, public schools will improve and academic achievement for all students will improve. It is one of the interesting things about the Jay Greene study on the Florida A+ program. It was not just the students who were beneficiaries but the public school institutions that are the winners. He found when a public school failed for the second time and they began to have the threat that some of their students might depart and receive opportunity scholarships to go elsewhere hanging over them, suddenly those test scores began to increase. In fact, they increased twice as much as those test score achievements in other schools. So the schools of all stripes are the winners under a program such as this. That competition is healthy.

America today has, whether we admit it or not, a nationwide school choice system. It is a school choice system that is rationed, rationed educational opportunity, through the housing market—where you can afford to live. If you can afford to move out into the suburbs, if you can afford to go and pick your neighborhood where the good schools are, you have your choice.

We have a very class conscious choice system in this country. The Gregg amendment says shouldn't those who stand to gain the most, those who are the most disadvantaged, those who are in the lowest income homes, have some choices, too? They have been locked out of those choices. They have been trapped in failing schools. They don't have the opportunity to move away from their neighborhood. When given the chance, through private scholarships, limited as any are, the private scholarship students have taken those opportunities because they know what is at stake is the children's future.

That is why I ask my colleagues to consider this amendment—not just to write it off as a choice program that may or may not benefit your particular State, or to write it off and say, I have always said I oppose choice so I will vote against this without even examining what it does or who it targets, or to say, I don't want to take the heat I might receive from the National Education Association or other groups that are wedded to this system we have had for 35 years. If we believe our commitment and our responsibility as Federal public policymakers is to help low-income, help disadvantaged kids, then look at this amendment.

I remind my colleagues again, it takes nothing away from the public schools. It does not diminish by one dime the resources they have. It targets only the low income.

Let's give it a chance. Look at the data: $50 million, 3 States, 10 cities.

Let's give the most needy in our society the same choice the most affluent already have.

Mr. GREGG. I thank the Senator for his excellent statement and yield to the Senator from Tennessee 5 minutes.

Mr. FRIST. Mr. President, I will be brief. I rise in support of the Gregg amendment. The amendment is locally initiated, limited in scope, and voluntary. It is a pilot program. It takes nothing away from other educational funds. It involves a rigorous evaluation to monitor whether the pilot program is successful.

The power of this amendment is in how it addresses the underlying premise of leaving no child behind, the premise that no child should be locked in a failing school, a school that fails year after year after year. It gives parents the right to do what is best for their own children, giving them opportunities, giving them alternatives if their children are locked in a failing school.

Imagine a married couple making $30,000 a year. Their fourth grade daughter attends a school which fails to meet national standards. This school is failing to adequately education their daughter. The parents know their daughter's future depends on the education she receives from the school she attends.

The daughter graduates to the fifth grade, and again, things do not seem quite right. At the end of the year, by national standards, they find, once again, this school their daughter is attending has failed and has not improved. Again, they know their daughter's future depends on the quality of the education she receives in reading, math, and science. She goes on to the sixth grade.

At the end of the sixth grade, she is not progressing. In fact, she may be one of the 30 or 40 percent of the students who are proficient at only a very basic educational level. These parents have sent their daughter to a school which has failed to adequately education her for 3 years. As things now stand, these parents have no choice to improve their daughter's education. She is trapped in a school that is failing.

They only make $30,000. They watch, as some of their neighbors who earn a middle class or higher income leave the school district. Their neighbors have a choice because of their personal income. By moving, they say: we will not allow our children to continue in this failing school year after year after year because it destroys the opportunity for our children to experience the American dream we talked about this morning. But the parents of this daughter don't have that option. They can't afford to move. They only make $25,000 or $30,000. They have no choice. They are trapped. They are trapped.

This is the focus of the amendment at hand. For the first time, low income families—those who earn less than $32,000 a year—will have the opportunity to choose. They will be able to remove their children from a school which has failed for one, two, three years and place them in another educational facility so their children have the opportunity to realize that American dream.

This is why I believe so strongly in this pilot program proposed in the amendment put forth by the Senator from New Hampshire. This amendment gives parents a right to do what is best for their child. We have too many failing schools today. Nine thousand schools in our country have been identified as failing, and many of those schools have failed for 4 years and 6 years and 8 years. These are the sorts of school districts we hope to give this voluntary opportunity, this choice, this option for parents to do what is best for their child.

There is broad support on this issue, as the Senator from Arkansas has pointed out. Parents, especially low-income parents, broadly support school choice. The Children's Scholarship Fund is a nonprofit private foundation which provides K–12 scholarships for low-income families. When they put out their call for applications, over 1.25 million applications from around the country came from poor families. Right here in the District of Columbia, 33 percent of the families eligible for those scholarships applied.

A recent poll conducted for the National Education Association found that 63 percent of Americans support choice for children who attend failing schools. Support for choice is highest within the African-American community.

This amendment is good for public schools. Again, as pointed out, competition is a factor that we know produces quality products and services in America today. In order to improve our public schools, competition must enter the educational equation. This is one step in the right direction.

Second, this amendment is locally initiated. The application must be made at the local level. Washington must not force choice on a local community. This amendment simply opens the door for those who wish to participate in this pilot project. It empowers State and local education authorities to initiate this program.

Lastly, it is limited in scope. To qualify, families must meet two criteria: Families must earn less than $32,000 a year and must attend a school which has been failing for 3 years.

For these reasons, I urge support for and ultimately passage of this very important amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I thank the Senator from Tennessee.

I yield to the Senator from Alabama 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire for his leadership and dedication on this issue. He cares about children deeply. He cares about public education. He wants to see it more successful. This is not some sort of plan to weaken public education.

As I have listened to him discuss his vision for making sure children are not trapped in schools that are utterly failing and having their futures damaged, I have become convinced, as much as I believe in public education, that this is a project we ought to try. We ought to allow this opportunity for alternative ways, particularly in programs for low-income children in failing schools, and let's see how it works.

I think it is appropriate for the Federal Government to utilize money under these circumstances to help analyze, through very effective examination of these programs, whether or not they are working. If it is clearly a benefit, maybe we ought to do more. If it is not a benefit, maybe that will be the end of it.

I certainly think allowing 3 States that voluntarily choose to participate in this program, 10 cities that voluntarily choose to participate—not who are made to participate; it is their option if they would like to participate in this program—let's try it, but let's monitor it, let's watch it, let's see how it goes. I think we may find progress will be made.

We do know one thing for sure. There are nearly 9,000 schools in America that have been identified as failing, many of those for a number of years, some 4, 6, 8 years failing consistently. I think it is inconceivable—really immoral—not to take some steps to deal with that circumstance.

These children are falling behind in those schools. Those children have to be falling behind. They are not receiving the quality of education other children are receiving in succeeding schools. It is difficult for them. They come, many of them, from not an ideal home life, and then they are sent to a school system that is failing. No wonder they tend to have great difficulty.

What can we do for them? I was a U.S. attorney for a long time. A lot of people haven't thought about this very clearly, but the law requires them to go to that school. They do not have any choice whatsoever. If they live a few blocks over this way, they may be in a school that is quite successful, but because they are in this school district, they must, by law—all over America, that is the pattern—they must go to that school. They are ordered to go to that school. Many times they are being ordered year after year, week after week, day after day, to go to a school that is not functioning and is not succeeding.

There is something wrong about that. I know people, as the Senator from Arkansas said, who check out the school district, and they have the money to decide where they want to live, and they move to a district where they are comfortable. People know the schools that are working and the ones that are not. I think we can do better.

This is a voluntary program for only 3 States if 3 States apply, 10 cities if 10 cities apply, to let them try these programs under a strict evaluation process. I believe it can be helpful for America.

The moneys that will support this will not in any way come from existing programs. It will provide new money but not a whole lot of money to make this occur. It requires families be poorer families, not people who have the money themselves to perhaps take advantage of choice. No title I money will be spent. Rather, an additional $50 million will be made available to the handful of cities and States that choose to participate in this program. It provides additional resources to carry out this demonstration project that I believe will work.

The evaluation that will occur is going to be healthy. It is going to examine and measure student achievement in the alternative situation. It is going to measure parental involvement in education with parental involvement increased. It is going to evaluate the satisfaction of parents and all involved in the program. And it will evaluate the overall impact on the performance of the public school system. In other words, if it is damaging the public school system, we will find that out.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SESSIONS. I will just wrap up and say the Secretary of Education, Dr. Paige, tried it in Houston, a huge school system—I ask for 1 minute to wrap up—favors this idea.

Mr. KENNEDY. We have no objection.

Mr. GREGG. I yield the Senator 1 minute.

Mr. SESSIONS. He said in Houston it made them better. In the first year or two, they lost some students and people complained. He said: I supported it. If people could get a better education somewhere else, it was all right with me. I cared about those children. But—he said—do you know what happened? We improved our school system so much in Houston that as years went by they were coming from private schools to the public schools; the public schools grew at the expense of private schools because we got better. He said there is no way a private school can succeed and beat a public school in the long term, if it is run right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will yield myself 30 minutes. I would like to be reminded when I use 25.

H.L. Mencken said at one time that for every complex problem, there is a simple easy answer, and it is wrong. That is what we have here, a simple, easy answer to all the problems we are facing in our troubled schools across this country, and it is basically and fundamentally wrong; it does not work.

I will take the time to illustrate the flawed nature of this amendment, and those Members with further interest are welcome to contact our office, and we will provide a more detailed account of the state of education in each of the cities that host voucher programs. These programs have not worked. Vouchers do not work. Furthermore, this is not really a debate about true ''choice'' because, under this amendment, parents would not exercise a choice. Schools would exercise a choice.

It is not a parent, it is not a 30-year-old mother with a single child who makes a decision to go to a private school. That is malarkey. That does not exist. Under this amendment, the decision is made by the school.

I have listened to speeches time and time again state that approximately $130 billion has been expended on title I, but we haven't seen increased academic achievement among the nation's students in need. Meanwhile, America spends nearly $400 billion annually on elementary and secondary education. Those skeptical of increasing funding for education cite $130 billion over 20 years or 30 years. The real reason we have poor schools and low student achievement is that we have not yet stepped up to the plate. Federal dollars provide only 7 cents of every dollar spent on education in this country. The remainder of the responsibility rests with States and local communities. It is the responsibility of States and local communities to provide local schools with the help that they need to succeed. We are trying to address this issue at the federal level, but cannot do it alone. I think we have a good bill that can make a difference if it is adequately funded.

With all respect to my colleagues, they have spoken about about leaving no children behind, yet they leave two-thirds of the children behind with the funding currently provided for Title I. In the past, we have shed crocodile tears all over the Senate floor about leaving children behind. They are already being left behind, and that is wrong. As the allocations of current funds demonstrate, and under the current budget proposed by the President, 3.7 million children will be provided funding. Under the Dodd-Collins amendment, we have proposed funding for 5.7 million children, building up to full funding. That amendment has now been accepted to this bill.

Along with an oratory on leaving no child behind, let's also ensure that we truly do not leave children behind. Let's commit to securing the funds so that no children are left behind. And with that, we really need to dismiss this voucher argument. If we really are interested in no child being left behind, then let's make sure that we aren't going to leave them behind.

My friends and colleagues again provide the same talking points on failing schools. They are good talking points. But they are only good. They are not terribly good. We currently have approximately 10,000 schools. It would cost $1.8 billion to turn these schools into high-performing schools. But are those funds in the budget? Are those funds requested by the President? No. If we are serious about turning those schools around, we know how to do it. It takes reforms and it takes investment. We are on the road to success with the reforms, but we have not yet seen the investment.

Supporters of this amendment also claim that the $50 million to fund this program will not come from Title I. If not from Title I, then from where? This investment in vouchers has been portrayed as an investment that would not siphon funds in the federal budget away from education. Where in the world is this magic $50 million coming from? I don't know where it is. It is out here. They keep referring to it. I think we ought to take that magical pot with a never-ending fountain, invest it, and try to do something that is going to make a difference; that is, address the problems of failing schools. That is what we ought to be doing. But that is not the proposal here. This $50 million is, of course, money that could otherwise be spent in terms of helping and assisting schools. Under this amendment, schools in need of assistance would lose.

First of all, all of us understand the importance of the public school system and what a difference it has made in the hopes and dreams of families all over this country. I went to private school. I have a grandchild going to a public school, and nieces and nephews who go to public schools. Most of them are going to private schools. But I was able to go to a public school with good teachers. I was able to go to a school that had a curriculum that was a good curriculum. I was able to benefit from those.

We are trying to say let's try to do what we know works, and do that for children all over this country. We know what works in education. But vouchers don't. I will come to that. We know what works.

We have invested in what works—not completely the way I would like. But it isn't completely the way that I know my friend, Senator GREGG, would like, or that President Bush would like. It is a compromise. But it is one that we

can defend, if it is funded and invested in, because we are going to make sure that we are going to get better trained teachers and have opportunities to have smaller class sizes. And there are going to be evaluations on that.

I don't know how many times I have listened to my friends and colleagues over here talk about why this is different. You know why this is different. It is because in the old days, we just provided the resources but we didn't have the accountability. In the old days, we provided funds to States to use to build swimming pools and purchase football uniforms. States did not target funds to the neediest children with block grants.

We will continue to provide funding for our neediest children, but we are going to have accountability. That is the President's proposal, and that is our proposal. He wants annual assessments in the third grade and the eighth grade. Those assessments will help States measure progress. If schools don't measure up with annual yearly progress, States will take action. They will provide the resources to reform schools, and reconstitute them if necessary.

Hello. Not with the schools to which Mr. GREGG wants to permit these children to go. No, no. There is no guarantee in this amendment with that plea about that matter. I want to talk to that matter. If that matter happens to be limited English speaking, forget about going to these schools. Do you understand that? Forget about it. They do not have to take your child. And they don't, more often than not. If your child has a disability, forget about going because they do not have to take your child. IDEA doesn't apply to this. There is reference in here that IDEA applies. But it doesn't apply to private schools. If they are disabled, forget about going. If they have a disability, forget about bringing your child in. If you are a homeless or migrant student, you will not be guaranteed services. You have no guarantee. Forget about going to that school.

Do you get the picture?

It is very interesting. According to a 1998 survey conducted in conjunction with a Department of Education study on public school students and private schools, private schools indicated that, if they were required to accept public school students—look at this: Randomly assigned. What about saying there are a lot of children in that school, and all of them want to go to a particular school. Let's take randomly assigned students who go to a public school and later to a private school. Entrants decline by one-half. And 68 percent of private schools indicated that they would be unwilling to accept students with learning disabilities. 68 percent would be unwilling to accept students with limited English proficiency.

Under this condition, the percentage of schools that would definitely be willing to participate declines from 77 to 36 percent.

Hello. This great experiment in democracy of making sure that every child is going to have this choice and not have the needy schools that are failing on that, basically it is going to be a decision for private schools to make a judgment with regard to who they want, and make a conscious selection.

The idea that this is going to open doors for parents whose children are in failing schools as a way out raises a false hope, and it is one that should be rejected.

We are strongly committed to trying to do something about it. I know the Senator from New Hampshire is strongly committed. We know what has to be done. We are going to ensure that, with real accountability, schools will take steps to make sure they make annual, yearly progress, even based upon the existing tests in the old 1994 act which States already have in place. Schools will constantly have to make progress.

There is going to be a range of supplementary services available to children. They are going to have additional options to go to public schools if they need to. There will be afterschool programs available to them. There will be summer programs available to them.

As we accepted last night, there will be funding for creative summer programs which we have seen work in Boston last year. In those programs, they tied employment to reading. And children in that program, after 6 weeks of employment, increased their reading scores by 1.7 years. That is real progress taking place. We are strongly committed to that. But we want to provide that for all the children.

That is our commitment—high achievement for all children. Of course all of these parents who are faced with the prospect that their children will not make progress in the schools, if someone offers them a phony lifeline and says this is going to answer your problem, everybody is going to vote for that particular kind of opportunity. But that isn't being true to the complete picture.

We are trying to say we know what works. We are going to invest in these programs. We are going to move all of these children along together because we are one nation with one history and one destiny. We are all going to move along together.

That is what this commitment ought to be—not just to try to find some way that perhaps that one child or two children can move on. Good for them. But we want everyone to move along together. That is what our commitment is.

Private schools are not required to have assessments in their programs in the manner that the President has talked about. They are able to be selective about who will attend their schools. We are considering a proposal to divert scarce resources away from the nation's public school systems, where 90 percent of America's children receive an education.

If we find that the children going to the private schools today would like to go to the public schools, do you know what percent could go? Four percent. Of all of them, 4 percent could go to private schools. So what are we saying out there? Are we going to have an experiment that is going to be out there, and only 4 percent can go? This makes no sense.

Now let's get back to the facts about whether there are any meaningful, positive results from these experiments, in the first place, where they have been tried.

The first 5 years of the Milwaukee voucher program showed no achievement differences between voucher students and comparable students. That is from the University of Wisconsin at Madison report, their 5-year report. It is the Witte study.

Followup studies found that voucher students made no gains in reading and only small gains in math. In fact, low-income students in Milwaukee public schools that reduced class size outperformed voucher students in reading and did as well as voucher students in math. That is the Princeton study.

Cecilia Rouse, 1998, a State-sponsored independent evaluation of the first year of Cleveland's voucher program, conducted by researchers in Indiana—not up at Harvard, not at Yale, not at Princeton; in Indiana—found no significant achievement difference in all subjects between voucher students and comparable public school students. In the second year there were no achievement differences, except a slight advantage for voucher students in languages.

The recent Jay Greene study on the effects of vouchers in Florida is also in serious question. Many researchers found that the Florida vouchers did not enhance reform in public schools, other factors did. Some researchers did suggest that the threat of vouchers for students failing public schools caused math and writing gains among Florida's lowest performing public schools to increase. But Greene's research overestimates the effect of being designated a failing school and offers no evidence that the higher estimate test score gains by failing schools should be attributed to the threat of vouchers.

What else? We could go down the list. I have the studies for virtually all of the voucher programs here. We can take some time and go through this. Later perhaps, in the afternoon, we will have an opportunity to go through them. I will include in the RECORD the analysis of the cities that have been mentioned in this debate, and others,

in a very limited way, and ask they be printed in the RECORD so as to demonstrate that.

On the contrary, where have we seen the most progress made? Have we seen the most progress made in any State which has had vouchers? No. The most progress that has been made is in the State of North Carolina. In the State of North Carolina, public school reforms have been similar to those in Florida and have been initiated without vouchers, and student achievements have risen. The results are further reason to doubt the effectiveness of vouchers in public school reform.

The achievements in North Carolina have been notable. Every review, every evaluation, every examination, and every study finds unequivocally that North Carolina has made this significant and dramatic progress.

Here are the Rand studies. The Rand studies show that the gains in Texas and/or North Carolina, in both reading and math, were much higher than the average State gains and close to that of the State with the highest gains. If we were to average the gains across the States, North Carolina and Texas show the highest average gain among all the States. Do they have vouchers? No.

Here are the two States that are doing, what? In the bill we are investing in well-trained teachers, professional development, smaller class sizes, safer schools, afterschool programs, working with schools that are in trouble, as North Carolina does, in terms of closing down effectively the schools and putting them under new leadership, and bringing around new curriculum with new evaluations to benefit the children, having summer school programs—all of those that are out there—and having early reading programs, which is one of the areas Governor Hunt was so concerned with and is shown to be so important and successful, and a program included in this legislation providing for early reading programs.

I wish we could expand that. It is $75 million. That ought to be expanded for a nation when we know what is happening. Why are we talking, on the one hand, vouchers, for which there is virtually no evidence—we can stand around here all day and talk about the different tests, but the fact is, when you take the review of States that have made meaningful progress in terms of advancing academic achievement, they are not relying on vouchers, they are relying on the kinds of things we have in this legislation.

I find this proposal enormously troublesome for other reasons as well. If you look at the ''eligible entity'':

> The term ''eligible entity'' means a public agency, institution, or organization, such as a State—

This does not say it is going to go through the local superintendent of schools—

> a State or local educational agency, a county or municipal agency, a consortium of public agencies, or a consortium of public agencies and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary. . . .

I do not quite understand this, in any event, because I wonder if in Boston the superintendent and the mayor say, ''We don't want it,'' and then they are able to go out and the Secretary gets some other public agency. It appears to me they would be eligible to develop a voucher system in a community. I would have thought at least they would want the superintendent of schools to say that, to give them the authority and the responsibility.

I think we ought to get back to the fundamentals. We know what works. And we know what works is investing and taking advantage of the kinds of things that have happened in this country over the period of these recent years, and building on those. We know what a difference that can make in terms of the children of this country and having well-trained teachers in the classroom, having the smaller class sizes, having a well-thought-out curriculum, having evaluations of the progress children are making with well-thought-out examinations and tests—not tests that are just a mechanical rote of knowledge, but also a thinking process for these children—helping and assisting with supplementary services, summer programs, afterschool programs, doing all of that.

There are schools that are not going to measure up. We are taking the kinds of items that are included in this bill, in terms of over a period of years, and putting the emphasis and stress on math and reading. They have the high priorities in the bill. This is what works. If we adopted this amendment, we would be drawing down scarce resources that would otherwise be used—make no mistake about it—to benefit all of the children. If we took those resources out and used them on a program that is largely discriminatory—because it does not give the guarantee of choice to the child or to the parent. It still makes the choice in the school's interest, not the child's interest. It does not provide for how that child is going to be evaluated. It completely is exempt from all the kinds of evaluation this President has talked about. How can you have that?

He talks about having evaluations and making sure children are going to learn and insists they have the annual test. And on the other hand he says, if you go to a private school, you don't have to do any of that.

What is happening here? What possible sense does that make? And he leaves it up to the school to make the judgment and decision, and without giving the protection to many of the children whether they are disabled children, limited-English children, other children with any kind of special needs. I think that is a failure.

Let us take the resources we have available and invest them in our children, invest in their future, invest in what we know can work, invest in this new partnership we will have with the Federal Government, the States, and local communities; the new partnership we are going to have involving parents, teachers, and the local communities. I think that is what we ought to be about.

Finally, I think on the whole issue on the vouchers, obviously, there are constitutional issues. I know in the remaining time that I have—I will not take the time to go through it, but there are serious constitutional issues as well.

But I strongly oppose this amendment just on the basis of the policy questions. These programs have not demonstrated effectiveness. The public, by and large, has rejected these issues time and again, across this country, and more than 80 percent in the District of Columbia. I know there is a potential voucher amendment for the District of Columbia.

This has been rejected across the country. When people know we are going to be serious about making a difference in investing in children and in the kinds of educational programs that are positive and will result in academic achievement and accomplishment, when we do that, the American people understand the importance of that type of investment. That is what this bill is about to do.

Its great failure to date is the fact that we have not received the kinds of assurances from the administration that they are going to make sure the benefits of this legislation are going to reach all of the children.

Mr. President, I see my colleague and friend from Michigan is here. I yield 5 minutes to the Senator.

The PRESIDING OFFICER (Mr. Edwards). The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend and colleague from Massachusetts who has been such a stalwart in advocating for our children throughout the process as it relates to this education bill. There has been give and take and working together in a bipartisan basis to formulate a bill that will focus on increasing accountability, goals for our children, but also resources. Many of us have been saying over and over again how the resources have to be coupled with the accountability so that every child has the opportunity to learn and we truly leave no child behind.

I rise in opposition to this amendment related to private school vouchers and speak on behalf of the people of Michigan who voted in the election last November resoundingly against a similar proposal that was on the ballot in Michigan. There was a lot of thoughtful discussion on both sides. The public resoundingly said no and focused on

what I believe to be a very wise course, which is to focus on making sure that every child in every school has the opportunity to learn and that we strengthen our public schools.

I have great respect for friends and colleagues who choose to send their children to private schools. We also know that even if 10 percent of the children in our public schools went to private schools through vouchers, we would still be faced with needing 5,000 new schools in the next number of years and doubling the number of schools in the 10 largest school systems in America, at a cost of $40 billion. Those costs don't go away. The needs don't go away. If a few children leave, you still have the majority there who need to have technology in the classroom, who need to have smaller class sizes so they can learn.

What we have found is that the voucher system pulls resources away but, in fact, does not improve education for all children.

I remember when we were debating a few years ago—maybe 3 years ago—the D.C. schools. We had, literally, roofs falling in. One fall, as school was getting ready to start, there was a proposal that, as the roof was falling in, we ought to have vouchers for 2,000 children out of 78,000 children in the Washington, DC, schools—that 2,000 ought to be able to have vouchers. There was a big debate about the 2,000 children and not a debate about the 78,000 children who still would be in schools that had broken roofs, schools that would have wastepaper baskets in the corner catching the water. The resources that were being debated to be pulled out for vouchers would not allow fixing of the roofs. It didn't make any sense.

In the end, we were fortunate that proposal did not pass at that time.

What we know is that over 90 percent of our children attend schools potentially facing budget cuts, potentially facing challenges relating to resources. We also know that we want every school to increase accountability. We want to make sure that if a public school is not working, the school system has the capacity to shut it down, to change personnel, to do the things necessary to increase accountability.

I believe strongly that needs to be done within the context of our public schools so that every child has the opportunity for people to be fighting for the best quality possible for them and not just diverting a few children away from that system while the rest are in schools that are not up to standards.

This is an incredibly important issue that we need to send a strong message, through a ''no'' vote on the amendment, that we support strengthening our public school system for every child. We have schools now doing wonderful work. We have schools now that are in trouble. We need to make sure that through what we are doing federally, we are recognizing and applauding and saluting our quality public schools and that we are providing the resources and the accountability which our children deserve and our families deserve, to make sure that no matter what door you walk through in what public school, in which neighborhood in the United States of America, you know that your child is going to receive the very best quality education.

That is what this fight is all about. I believe this amendment takes us in the wrong direction. I hope colleagues on both sides of the aisle will vote no and we will get back to the business of strengthening our public schools through this important legislation.

Mr. KENNEDY. Mr. President, for 1 minute, on North Carolina, a recent Rand Corporation report found that between 1990 and 1996, students showed the highest average annual gain in the National Assessment of Education Progress, the NAEP, reading and math tests. Those are national tests. SAT scores have risen 10 years in a row. The scores have improved more than any other State—a 40-point gain between 1990 and 2000, 10 points higher than the three other States with big gains.

Most recently, the States average SAT moved up as well between 1999 and the year 2000. This is a State that is doing it right. We tried to benefit from their experience.

The Senator from North Carolina, who is now presiding, was a particular help to our committee in sharing the experiences of North Carolina and ensuring that many of those very important aspects that have been successful in North Carolina would be available to benefit local communities in this legislation. That is the kind of thing we ought to be investing in so that all children will benefit.

I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am here today because I strongly believe that Senator GREGG's voucher amendment moves this country and our public schools in the wrong direction.

All of us stand for equal opportunity for all children. This amendment might open doors to a few children, but it would shut them for many others. In the Senate, we are fighting to improve our public schools with resources. This amendment uses public funds to send a few students to private schools rather than investing in schools that serve all of our children.

We need to think about the consequences of this voucher amendment. In the bill before us, we are insisting on accountability for the use of Federal funds. This voucher program would funnel taxpayer dollars into schools that are not accountable to the public at all.

Beyond lack of accountability, let's remember that private schools don't even have to meet the same academic standards required for all public schools. Not all private schools are created equal. There are a lot of good ones, but there are some with lower quality and lower standards, and our tax dollars would go to them as well with no accountability.

Private schools are important. I am not here to speak against private schools. I am here to speak against an amendment that would damage public schools.

Mr. President, I want to talk about the four simple reasons I oppose this amendment. Vouchers undermine our public schools; vouchers leave children behind; vouchers mean less accountability; and vouchers are a distraction from the hard but essential work of ensuring that all public schools are good schools.

Our public schools are the cornerstone of our democracy, our communities, and our economy. They are entrusted with giving more than 90 percent of our children the education they need to be productive citizens. Vouchers would weaken public schools by diverting already scarce funds needed for smaller classes, afterschool programs, better facilities, and teacher training, to pay for private school tuition for a few select children—which really leads to the second reason I cannot support any voucher scheme.

Private schools may reject students for almost any reason, including disability, limited English proficiency, behavioral challenges, or academic deficiencies. Despite the rhetoric of this amendment, vouchers do not offer true choice for students. While parents may remove children from public schools, no voucher system guarantees admission to the school of their choice. Private schools will still choose which students they will admit.

While vouchers drain money from public schools to help a few students, other students are left at a public school with fewer resources. That will not help our kids succeed. In fact, it will probably lower the quality of education for the most challenged students, effectively leaving them behind.

Proponents of the underlying bill, including the author of this amendment, have said that accountability provisions are the key to not leaving students behind.

Well, Mr. President, my third objection is that this amendment would make these accountability provisions meaningless for thousands of students. This bill requires that the results of new reading and math testing in grades 3–8 be used to judge the quality of all public schools, and it sanctions schools that fail to make adequate yearly progress. But those accountability provisions and testing do not apply to private schools that benefit from vouchers.

If this accountability is truly essential to ensuring a good education, should it not apply to all schools that receive Federal funds?

Under this voucher plan, participating private schools do not have to give the same tests. They do not have to make adequate yearly progress. And they cannot be sanctioned. Public schools must comply with all Federal, State, and local civil rights, and health and safety requirements.

This voucher proposal doesn't even require participating private schools to protect the civil rights of school employees, or to maintain the separation of church and state.

Mr. President, I cannot support spending taxpayer dollars on schools with no public accountability.

Finally, vouchers drain away the resources and attention that should be focused on turning around low-performing schools. Vouchers offer an excuse to those who are unwilling to make the necessary investment or to roll up their sleeves and get involved in the hard work of leading a struggling public school into success.

Turning around low-performing schools is not magic. Hard-working people all across the country are doing it every single day.

Mr. KENNEDY. Will the Senator yield for a question?

Mrs. MURRAY. I am happy to yield.

Mr. KENNEDY. The Senator just made a comment that I think is particularly pertinent to this discussion on the question of accountability. Here in the legislation that we have before us—as we have debated over the past 7 or 8 weeks, much of that debate has been on accountability. But could the Senator indicate what her position is with regard to accountability for the schools where the children might be able to gain entry if they take these vouchers—what kind of accountability will be in place there? Are those schools included in this same kind of rigorous accountability, or will we be investing money in schools and not really know their impact on our children's future?

Mrs. MURRAY. Mr. President, it is very clear that as we have listened to this debate in the Senate, Senators on both sides of the aisle believe that the key to the success of the Elementary and Secondary Education Act is accountability, and a part of that is testing. The voucher system would mean that students could take public taxpayer dollars to a private school that has no testing requirements similar to the public schools, has no accountability, requires no accountability, and thus we are just sending taxpayer dollars to private schools that don't live by the same rules.

Mr. KENNEDY. If the Senator will yield further, part of the very, I think, strong presentation that the President has made is that he wants to ensure that tests are not used in a punitive way, but as instruments to gauge student progress and inform instruction. I think the Senator was there when we listened to Secretary Paige—he emphasized the importance of finding out what children don't know so there can be assistance provided to children to help them succeed. I have some enormously interesting examples. In our own State, where the teachers find out the class doesn't know much about fractions, they deal with that by teaching other aspects of mathematics over the course of the year. They are making up for lost progress in the past, and ensuring that children move along and keep up with the current material. There is a reason for accountability. If students are not able to make progress, they receive supplementary services—the afterschool programs, the summer programs, or the tutorials—to provide them with the extra help they need.

Now what is going to happen in voucher schools? Will those programs be available? How are we going to know whether these children are making progress?

Mrs. MURRAY. The Senator raises a key point. We won't know how they are progressing. As the Senator from Massachusetts knows, I was a school board member before I was a Senator. I can tell you of numerous school board meetings where we had citizens from our community sitting in big audiences before us saying: You are spending my taxpayer dollars and I want you to—fill in the blank. If we send our Federal taxpayer dollars to private schools, our citizens in our communities will not have the opportunity to go before a board that governs a private school to demand that their taxpayer dollars are spent wisely.

Mr. KENNEDY. One of the most important aspects of accountability provided for in this bill is giving information to parents so that they will be able to follow the development of their children. We have a school in Massachusetts where part of the portfolio for school success is a measure of parental involvement. Very interesting. That sounds like something that is way out, but, by George, that school was able to get their parents involved.

An essential element in this bill is the proposal to make sure that parents understand what is happening in their schools, and to be able to provide a comparison of their schools performance to other schools in the neighborhood. In this respect, and with school report cards, parents will be able to be effective, articulate spokespersons for their children's education. Will that be available under a voucher program?

Mrs. MURRAY. The Senator from Massachusetts knows that it would not. If our taxpayer dollars went to a private school in the form of a voucher, there would be no parental involvement, no community involvement, no taxpayer involvement on how their dollars were being spent.

Mr. KENNEDY. I thank the Senator for that. Is the Senator also aware that opportunities for children who are limited English proficient, or for children who may have a learning disability, or for migrant children or homeless children—those opportunities will not be driven by parents. The choice of how to serve those children, if they are served, will be made by the school under a voucher program. So does the Senator agree with me that the idea of somehow providing millions of American parents the opportunity for their children to be moved into a different situation with this proposal is really a distortion? Critical decisions will be made by schools that may not be inclined to reach out to children who have some special situation, special needs.

Mrs. MURRAY. The Senator from Massachusetts raises a very good point. I know many parents today with young children who are 2 and 3 years old are now trying to get their kids into private school. They are starting the application process already. It is very difficult to get into some of our best private schools. Imagine parents out there who are listening to rhetoric about a voucher program as some kind of magic bullet that their child will use to get into a private school, and that is not correct. In fact, private schools can say they will not take children with disabilities or with limited English proficiency or with the difficulties that they have experienced in the past.

So it is an empty promise to many parents who are thinking it is some kind of panacea—a voucher system that all of a sudden they will receive as taxpayers. The good private schools are hard to get into. We all know not all private schools are created equal. There are good ones and there are some not so good. This money would apply to all of them. I think we would lose for a lot of taxpayers in this country and our public school systems will lose even more.

Mr. KENNEDY. Finally, we have listened during the presentation of those who supported this amendment, that this was not really going to take money away from public school children.

We would like to find out where this magical pot of money is. They are saying we want to give assurance to all those who are voting with us and against us that this money will not be taken away. If we don't use this money, it still won't be available to children. I am somewhat mystified—I don't believe it. I don't think anybody in this body believes it.

Does the Senator agree these are scarce resources? We have reviewed the fact we are still only reaching a third of the children under the President's program. Under the President's program, there is no increase other than

the cost-of-living increase for children over the period of the next 8 years.

Resources are scarce. I wonder if the Senator from Washington buys the argument that this is not going to be money that would otherwise be used for professional development, or training teachers, or mentoring programs, or afterschool programs, or moving teachers into smaller class sizes. The Senator has been our national leader on that issue. Doesn't the Senator agree we could use that $50 million more effectively in terms of benefitting children rather than for a voucher program?

Mrs. MURRAY. Mr. President, as the Senator from Massachusetts knows well, we only fund one-third of the students who are eligible for title I today. It seems to me we should be investing the money in making sure title I students have access to additional help. If we reduce class size, if we provide teacher training, if we invest in public schools in a way we have promised for many years to do, vouchers would not be an argument on the floor. Our children everywhere would be getting the good education they should and we would not select just a few kids to go on to a few schools to succeed. We would go back to the principle we all espouse in the Senate, to leave no child behind.

As a country that cares about all of our children, we are making sure we invest in all of our children.

Mr. KENNEDY. I thank my friend and colleague.

As a school board member and a teacher of elementary school, Senator MURRAY brings a special insight into the education policy issues. I think we do well to heed her warnings and concerns.

Whatever time the Senator needs to conclude her remarks, I yield.

Mrs. MURRAY. I thank my colleague from Massachusetts. I urge all colleagues to think about the principles of this bill and the underlying concept: We want to make sure every child in this country succeeds. That is not what this amendment will do. It is what we need to do in terms of investing in our communities, our schools, in the right way, so all children can succeed.

There is no magic bullet. The vouchers amendment is certainly not one. I hope we are not tempted by the false promise of vouchers as that magic bullet.

I urge all of my colleagues to vote no.

Mr. KENNEDY. Mr. President, I take a moment or two to refer those interested in this debate to this report called ''Uncommon Wisdom, Effective Reform Strategies,'' from Mass Insight Education, an education-reform organization based in Boston, Massachusetts. Massachusetts is well on its way in terms of educational reform. We have been making progress in recent years.

This report illustrates a number of schools making very important and significant progress academically with their students. They include elementary, middle, and high schools. They illustrate the different techniques used in each of the schools. All the reforms vary somewhat, but all have been implemented within the framework that this bill supports: high standards; good professional development; data generated by meaningful, high-quality assessments; and extra support for the students in need of academic assistance.

This independent organization is highly regarded. They have reviewed various schools in our State, and have shared their findings so that other schools can make progress. Again, they identify four critical priorities: the development of the curriculum, the teaching, the assessment, and the intervention. Together, these reforms directly shape every student's educational experience in school. These four common elements have produced important and significant progress in each of the 22 Massachusetts schools included in this report.

In the Thompson School in Arlington, 30 percent of students receive free or reduced lunches, 15 percent have special needs, and 25 percent are students of color. It is a mixed blue-collar, working-class, middle/low-income high school that has been able to make extraordinary progress with their programs. There are countless other examples of schools, such as the Thompson school, that have reformed to produce results.

The bottom line is that the elements included in this report are elements we have included in this legislation. If we provide funding for these reforms, we will see these results in not only every school in Massachusetts but every school in the country. That is what we want to do.

The Senator from Rhode Island is here and I yield 10 minutes.

Mr. REED. Mr. President, I rise in opposition to the Gregg-Hutchinson amendment which authorizes a voucher program for private schools for 7 years, encompassing 10 cities and 3 States. I don't believe this is an appropriate educational policy we should be pursuing. Our first and foremost commitment should be to strengthen and improve reform of public education.

Frankly, as we go forward with the constrained resources, that primary challenge will be difficult to achieve. Dissipating funds for vouchers for private schools to me is not the appropriate response to a crisis in public education in the United States. For over 30 years, the Federal Government has made a commitment to help the students of America throughout the public education system. Particularly, we have committed to ensuring that low-income students are given a chance to succeed. We have created reforms over the last several years to help improve the learning environment and ensure a vigorous public education. Back in 1994 we streamlined reform of the title I program and other Federal programs. The thrust, the purpose, the constant theme is how we can help, working with the States and localities, to improve public education to ensure that every family in America has an opportunity to send their children to excellent, free, public schools.

This amendment takes us off that track, off that purpose. It would not improve public education in the United States. It would not respond to the need for safe schools, quality teachers, smaller classes, buildings that are well repaired and well maintained, or greater parental involvement. It would not ensure that all students reach high academic standards. It diverts scarce Federal resources from the public schools, our first and foremost priority. And it does so at a time when the massive tax cut that has just been passed weakens our ability to respond to the overwhelming needs of public education throughout this country.

As a result, I do not believe we should engage in this policy endeavor. In a world of finite resources, we have to be careful and conscious of our obligations to public education and our foremost responsibility, to ensure that public education is well served.

There are proponents of this legislation who say this amendment is really about giving families a choice. I do not believe this really is an issue of choice. Realistically, this amendment will never reach all the children in all the failing schools. So we know, even if this amendment is adopted and accepted, there will be children left behind in failing schools. That is not a choice for parents.

It seems to me, then, that we have to go back to our initial purpose, which is to try to improve every school in this country so no parent has to keep their children in a public school that is not performing. We need to give parents real choice, and we do not deal with the issue of choice by dissipating resources, by inviting some children to go to private schools and leaving others behind. We do it by confronting our responsibilities to reform each and every public school in this country.

There are other issues that complicate this approach to choice. First, giving a voucher to a family for their child does not ensure that child can go to the school the family chooses. Frankly, the nature of private education is they exclude students. They exclude students because they are not smart enough. They exclude students because they just do not fit in with their approach to education. They exclude students because, frankly, they are difficult or have discipline problems. Public education cannot do that.

Public education has to be inclusive. Public education has to reach out and embrace every child—those who are difficult and those who are honor students.

So this approach to reform fails on one other principal ground. We are not giving every family the full range of choice because private schools will exclude again and again and again. That is the nature of being a private enterprise. That, in some respects, some might argue, is one of their strengths. They can ensure all the children are part of their patent, that they fit in. That is not a luxury, frankly, that public education has. We have to recognize that. So this argument of choice is not something I think really carries the day.

Also, there are other issues. If we do embark on a voucher program such as this, it will invariably raise issues of the rights of parents to demand entry to these private schools. It will raise issues of whether or not it is conscionable to exclude these children, who now have public funds, from these schools. So there may be many in the private education community who would like to see this development, but they might, when it becomes, or if it becomes, a reality, think otherwise.

There are many things we have to do to ensure the education of the young people in America is excellent. We have to raise standards. We have to improve the professional development of teachers in public education. We have to enhance the ability of our schools to embrace and bring parents into the school system. We have to ensure that the buildings, the very buildings that children occupy, are places where they feel comfortable in terms of security and safety, in terms of just the feeling of being in a place that is esteemed enough to have the floors clean, the ceilings fixed, all the facilities working. There are too many schools in America that fail that test.

There are too many schools that do not have the appropriate programs to involve parents. There are too many schools that are not conscious of doing their best—too many public schools in this country. That is where our attention must lie. That is where our focus must lie. That is the purpose for which we come here—to ensure every public school in this country offers the families of America excellent, free, public education.

To embark on this approach of vouchers for private education is a mistake. It dissipates our resources. It also does not truly give the families of America choice.

There are today, within the public system, more and more opportunities for parents to choose among different schools within that public school system. There is the recognition that public school systems simply cannot stand pat any longer, they have to improve the quality of education, they have to reach out to teachers and parents and the community at large to restore trust, to rebuild not just the physical structure of the school, but also the educational scope and commitment to excellence of all schools. That is their job.

We can help, not by providing vouchers for private education, but by funding and authorizing programs that will require, and insist, that every public school in this country meets the standards of excellence. I hope we will do this.

I hope we will reject this amendment and get on with the business of the education bill before us and make a real commitment to public education.

Mr. President, I will yield the floor, but on behalf of Senator KENNEDY, at this time I will yield 10 minutes to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from California is recognized.

Mrs. BOXER. Madam President, I say to the Senator from Rhode Island and Senator KENNEDY, thank you for your magnificent leadership on this issue of education.

We all know life is complex and we all face problems every day in our lives. Our society has problems, not the least of which is that sometimes our kids go astray; they make the wrong turn and struggle and sometimes wind up in difficult situations. Whether it is turning to juvenile delinquency—and we all know that happens to some of our kids—whether it is not being able to handle the stresses of broken families, we know we have problems in our society.

We also certainly know that there is no silver bullet. We wish there were one thing we could do that would be kind of a magic wand to fix all the problems we face, the problems our families face, the problems we face as individuals.

Let's say someone came up to me and said: You only have one answer. What would be the most important thing we could do to stop problems in our society, be it crime, be it drugs, be it alcohol use, be it sexual abuse? Talk about the issues; we all know they are here. What would be the one thing, if you had to choose only one and that was it—you couldn't pick five, or four, or three, or two—I would say it would be a quality education for every single child starting from the earliest times.

Why do I say that? It is because we know now that 90 percent of our brain capacity is set by age 3. So we know if we think all this starts later in life, we are wrong. If we can reach those children, particularly those children who may not have the support of a family structure, we can make a difference.

Will it solve the problem? No. But I can say to you that it will solve most of the problems.

I speak as someone who is an expert on public schools. Why? Because that is where I went. From kindergarten through college, I went to public schools. I am a first-generation American on my mother's side. My mother never graduated from high school. Here I am in the Senate.

For those people who may not like my politics, they say: God, look at what the public schools did to us. But for the people who think I fight hard and do things, that I can go toe to toe with most people in this institution who went to the fanciest schools, they say: Hey, look. Look at what our public schools can do.

That is why I strongly oppose the Gregg amendment. I think any effort in this Chamber to pull money away from our public schools before we know whether they are qualified, before we know that we are giving every child what he or she deserves to have, anything that pulls that money away from the public school system is absolutely wrong on its face. Well intentioned and the rest, it doesn't work.

We know we can provide what our kids need if we put the resources behind the rhetoric. Senator SCHUMER and I will have an amendment later today which will say to our colleagues, if you believe in this, vote for the Schumer-Boxer amendment, which is going to say let's make sure there are appropriations to fund education to match the authorization in this bill. We are going to have a chance to vote on that. But I have to say this. The amendment of Senator GREGG provides for voucher demonstration programs in 10 cities and 3 States. Our teachers are telling us not to pull resources out. Our voters have told us in California: Don't pull resources out of the public schools and put them in the private schools. In California, people have voted. They had a couple of voucher initiatives. The last one, Proposition 38, they defeated by 70.7 percent of the vote. Let me repeat that. Californians voted 70 percent against a voucher experiment. I have to tell you that we don't vote 70 percent for anything.

People always ask: How do you manage to represent a State such as California with 34 million people? I basically am honest in my answer. I say: I do my best. But on any given day, 30 percent of the people love me and 30 percent of the people hate me, and a third of the people have no idea who I am because there are 34 million people in that State. But 70 percent of them voted against vouchers.

It pulled everyone together—Republicans, Democrats, and Independents—because it is a very simple point. If you believe in the rhetoric of ''leave no child behind''—and our President uses it; I believe it—and, if it is real, then you don't leave them behind by pulling money out of the public schools and putting in these voucher initiatives which have a lot of problems.

We have a lot of laws on the books that I think are important. We know in the public schools you can't discriminate against any child for any reason. Every child who walks through that door is precious and important and equal to every other child, regardless if they have a disability, regardless of their gender, and regardless of their national origin.

The fact is, in this amendment we are going to have exceptions. Private schools can say they don't want any more girls; they just want to have boys; they can just say no, or vice versa. They can say they don't want any more boys and just take girls. There can be discrimination because that is the essence, frankly, of a private school. If they want to do that, fine. But just do not take the money. You do what you want but don't take taxpayer money. Don't pull it away from the public schools.

I admire a lot of private schools. I have a lot of them in my State. They give scholarships to needy children. They get a tax break, if they are a profit-making school, for doing that. I support that tax break. Scholarships for needy kids are the way to go, if private schools want to make sure their student body is diverse and interesting and helps kids. But to pull hard-earned taxpayer dollars away and put them into the private schools isn't the way to go. We know that just a few kids will benefit. Even the question of how much they will benefit has been looked at.

Let's say you are lucky enough to have enough money so a $2,000 voucher can help you pay for the rest of the tuition. Sometimes the tuition is $8,000, $10,000, or $12,000. There is no reliable research that shows voucher programs actually improve the education of our children or that voucher students outperform their public school peers. In fact, the policy analysis of a California education group reported that Proposition 38, the voucher initiative in our State, would cost more and affect fewer students in proven education reform.

What do I mean by that? It has been proven that smaller class size really helps student performance. Again, it is kind of a no-brainer thing. If a teacher can pay attention to fewer kids, she or he is going to do a better job. It costs much less to put that reform in place than to have a voucher initiative in our State.

Now we are reducing class size. We are seeing results. We are seeing great results. That is the track on which we should stay. Someday when we have quality education for every public school child—where 95 percent of our kids go, by the way—I am willing to look at other ways to help other kids in private schools. I may always be biased against it because I believe in public schools. I think it makes our country different from every other country. It gives every kid a chance at the American dream. But I will look at it once I know every child has a quality education. We know they don't have quality education in every school district in this country. The purpose of this underlying bill is to make sure we give every child a quality education.

Let's talk about Michigan. Michigan had a vote on vouchers. They voted it down 68–31. What are we doing here? We are reinventing a voucher plan that has already been voted down in California by more than 70 percent of the vote and by 69 percent of the vote in Michigan. Once again, voters are expressing their concern that we are pulling money away from public schools.

Let me say that one independent Princeton researcher found that when students in Milwaukee's public schools program were given extra resources to reduce class size, they actually outperformed those kids who were on the voucher.

Let me reiterate. There is an independent study that showed that kids in Wisconsin, who had the advantage of smaller class size, outperformed other students who had vouchers in reading, and they did as well as those students in math.

The drain on the public school system in Milwaukee is evident. According to the Wisconsin Education Association Council, the voucher initiative took $22 million away from the public schools.

Why would we do that? We know vouchers don't guarantee equal access. In Milwaukee, 40 percent of the kids who sought to participate in the voucher program could not find schools that would take them. They could be particularly harmful to a student who is not the ''cream of the crop.'' Suppose the student is disabled, has limited English, or suppose they are homeless. A private school is going to look twice, scratch its head, and say: Maybe not.

That goes against the American dream, which is, again, an equal chance for every child, regardless of their circumstance.

I think this amendment is an important amendment. I hope it will be defeated because the underlying bill is really about reform—reform of our public schools. By pulling funds away, we hurt that reform effort.

I had a successful amendment that I offered to this bill, cosponsored by my Republican colleague, JOHN ENSIGN. It was about after school. We want to make sure kids after school do not get into trouble. We know, if we look at the charts, what happens. The FBI charts show, for sure, that is when kids get in trouble.

This was a bipartisan amendment. It passed with a very healthy majority. But I do not want to see us now turn around and take money away from that effort for after school and away from the effort of smaller class size and all the other things we are trying to do in this bill. I do not want to see that happen.

I see my colleague from New York is in the Chamber. She has worked so hard on this bill and has dedicated her life to kids. I am very excited she is going to be partaking of this debate this morning.

To sum up my argument, it is this: Our public schools are what make our country different from most other countries because they give us all a shot at the American dream. Are the public schools perfect? No, they are not. Do we have to hold them accountable? Yes, we do. Do we need to make improvements? Yes, we do. Do we need to invest in the children in those schools? Yes, we do. Do we need to demand results? Yes, we do.

But if we pull those dollars away from the public schools and we put them into the private schools, where 5 percent of the children go, we are making a huge mistake. My voters in California have shown that on several occasions. Voters in Michigan have shown that. They want to see us fix up our public schools first, make them work first. Then maybe we will have the luxury to look outside the system.

We should demand the most from our kids, the most from our teachers, the most from our principals, the most from our school districts, the most from our Governors. But when we expect that, we should provide the resources, we should not pull them away from the public schools.

Thank you very much, Madam President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. CLINTON. I yield myself 15 minutes.

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

The Senator from New York is recognized.

Mrs. CLINTON. Madam President, I commend and thank my good friend, the Senator from California, for her usual eloquence and energy in putting forth a very commonsense proposal, which is that we ought to do everything in our power to make sure our public schools work before turning our backs on them. I especially note her telling all of us that voters in California and Michigan, who have been given the chance to vote on vouchers in their own States, have not only rejected that proposal but have done so overwhelmingly.

I join my friend from California, and so many others, in opposing the Gregg amendment which would provide $50 million for a voucher demonstration program. I think it is fair to ask: Why would I and others oppose a mere experiment?

What I would like to do is just reflect back for a minute on an experience I

had which really crystallized my opposition for me.

A few years ago I was in Northern Ireland, in Belfast, where I was privileged to meet with a number of people who were crossing sectarian lines to try to come together to find a way to peacefully coexist after decades and decades of troubles between Protestant and Catholic citizens. I was so struck, after a daylong conference—where we spoke about how to set up a governing assembly, how to provide economic opportunity, how we could get more people involved in the participation required for a democracy to work—when several people said: But the real problem we face is in our schools.

I said: What do you mean?

A number of them went on to tell me that from the very earliest of ages children from the two religious traditions grew up in very separate environments. There are literally barriers between Catholic and Protestant neighborhoods, and then they go to schools that are run by the respective churches into which they are born.

Person after person said to me: We will never live and work in peace if we don't go to school together. We won't have a chance to get to know one another. Can't you help us have a public school system like you have in America?

That made such an impression on me because I have been fortunate to travel all over the world. I have been in many countries on every continent except Antarctica. In every country I go to, I meet very smart people. I meet athletic stars, Olympic gold medal winners. I meet scientists, very successful business leaders, and great artists. Yet there is something very different about every other society than ours because no other society has committed itself to the proposition that all people have the opportunity to live up to their God-given potential and that we will provide universal public education, to offer that to each young boy and girl.

We are not perfect. We know that. We know we have schools that fail at this responsibility. Yet the goal we have set and the results we have seen, from a commitment to public education for so many years now, have been realized in the success of this country, in the uniqueness of our mobility, and in the opportunities we make available.

There are some children who, frankly, start out pretty far behind the starting line. They do not have the family background. They do not have the environmental enrichment. They do not have families who will help them succeed in school. They are often trapped in generational poverty. When you have poor people, you often have poor services.

It is a challenge to those of us who believe in public education to come up with reasons to oppose something that sounds so good. You can read the supporters' comments. They say: In some of our large cities, children are trapped in failing schools. They should be set free. And we should, therefore, give them money to go to a private or parochial school. And it sounds so good. But it has a number of serious flaws that I hope will lead a majority in this Chamber to vote against it.

Let's take, first, the fact that the experiments that have been run—because we have already run experiments on vouchers—have demonstrated absolutely no evidence that vouchers help to improve student achievement.

Secondly, we know vouchers do not help the students who need the help the most.

Thirdly, vouchers do nothing to help improve public schools. In fact, research shows clearly that vouchers only further segregate and stratify our public schools.

That does not stop the proponents. I often have remarked since I have been in Washington that Washington operates in an evidence-free zone. You can put out the evidence, and if it runs counter to the ideology, then the evidence does not count.

But clearly there is no evidence. In fact, a 1998 study of the Milwaukee public school choice program, done by Cecilia Rouse of Princeton University, found that students in public schools with smaller class size and additional State funding experienced significantly faster reading scoring gains than students who attended private schools through the program.

In Cleveland, a study of the voucher program found no significant difference between the achievement of voucher students and their public school counterparts in reading, mathematics, social studies—the full battery of tests—after controlling for background characteristics, including prior achievement.

So I do not think we need another experiment to tell us vouchers do not work. We already have clear evidence of that fact.

But there are those who argue that increasing competition among public schools, through vouchers, will help improve student achievement in failing schools. But we know that, too, is a false promise.

We know what does work—strong accountability, coupled with the extra attention that students who need it require, and the kinds of intervention we have heard about—everything from preschool to parental involvement to afterschool and summer school.

Scholars from the Economic Policy Institute, Duke University, and the Charles A. Dana Center at the University of Texas, as well as Stanford University, have found that States with strong accountability systems which do not include vouchers were successful in improving student achievement in the lowest performing public schools. Researchers call it the scarlet-letter effect, which shows that if a school is termed ''failing,'' the school is often motivated to improve. That is what we should be focusing on now, and that is what we are focusing on in this education debate.

I also worry that trying to provide sufficient funds to afford a student a choice that is meaningful will siphon much needed funds out of our public school system. A $1,500 voucher, for example, is just not sufficient in most large cities I am aware of, and we, therefore, know that families have to add a substantial contribution themselves. In Milwaukee, for example, as many as 46 percent of students dropped out of the voucher program in the first year, and 28 percent dropped out in the fifth year because the $3,600 voucher was not sufficient to cover costs such as registration fees, books, uniforms, and transportation.

We also have to worry that if you implement vouchers, then very often the motivated students and their parents will take advantage of them and we will see the kind of exodus from the public schools that will only make it more difficult to change their futures.

How can we justify taking $50 million away from proven practices of improving student achievement? We need to do more to lower class sizes. Yet we were unsuccessful in continuing a proven program to do just that by helping to fund teachers in the classroom. Our friends on the other side said: That is not something the Federal Government should be doing; so even though we know it works, we won't vote for it.

We were unsuccessful in having construction and modernization and repair funding available where we know that so many schools, particularly the very schools we are talking about, are literally falling down around the heads of students and teachers. We were told: Well, modernizing our schools is not a Federal responsibility.

We need to recruit and retain teachers, and we know we are not going to do that if we don't provide competitive salaries and bonuses and other financial rewards. And we have a long way to go before we have the teaching core, the quality teaching core we need in our country. Instead of investing in proven measures to raise student achievement, we are being asked to divert and siphon off these dollars.

I started by saying that my concern is not only based on the fact there isn't any evidence this works, that it siphons money out of the public schools, that, in effect, it opens the door to giving up on what we know makes a difference in our children's lives, but that also public schools, for me, are the distinguishing characteristic that sets us apart from many other societies. They are the bedrock of our democracy. I don't think we would be giving up on any of our fundamental freedoms so

easily. I don't think we would be turning our back on our Constitution or our Bill of Rights. Yet without a strong public school system, we could, in effect, be doing just that.

At a time when we are trying to hold students and teachers to higher standards, diverting scarce resources to fund an experiment that we already know has weak results and could very well undermine the future of public education, which takes care of 95 percent of our students and works well in most parts of our country, is a very tragic step in the wrong direction.

I heard the end of the remarks of my colleague from California. I know she is a very strong supporter of public education, as I am. And like her, I went to public schools from kindergarten through high school. I believe in public schools. I was struck by what she said. If we were already doing what we know works, if we had lowered class sizes, if we had imposed the discipline, if we had recruited and paid teachers in the hard-to-teach schools what they should be paid, if we had modernized our schools so we didn't have chunks of plaster falling on teachers' heads, as recently happened in a school in my State, then if we still didn't have results, maybe even we very strong public school advocates would be willing to say: Well, we need to try something. But we are nowhere near there.

We have turned our backs on the children who need us the most. We have basically left them in the most poorly funded schools with the least qualified teachers, often not even encountering a certified teacher without adequate resources, without being held accountable, and we say: Well, what do you know; it is failure.

This is similar to so many of the other proposals that would undermine public education. It is aimed not at solving the problem but at coming up with a short-term, ideologically driven answer to a complicated set of issues. It is tragic that when we know what works, we are unwilling to step up and fund the resources that will give every child in America, no matter who that child's parents might be, the same chance I was given.

I urge my colleagues to oppose this amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. GREGG. Madam President, I believe the understanding I had with Senator KENNEDY was that Senator KENNEDY and the proponents of his position would have until 12:15, and then from 12:15—it was a casual understanding—we would go back to our side. I understand there are Members on his side who wish to speak, and we have a Member on our side.

It is my intention at this time to yield the 15 minutes we had reserved on our side to Senator ENSIGN from Nevada.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. May I ask a question of the minority side?

The PRESIDING OFFICER. Will the Senator yield for a question?

Mr. GREGG. Yes, I yield for a question.

Mr. KERRY. Madam President, it is my understanding, then, that there is a prior agreement that a full 15 minutes will be used by the minority side, and then it will come back over here?

Mr. GREGG. There was no formal agreement, but there was an understanding that people presenting Senator KENNEDY's position on this amendment would go from 12 to 12:15, and we would go from 12:15 to 12:30, and then we will be in the break for the meetings of the caucuses. Then we would be coming back. I understand the Senator from Massachusetts wanted to go into morning business; is that correct?

Mr. KERRY. Madam President, that is correct. I ask the following, if it is possible. I ask unanimous consent that the Senator from Nevada be permitted to proceed. Does he intend to use the full 15 minutes? Might the Senator from Nevada use less?

Mr. ENSIGN. Madam President, 10, 15 minutes, somewhere in there.

Mr. KERRY. Madam President, I ask unanimous consent that the Senator from Nevada be permitted to proceed, the Senator from Minnesota then be permitted to speak for 5 minutes, and then I be permitted to speak as in morning business, at which point the Senate would recess for the caucuses.

Mr. GREGG. I have no problem with that. The time of the Senator from Minnesota will come off of the time of the Senator from Massachusetts. Both the Senator from Massachusetts and the Senator from Minnesota will come off of the time of the Senator from Massachusetts.

Mr. KERRY. Madam President, I ask that we change that. I am not going to speak on the bill.

I ask unanimous consent that the 5 minutes of the Senator from Minnesota come off Senator KENNEDY's time, and that the time that I use be time as in morning business until we recess for the caucuses.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I have no objection. I will amend it to include that the time used up in this discussion be applied equally to both sides.

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

Mr. GREGG. Madam President, I yield to the Senator from Nevada 15 minutes, or such time as he may consume.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Madam President, many colleagues will come to the floor today and state that federally funded vouchers will ruin our public schools. I say flatly that this is wrong.

This program does not take money away from any school. This amendment creates a demonstration program and authorizes new funding to pay for it. But, even if the Gregg amendment did not provide new funding, vouchers would not take money away from public schools. It a student uses a voucher to go to a private school, a public school no longer has to pay the cost of educating that student. And, in most cases, a voucher is given for less money than the average per pupil expenditure in the school district, thus saving the school money.

Under the Gregg amendment, the voucher program is voluntary. It permits 10 cities and 3 states to apply for grants to operate a low-income public/private choice program for students attending failing schools.

This amendment ensures that children in our Nation's poorest neighborhoods, who attend our Nation's most struggling schools, have the opportunity to get out and attend a better, higher-performing school. These vouchers allow parents to choose the best academic setting for their child.

In my opinion, the reason all of my colleagues should support this amendment is because it is going to help children succeed in school. None of us wants a child to be stuck in a school that has been identified as failing for 3 years. Rather, we want our children to be in an environment where they can not only learn but excel in what they are learning. Vouchers have made this achievement possible for many students who otherwise would not have succeeded.

School choice, be it private or public, has been proven to drive reform in our Nation's schools. Why? Because competition breeds reform. How can a school be expected to rise above mediocrity if it is not challenged? In my opinion a lack of competition breeds mediocrity.

If you look around us today, I will bet you that everyone here has sought out the best schools for our children. Many of us are fortunate, and can afford a move to a better school district, or can send our children to private schools. I bet that most lobbyists, including those for the National Education Association, in Washington, DC, send their children to private schools. However, many in our country are not as fortunate. How can we idly sit by and abandon children in failing schools?

This amendment will help those who cannot afford to send their children to private schools and cannot afford to move to a better school district.

A study by Harvard researchers found that students who stayed in a voucher program for 3 or 4 years registered reading scores 3 to 5 percentile points

higher and math scores 5 to 11 percentile points higher than a public school control group.

A study on the Milwaukee choice program found that scholarship recipients experience a 1.5 to 2.3 percentile point gain over their peers in math for each year spent in a private school.

Studies of private school choice programs in both Washington, DC, and Dayton, OH, found that black students who switched from public to private schools experienced an overall test score gain of 3.3 percentile points the first year, and 6.3 percentile points the second year over the control group.

If this trend continues, the researchers contend that the achievement gap in reading and math between white and minority students would be eliminated.

Isn't this what everyone here wants: to have all students excel? Do we not want our nation's students to prove that they can do as well or better than their counterparts worldwide?

Test results released last year on the National Assessment for Educational Progress, and the International Math and Science Survey, showed that children who attend private and parochial schools scored higher than their counterparts in public school.

Students in private and parochial schools did better. It is as simple as that. Why then would we not allow low-income students who attend chronically failing schools a chance to attend schools that have proven time and again that they can and do increase student achievement?

Parents strongly support public school choice; and yes, even vouchers. A recent poll done by the National Education Association (NEA) found that 63 percent of parents polled favored legislation that would provide parents with tuition vouchers of $1,500 a year to send their children to any public, private, or charter school. I ask my colleagues, what parent would not want to be given a chance to send their child to a better, higher performing school?

I have had conversations with public school superintendents, principals, and teachers who support vouchers. Yes, they support them. But, they are afraid of stating their support publicly because of the teacher unions.

In fact, public school teachers send their own children to private schools at a higher rate than the general population. In Cleveland 39.7 percent of the public-school teachers living in the city sent at least one child to a private school. The average rate for non-teacher families was 25.2 percent. Here in Washington, DC, 28.2 percent of public school teachers send their children to private schools versus 19.7 percent of the general population. And finally, in Boston, 44.6 percent of public teachers send their children to private schools, versus 28.9 percent of all parents.

It is not surprising that private organizations have initiated private school voucher programs and have had an unbelievable response. For example, the Children's Scholarship Fund offered 40,000 vouchers to similar students in cities across the United States. They received 1.25 million applicants. In Baltimore alone 67 percent of the eligible student pool applied for one of these vouchers.

One of the reasons for this response is simple: parents are seeing the results that private schools have on test results and want their child to receive that same education.

However, the results from introducing vouchers in areas where public schools are failing our students are not only academic. Yes, test results have increased, but so have high school completion rates, college attendance rates, and parental satisfaction. In addition, students in private schools are better disciplined and feel safer in their school.

The Federal Government already provides a type of voucher to low- to middle-income students with the Pell grant program. Pell grants are given to students to attend any college or university that they want; be it public, private, or parochial. The Federal Government has supported this, and as a result the American higher education system is the envy of the world.

How is a Pell grant any different than a voucher for elementary or secondary school?

I am not here today to attack our public schools. In most places, including my own state, our public schools are doing an outstanding job. But, in some places they are not. Some schools are simply failing to educate the children who attend them.

Vouchers not only help students leave these failing schools, but also help to foster change in the schools they are leaving. Principals, teachers and superintendents do not want to have failing schools. They want their school to produce smart and productive children.

In fact, with the introduction of the A+ program in Florida, failing schools did improve. Schools given a D or F improved by implementing longer school days, providing additional teacher training and professional development opportunities, and creating special programs to improve math and reading skills for at-risk students.

This is what I want to see happening nationwide. I want to see our public schools improve; to prove to us that they can teach our students just as well, if not better, than private schools.

I believe that this legislation provides the assistance that many public schools need to foster these changes and improvements. But I also believe that this amendment is a necessary part of this legislation. This amendment ensures that students in school districts that are struggling to improve student achievement will be given a chance to attend a school that does improve achievement.

I hope that my colleagues will support this amendment, and support children in failing schools receive a better education.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, because there are other Senators desiring to speak on this, I can do this in less than 5 minutes. An awful lot has been said.

I was listening to my colleague from Nevada, and I thought I might say at the beginning, in terms of my background, all of our children went to public schools. My wife Sheila worked at the library of the high school. I think this reminds me of a debate I was involved in with Senator HATCH from Utah when I first came to the Senate, a sharp debate, but done with some friendliness and a twinkle in our eye.

I said to Senator HATCH, if Democrats and Republicans in the Senate could say to me as a Senator from Minnesota, we have lived up to our commitment to leaving no child behind—I have heard so much about leaving no child behind: We have fully funded prekindergarten education so every child in America comes to kindergarten ready to learn—that is where the Federal Government could be a real player; we have fully funded the title I program for children from disadvantaged backgrounds. We have lived up to our commitment to fund the IDEA program for children with special needs; We have voted for smaller class size and voted to get more teachers, good teachers into teaching, to join many good teachers who are teaching; we have voted for there to be an investment of money to rebuild crumbling schools because crumbling schools tell the children we don't give a damn; we have voted for resources for support services so there are counselors and teacher assistance and to help kids in reading; We have done it all, and none of it has worked; We have made our commitment to public education, and it has not worked; at that point in time, I might be the first person to embrace vouchers. But we have not done any of that. It is for that reason alone that I vigorously oppose this amendment introduced by the Senator from New Hampshire.

Second, in my understanding in this proposal—by the way, the exclusive private schools cost a lot—I don't know how it is that low-income children are going to be able to afford this, even with the help they get here. This is fantasy land to believe that is the case.

There is not a requirement to accept children, for example, who have special needs. If that is the case, and I believe it is, I oppose this amendment for that reason alone. I do not support public

money that is not linked to making sure that every child will be able to benefit, including children with special needs. I have made my case.

One other point. This bill is called BEST. This piece of legislation in its present form so far, beyond testing every child at every grade from grade 3, 4, 5, 6, 7, 8, and telling every school district in every State they have to do it, I see no guarantee anywhere in this legislation that provides any resources to make sure every child will have the same opportunity to learn. I don't see it in this legislation. I don't see it. It didn't happen last week with the trigger amendment on Title I. I am not aware of any agreement with the administration. This is putting the cart ahead of the horse, talking about vouchers, without making the commitment to public education.

The tragedy is we have plenty of issues in our States, huge disparities of resources between children in more affluent districts and districts less affluent, States that could do better with surpluses, and Minnesota is an example. I cannot believe we are not making more of an investment in education in our own State. But at the Federal level, Senators, we have not even come close to matching the words we speak with the action we are taking. We have not lived up to our commitment to leaving no child behind, which I have said a million times, cannot be accomplished on a tin-cup education budget. That is all we have.

Until we make the commitment to invest in the skills and intellect and character of all children in our country—and it starts with education, which is the foundation of opportunity—I could never support this voucher proposal. I hope it is defeated.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

GLOBAL WARMING

Mr. KERRY. Madam President, yesterday President Bush, in the Rose Garden, conducted a ceremony in which he addressed the question of global warming and our environment. There are many issues on the table, obviously, as the President meets in Europe. I don't want to discuss those issues now because the President is abroad, and I think that would not be appropriate.

However, it is appropriate, because the President spoke yesterday about the subject of global warming, and I think it is important to respond to his comments.

Regrettably—I say this with an enormous sense of lost opportunity—the President did not offer our Nation any specific policy as to how he now plans to address some of the basic fundamental, easily acceptable concepts with respect to global warming. The President did accept science at the beginning of his comments, but at the end of his comments again he raised questions about the science, which seems to be the good cop/bad cop aspect of the comments the administration is making with respect to this issue.

The President essentially called for more study and said his administration is currently engaged in a review. Most who have been involved in this issue for 10 years or more and who have accepted the science understand there are a clear set of priorities that do not require a study that effective leadership could immediately move to put into place without an economic downside but with an enormous positive upside for our country and for the globe. More study is good. I am not suggesting there are not elements of this issue where we don't have an enormous amount of science to still develop. I will talk about that in a moment.

In any system as complex as global climate change, there are uncertainties. Obviously, we have to continue research. However, we will find, I am confident, as the National Academy of Sciences warned last week, that the longer we go without taking the simple, clearly definable steps that there is consensus on among most people who have seriously studied this issue, the more we procrastinate, then the danger is even greater in the long term than we currently understand it to be.

I think it is important to note, there is no way to study yourself out of this problem. Second, even as the President claims what they are doing is simply reviewing the bidding and making sort of a further analysis of what the options are, even as they claim that, the fact is the President is taking precipitous and potentially dangerous and clearly counterproductive steps that will have enormous long-term implications for America's ability to resolve the challenge of climate change.

To underscore this point, the National Academy of Sciences, at the request of the White House, issued a report last week assessing our understanding of climate change. In addition to reaffirming the scientific consensus that climate change is underway and getting worse, the National Academy of Sciences made an extraordinarily relevant observation:

> National policy decisions made now and in the long-term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems later in this century.

Indeed, since the earliest days of the administration, the President has made a series of policy decisions that will profoundly impact our ability to protect the global environment, all the while purporting to be simply studying the issue.

So it is really clear that while the President says they are going to study it, that he has asked for his Cabinet review, and while the President says there are certain unknowns that impact the choices we will make, the President is not neutral in the choices he is making which will have a long-term impact on the choices with which we are left with respect to this issue.

Specifically, while the administration claims to be studying the issue, the President has repeatedly questioned the underlying science of climate change and attempted to reignite the debate over whether the threat is real. This was done despite the fact of the Intergovernmental Panel on Climate Change, a scientific panel founded at the behest of his own father; despite earlier assessments by the National Academy of Sciences; and despite some top government and university researchers in this Nation; and despite personal statements of concern from researchers around the country.

Let me just refer to today's New York Times where there is an article that says, ''Warming Threat Requires Action Now, Scientists Say.'' I will just read very quickly:

> Indeed, to many experts embroiled in the climate debate, the question of how much warming is too much—which has been at the center of international climate negotiations for a decade—now constitutes a red herring. They say it is more important to start from the point of widest agreement—that rising concentrations of heat-trapping gases are warming the atmosphere, and that adding a lot more is probably a bad idea. The next step, they say, is to adopt policies that will soon flatten the rising arc on graphs of global emissions while also pursuing more research to clarify the risks.
>
> Many note that recent studies suggest a fairly high risk of significant ecological harm from a global temperature rise of less than 1 degree Fahrenheit and of substantial coastal flooding and agricultural disruption if temperatures rise more than 4 or 5 degrees in the new century.
>
> Global temperatures have risen 1 degree Fahrenheit in the last 50 years; since the last Ice Age, they have risen about 9 degrees.
>
> The risks are clear enough to justify some investments now in emissions controls, they say.
>
> They say that the general quandary is no different from the kind faced by town officials who must judge how much road salt to buy based on uncertain long-term winter weather forecasts, or by countries deciding whether to invest in a missile defense system that might not ever have to shoot down a missile.
>
> ''It's silly to expect that we can resolve what the future is going to be,'' said Dr. Roger A. Pielke Jr., a mathematician and political scientist at the National Center for Atmospheric Research in Boulder, Colo. ''That's like trying to do economic policy by asking competing economists what level the stock market is going to be at 20 years from now.''

Yesterday, I was in Boston with a number of extraordinary scientists, among them the Nobel laureate who helped discover the ozone hole, Dr. Jim McCarthy, a professor of biology at Harvard University, and a member of the IPCC working group. He said, imagine yourself as a parent and somebody

says to you as a parent: Look, there is a 50-percent chance that your child is going to get cancer from the water he or she has been drinking. But if your child takes this medicine, we know we can reduce the risk. If you don't take the medicine, perhaps your child is going to get the cancer.

Most parents in this country will make the judgment immediately: I want the medicine for my child.

That is exactly the kind of analogy we face today with respect to global warming. We are being told what the probabilities are, about what the consequences will be. We are being told if we take certain actions, we can mitigate it. And we know to a certainty if we do not take those actions, we run the risk that we could wind up with a completely irreversible equation.

We are not talking about something you can suddenly jump in on at some stage later and necessarily remediate—unless, of course, there may be some extraordinary discovery about how you take out of the atmosphere what we are putting into it. But as of this moment, that remains the most perplexing and complex of solutions at which scientists are looking.

It is far easier and far more attainable to take measures now to try to reduce the level of emissions that we put into the atmosphere and to premitigate, to take the opportunity to reduce and not even do the damage we will do in the first place.

The reason this is particularly compelling is very simple. We know the progressive possibilities, and we recognize there is sort of a law of safety, if you will; sort of a prudent person principle that you would put in place in order to try to avoid a disaster that you may not have any capacity to undo at some point in the future.

We may never know the exact rate of change or the specific impacts and precise human contribution until it is too late to do anything about it. The changes we are causing in the atmosphere, raising atmospheric greenhouse gas concentrations to levels unseen in over 400,000 years, is simply unprecedented. Those who demand that we wait for absolute certainty, starting with the President, should explain how they will reverse the damage that we have caused, how our environment can be made whole again once we have polluted the atmosphere in such a substantial and fundamental way.

Rather than asking us the question, how do you know what the damage will be, when you know that you will create damage, we should be asking them the question, how can you guarantee us that it will not cause the worst scenario that is being predicted. It seems to me the precautionary principle demands we take some kind of actions.

Furthermore, while the administration claims to be only studying the issue, the President has actually reversed the campaign pledge and announced a newfound opposition to capping carbon pollution from power plants, which is the source of one-third of our greenhouse gas emissions.

The idea of a four-pollutant power plant bill has been a bipartisan effort in the Congress. It has industry support. It remains one of our most promising proposals to move ahead in climate change. But it was rejected out of hand by the President only weeks after entering office.

That is not a neutral position. That is not merely studying. That is taking a proactive negative position that has an impact on global climate change.

Further, while the administration claims to be only studying the issue, the President declared the Kyoto Protocol on climate change to be dead, and still calls the agreement fatally flawed. That is not only studying the issue; that is not a neutral action.

That has a profoundly negative impact on global efforts to try to deal with climate change. Whatever one thinks of the substance of the Kyoto Protocol, it is self-evident that the President's outright rejection of the protocol so quickly with little explanation and with little international consultation, and apparently little considered analysis, was a mistake.

Is the protocol flawed? Yes. Is it fatally flawed? That depends entirely on the willingness of an administration to lead and to fix it.

The President in his Rose Garden statement yesterday referred to the 95–0 vote of the Senate on the Byrd-Hagel amendment as a rationale to say the Senate, as a whole, doesn't believe in this treaty. I was the floor manager on our side for that amendment. I know precisely what the intent was, at least on our side of the aisle, in adopting that amendment. It wasn't that the treaty was so flawed that it couldn't ultimately be made whole and become the instrument which we could ratify with amendment, with further nurturing and with future leadership. We were suggesting that, indeed, it would be wrong to do it without the less developed nations also participating.

The Clinton administration set out over the course of the last 2 years to work with these less developed nations to bring them into the process. That is the unfinished task of the Kyoto Protocol. But it should not allow somebody to define the protocol as automatically dead as a consequence of that kind of deficiency.

In the 17 years I have been in the Congress, and the many years many others have been here longer, there have been countless numbers of treaties that have come to us that we have remedied, that we have put amendments to, and that we have gone back and renegotiated on in order to guarantee they meet our concerns.

This protocol is the product of the work of 160 nations. It is a decade of work. It deserves better than to simply be cast aside by a unilateral action of the United States, particularly in view of the fact that it represents, ultimately, the format on which we are going to have to agree, which is an international agreement to have a mandatory goal which we are going to try to reach together in order to deal with this issue.

While the administration claims to be only studying the issue, the President has proposed a budget to us that slashes Federal support for clean energy technologies, which are a vital component of any plan to mitigate climate change.

The President's budget cuts funding in almost every efficiency program at the Department of Energy, including cuts to appliances, buildings, instruments, and transportation. It cuts support for renewable energy from wind, solar, geothermal, and biomass by about 50 percent—a 50-percent cut. That is not a mere study.

That is a negative action that will have a profound negative impact on the ability of our country to be a willing global leader in developing the technologies and in showing the world our seriousness of purpose in this endeavor.

While the administration claims to be only studying the issue, the President issued an energy plan that by his own acknowledgment does not consider the threat of global climate change. It resurrects an energy policy better suited for the 1970s than the year 2000 and the new millennium. It does more to set limits on America's ability to innovate than it does to inspire the technological advances that can help our economy and our environment.

By one estimate, the President's budget and efforts will increase our greenhouse gas pollution by as much as 35 percent. That is not a neutral, mere study. That is a negative action that will have profound long-term consequences.

Let me read again the crucial observation by the National Academy of Sciences. They said:

> National policy decisions made now and in the longer term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems later in the century.

With all due respect, I think the President has acted and is acting on the issue of climate change in a counterproductive way. I urge him to take the time to reevaluate that budget and to assist us in setting this country on a course of leadership that will help us to prove our bona fides with respect to this issue.

None of us who argue for action are going to suggest that we have all the answers to what is going to happen in the long run. We recognize there are complex environmental, economic, scientific, and diplomatic challenges. But I do know that we need American leadership in order to convince the people

we have been working with for the last 10 years that we are, indeed, serious about this issue.

One of the principal reasons we have been unable to bring the less developed countries into this process is because they do not trust us. They do not believe we are serious about this. In the meetings in Buenos Aires, and in the meetings in The Hague most recently, one could not just hear but you could feel the growing anger at the United States for the level of our emissions; and, then, of course, the lack of action that we have taken to try to deal with this challenge.

I simply remind my colleagues that all of the prophecies of a damaging impact on our economy need to be measured against what a lot of big businesses in our country are already doing. British Petroleum will reduce voluntarily its emissions to 10 percent below the 1990 levels by the year 2010. Polaroid will cut its emissions to 20 percent below the 1994 levels by 2005. Johnson & Johnson will reduce its emissions to 7 percent below the 1990 levels by 2010. IBM will cut emissions by 4 percent each year until 2004 based on 1994 emissions. Shell International, DuPont, and others, have made similar commitments. But the predictions of economic calamity from entrenched polluters are simply not credible when you measure them against the accomplishment of these particular companies.

The problem is that only a small universe of these companies have been willing to adopt any kind of voluntary effort. We applaud their leadership. That is the kind of good corporate citizenship that makes an enormous difference.

The lesson of the last 10 years is you have to have a mandatory structure and a mandatory goal. You can have all kinds of flexible mechanisms. You can use the marketplace in countless numbers of ways to encourage different kinds of behavior. Indeed, we should ask the corporate community to come to the table in ways that they haven't been invited previously and ask them to be part of helping us define the least cost, least intrusive, most efficient ways of dealing with this issue. But unless we set that kind of goal, we are not going to have the credibility to create the framework within which you bring the less developed nations into our fold.

Our country has proven its remarkable capacity when challenged to be able to apply the entrepreneurial skill and the remarkable entrepreneurial spirit of our Nation to accomplishing almost any task. We did that in the measure of World War II when we needed to pursue the Manhattan project and developed the atom bomb itself. We have done it in countless other ways. It is when we unleash our technological capacity that we are at our best. But many times we have to excite the private capital movement to some of those areas by creating the incentives or by encouraging that capital to move those ways. When you slash your budget significantly in ways that reduces that technological organization, you send a counterproductive message to the capital markets which diminish the ability of that spirit to take hold.

I believe we should summon our energy to the effort of challenging our country to, in a sense, view this as sort of a new mission to the Moon, that this should be our effort, that we are going to do the following in the following period of time. We can achieve that by cutting emissions at home. We can commit to drafting an international agreement that is based on these mandatory caps. We can find all kinds of ways to excite achievement to create hybrid cars, alternative fuels, renewable energy, and I think in the end that would be beneficial for all of us.

While the protocol that was created in Kyoto is incomplete, it also represents a remarkable process because it created this mandatory structure. I think most of us would be willing to acknowledge that there is still room for compromise; that we could find the ways through the emissions trading and through the definition of the carbon sinks and other things to be able to come to a final solution with respect to it.

But we have wasted the past decade in a political impasse, and we have failed to do what I think we know how to do best. If we do pursue what I just talked about—providing the economic incentives for the development and proliferation of solar, wind, biomass, hydrogen, and other clean technologies—then we can carry a new message to the rest of the world that takes away the regressive record of the last years and reasserts a kind of credibility that is important to the negotiating process.

I might add, everyone should understand this is not just about global warming. People are always talking about the confrontation between the environment and the economy. But the fact is, we can create tens of thousands of jobs pursuing these alternatives. In addition to that, we would have wide-ranging domestic benefits, including reduced local air and water pollution, preventing respiratory and other illnesses. All you have to do is look at the incidence of child respiratory disease in our country, the increase in the incidence of asthma, including in adults, the remarkable increase in our hospital costs as a consequence of air pollution- and water pollution-carried diseases and illnesses.

We would lessen our dependence on imported oil. We would lessen the pressure to exploit our own natural lands. We would create markets for farmers. We would grow jobs and exports in the energy sector. We would enhance our overall economic strength by strengthening our technological sector. And we would ultimately strengthen our national security as a consequence of these measures.

Those are not small accomplishments, let alone what we would accomplish with respect to global warming. So we have a challenge in front of us. We need to recognize we have been going backwards. We are at 1980 levels in automobiles because of the loophole on SUVs. There are countless numbers of things we could do on building efficiencies in America, countless numbers of things we could do for various engines and air-conditioners, and other emitters of greenhouse gases, if we were to try to apply the technological capacity of our country to that endeavor.

So my hope is this administration will recognize the energy study done 2 years ago which said that if we were to try to implement what we know we can do today—what IBM, Polaroid, and these other companies are doing today—we could, in fact, do so in a way that is completely neutral to our economy. We could have the upside of gains on addressing global warming while having the upside on our economy.

We should begin with steps that benefit the environment and the economy and are technologically achievable today. We can and should increase the efficiency of automobiles, homes, buildings, appliances and manufacturing.

The efficiency of the average American passenger vehicle has been declining since 1987 and is now at its lowest since 1980. That is unacceptable. Our cars and trucks could and should be increasingly more efficient not less efficient. Despite doubling auto efficiency since 1975, we are actually now backsliding. It is time to update national standards for vehicle efficiency. It is time to get more efficient gasoline, diesel, natural gas, hybrid and fuel cell vehicles off the drawing board and onto America's highways. We can do it. We are doing it. Hybrids, once considered exotic, are on the market today getting 50 miles to a gallon.

We can improve the efficiency of resident and commercial buildings. I am a cosponsor of the Energy Efficient Buildings Incentives Act. It is a bipartisan proposal to provide tax incentives for efficiency improvements in new and existing buildings. Once implemented it would cut carbon emissions by over 50 million metric tons per year by 2010 and provide a direct economic savings that will exceed $40 billion.

We can strengthen efficiency standards for clothes washers, refrigerators, heat pumps, air conditioners and other appliances. Standards issued in 1997 and earlier this year by the Department of Energy must be fully and effectively implemented. The net energy

savings to the nation will be $27 billion by 2030. The environmental benefits include a reduction of greenhouse gas emissions equal to taking more than 14 million cars off the road.

We must push the deployment of domestic, reliable and renewable energy from wind, solar, biomass and geothermal by creating markets and providing financial incentives. Today, California gets 12 percent of its energy from renewable energy while the rest of the country gets less than 2 percent of its electricity from renewable energy. We need to do a better job. Our nation has great potential for wind power—not only in states like North Dakota, South Dakota or Iowa but also in coastal states like Massachusetts. Planning is underway for an offshore wind farm off the coast of Massachusetts that will be generating as much as 400 megawatts of power—enough to power 400,000 homes.

We have only begun to tap the potential of geothermal in Western states and biomass, which can produce energy from farm crops, forest products and waste. But to seize this potential we must create the markets and financial incentives that will draw investment, invention and entrepreneurship. Unfortunately, America is falling behind. One of the challenges in wind development is long delays in purchasing equipment from European suppliers who have the best technologies but also long delays because of rapidly growing demand. I believe American companies should be the technological leaders supplying American projects—instead it's European firms. We must create the market and the incentives for these technologies and let America's entrepreneurs meet the demand.

Finally, we must look to the long term. If we are ever to convince the developing world that there is a better way, we must create that better way. To do so, we must invest in solving this problem with the same urgency that we have invested in space exploration, military technology and other national priorities. For too long our investments have been scatter shot and poorly coordinated—and lacked the intensity we need. We need a single effort, with strong leadership, that investigates how we meet this challenge and sets a path for a sustainable future.

If we do this, if we act early and invest in the future, I am confident our investment will be rewarded. It will bolster our economy, make us more energy independent, protect the public health and strengthen our national security. Unlike today, America will be the leader in clean energy technologies and we will export them to the world. As America has throughout our history, we will lead in finding a global solution—and we will protect the global environment for generations to come.

That is the challenge. I hope the Senate and House will show leadership in engaging in that effort.

I thank the Chair and I thank everybody else in delaying a little bit. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 1:04 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Continued

AMENDMENT NO. 536

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Hampshire.

I rise this afternoon to express my support for the amendment offered by my colleague from New Hampshire which would create a Federal private school choice demonstration project. This amendment closely tracks choice proposals that I have cosponsored myself, both with Senator GREGG and, before him, with Senator Coats of Indiana.

This is an experimental program. It is designed to test an idea that can help some of our children get a better education. It is focused exclusively on low-income families. It does not take any money that otherwise would go to our public schools, and it includes a strong evaluation component to determine what impact this program has both on academic achievement of participating students and on the public schools they leave behind.

It constructively answers a question that in too many places has gone unanswered for too long; namely, the question that parents have asked me—and I am sure others in this Chamber—parents whose children are trapped in failing public schools and yet who cannot afford to send them to a nonpublic school that the parents are confident would be better for their children.

How do we answer that question? How do we justify telling them to wait for their public schools to improve when their children may well be grown up or certainly have moved along in the school system by then, and particularly when other parents who can afford to do so are taking their children out of similar public schools?

Those are questions policymakers and politicians and educators around the country have been struggling with for some time. The struggle is a real one. It is based on conflicting values, each of them strong and good, and conflicting loyalties, if you will. We share a common devotion to our public schools and the ideal of equal opportunity that they have made real for so many tens of millions of American citizens. But we also realize, as the underlying bill we are debating now acknowledges, that too many of our public schools, particularly in low-income areas, have not been realizing the promise of equal opportunity, that that promise has become effectively hollow.

On the one hand, we obviously cannot and will not abandon those public schools and certainly not abandon public education in general because it is the great democratizing force in American history. It is the great ladder up in American life. The public schools will always be the primary source of learning for most of our children.

We also don't want to abandon those disadvantaged children trapped in schools that their parents conclude are not adequately educating them and thereby sacrifice their hopes for a better life for their children to our vision of an idealized world.

The answer ultimately is, of course, to make our public schools better. That, as I will state in a moment, is the purpose of the underlying bill. I have struggled with the question and the dilemma, the question that parents have asked, for a long period of time. I have talked to many parents, visited many public schools in Connecticut where a lot of extraordinary good work and reform is going on. I have also talked with parents of children in schools where the kids are not receiving the education the parents believe they deserve and need. And those parents want to take their children and put them in a nonpublic school. I visited many of the nonpublic schools, particularly in Connecticut—those run by the Roman Catholic diocese in our State; they are run in some of Connecticut's poorest neighborhoods—accepting children. In many cases, most of the kids are not Catholic. The parents are very satisfied with the quality of education those children are receiving.

After all that inquiry, I decided—this goes back years ago—that school choice is a reform idea worth testing on a larger stage but not the one answer to all of our educational challenges and shortcomings. There is no one answer. This is an idea worth testing. That is when I began working with Senator Coats to develop a national demonstration project very similar—almost exactly similar—to that proposed in the amendment Senator GREGG has introduced today.

It was my belief then, and still is my belief, that we have an obligation to try everything we can to improve educational opportunities for all of our

children, to never refuse to open a single door behind which there may be a constructive answer that will help us better educate all of America's children.

The growing national demand for choice has, I believe, helped to awaken us to the educational crisis that has been plaguing our poorest urban and rural neighborhoods. We have watched the standards movement take off in States around the country and listened to Governors and reformers of both parties demand accountability for results, saying we can no longer tolerate failure in our attempts to educate our children.

We have been heartened by the academic achievement gains made in communities all across America. I think of Chicago and Hartford and districts throughout America that were once declared educational disaster areas and today are beacons of hope for the future of our children.

Now we in this body are considering the most sweeping Federal education reform plan in a generation. This has taken on the challenge of ending what the President has called ''the soft bigotry of low expectations'' and closing the achievement gap into which too many poor minority children are falling. Part of what makes the reform plan in the underlying bill so encouraging is that it provides a series of strong answers to that same tough question I am sure many of my colleagues have heard from parents of children in public schools that they believe are not adequately answering it.

This bill provides answers to that question because it will force districts to take bold steps to turn around failing schools, including radically reconstituting them, converting them into charter schools or, in the worst cases, actually closing them down and opening them as new schools. It will significantly expand the options for poor parents within the public school framework, guaranteeing that their children can transfer to higher performing public schools and providing them with transportation assistance to make that choice meaningful.

For those children who do not or cannot leave a failing school, this bill gives their parents the right to demand outside tutorial or supplemental services to ensure that their children are not being left behind.

The amendment Senator GREGG has offered would offer yet another option in the communities across America chosen to carry out this demonstration project for parents of children in schools that are failing. The fact is that all of the reforms I have described that are in the underlying bill before us are going to take some time to yield results. I am very optimistic about them. But even at the best, we have to be restless and unsatisfied in our continuing pursuit of a better education for our children. The truth is, the journey to a better education for all of America's children has no final destination point; it will go on and on and on.

That is why I support the idea embodied in Senator GREGG's amendment which will test the school choice concept in a way that can benefit all of us who care about our children's education and at the same time provide a short-term educational lifeline for children involved in this demonstration program who are trapped in a school that is found to be failing, according to the accountability provisions of this underlying ESEA reform.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to have an additional moment to finish my statement.

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

Mr. LIEBERMAN. Mr. President, I understand there is no guarantee that if this amendment were adopted, the projects authorized under it would succeed. But that is the very point of the amendment. It is a test. It is saying that we are restless and unafraid in pursuit of the best education for each of America's children.

In fact, the research about the limited voucher programs that exist in cities across America today, such as in Milwaukee and Cleveland, is as controversial, in some ways, as the programs themselves. Some of the evidence is promising, suggesting that private school choice could improve achievement and drive change in the local public schools. And the fact that so much research is in dispute itself is an argument for a larger experiment, a national experiment, fully evaluated and reported on to provide us with better facts, better information, to make more informed judgments as we continue tirelessly, fearlessly, to explore every avenue to a better education for each and every one of America's children.

Mr. President, I will support the Gregg amendment.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield 7 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President.

I appreciate the remarks of the Senator from Connecticut. I agree with him that it is time for this amendment to have a test. In fact, I think the vote on this amendment will tell the American people whether we are really serious about reforming education, which is what this legislation really ought to be all about.

I also think it is about which special interests are most exercised. Until now, with only a few exceptions, the amendments to this bill approved by the Senate have increased spending and authorized new spending programs. These are the same measures that have produced generations of less-educated Americans. ''After spending $125 billion . . . over 25 years, we have virtually nothing to show for it.'' That is a quotation from Secretary Paige. It is what he said when he saw new data showing that 60 percent of our poor fourth graders are still essentially unable to read.

During this debate, the Senate voted to shovel billions of dollars more of taxpayers' money into this failed effort. At last count, measuring spending just on this bill, from last year, $17 billion spent to approximately $38 billion, it is well over a 100-percent increase. I think this is the context in which we should consider the amendment of the Senator from New Hampshire.

As pointed out by the Senator from Connecticut, this amendment simply establishes a demonstration program which would allow only 10 localities in 3 States the opportunity to extend school choice to low-income students in failing schools. The cost is $50 million a year.

Given the colossal spending increases added to this bill over the last few weeks, it is ironic that some still argue that this amendment is denying needed resources to public schools.

No, the opposition to this amendment can only illustrate the truth of George Will's observation that ''opposition to school choice is the most purely reactionary cause in contemporary politics.''

This is not even a liberal versus conservative issue. Many distinguished voices of American liberalism have broken with the reactionary special interests and embraced school choice.

The list includes—but is not limited to—former Labor Secretary Robert Reich, Pulitzer Prize-winning columnist William Raspberry former Baltimore Mayor Kurt Schmoke, former Congressman Floyd Flake, and the editors of the Washington Post.

Most of these thoughtful observers deviated from liberal orthodoxy because they realize that their doctrine was hurting poor children.

President Bush has described literacy as ''the new civil right.'' And he is right. When we allow the most disadvantaged to be cheated out of a decent education, we render the promise of equal opportunity hollow.

School choice keeps that promise, not just for the students who are able to exercise choice, but for all the students who attend schools in a community where choice is widely exercised.

My home State of Arizona has been a leader in the effort to provide parents with additional choices in education. Under the leadership of recently departed Superintendent of Public Instruction Lisa Graham Keegan, we

have instituted open enrollment, enacted the most liberal charter school law in the country, and restructured state education financing so that education funds follow the student to the institution of his or her choice.

One of the most interesting results is that because families are now empowered to exercise all these new options, the traditional schools are working harder to improve their performance. In response to some new charter schools, one district changed the curricula and other programs and took out ads in the paper to tell parents about efforts to improve upon its already strong academic offerings.

But the competition that the new charter schools created spurred them to do even better. Who benefited? The kids. And after all, isn't that what this is about?

It shouldn't be surprising that improvements resulted when Arizona began encouraging innovation by educators and providing more choice for parents and students.

Our Nation has thrived because our leading industries and institutions have been challenged by constant pressure to improve and innovate. The source of that pressure is vigorous competition among producers of a service or good for the allegiance of their potential consumers.

The alternative is monopoly, and a system that maintains a captive clientele by blocking all the exits, a system within which attempts to provide such an exit—even one so modest as that contained in this amendment—are considered a deadly threat.

We all know that any politician who crosses these reform foes can expect to pay a price.

We all recall how our former colleague Bill Bradley was pilloried in the Democrat primaries for the heresy of supporting proposals just like this one.

Senator Bradley tried to reason with his critics:

> Advocates of school choice say that . . . it will create competition that will make the public schools better,

he noted, before concluding:

> You don't know that unless you have a test.

The die-hard choice opponents don't want to know. Or perhaps they already do know.

Recently, along with a number of my colleagues, I had the opportunity to hear from Howard Fuller, who served as superintendent of schools in Milwaukee and helped implement that city's path-breaking choice program.

Dr. Fuller is a passionate and eloquent advocate for school choice. He gets to the heart of the opposition when he said:

> Parents must be empowered to have their aspirations for their children's education taken seriously by educators. A critical step in that direction is when we give them the capacity to exercise choice. I believe that [currently] our educational systems are . . . organized to protect the interests of those of us who work in these systems, not the needs and interests of the families we are supposed to serve. . . .

When we vote on this amendment, the Senate will decide: Is our purpose to protect the special interests or is it to protect the interests of American students and their families?

The choice is clear.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I hope we will consider seriously this pending amendment and the implications.

To clarify some of the record in terms of statistics that have been thrown about during this debate, there was mention on the floor early today that 63 percent of the American people support vouchers. The exact number is 63 percent support public school vouchers. The implication that this is 63 percent supporting vouchers to private schools is not an accurate figure at all.

The national exit polls in November showed by nearly an 80-percent margin Americans prefer investments in public schools to vouchers.

The State of California rejected its voucher referendum 71–29. Latinos rejected it by a higher margin, 77–23. Michigan rejected its voucher referendum 69–31. African Americans rejected it by a higher margin, 75–25. The notion that this is a concept that is supported by the American public or that has gone on trial is not the case.

Normally, one might ask, what is wrong with a demonstration program, with a budget of multibillions of dollars; why not take $50 million and put it into a demonstration program to determine whether or not something like this works?

First of all, I suppose, only in Washington would a person consider $50 million an insignificant amount of money. Particularly when we are trying to get funding for title I and special education and a variety of other needs out there, $50 million may make a significant difference.

Putting aside the size of the amount being asked for, this is not a new idea. It is not an untested idea. Every place it has been tested it has not worked. Those are the facts.

States, counties, cities, have tried vouchers. There is no research that voucher students outperform public school students or that voucher programs improve public schools at all. Instead, vouchers take scarce resources from public schools that desperately need them. Remember, as we debate this issue, 55 million children went to school in America today; 50 million went to a public school; 5 million went to a private or parochial school.

The idea that we will take every desiring public school student and put them into the structures that accommodate private school students is ridiculous on its face.

Although this is a pilot program, there are those who would make this a full-scale program if they could. This is, of course, to get $50 million in the door to demonstrate in a sense that we ought to try this as a national scheme and underwrite people's desires to send their children to private or parochial schools. So the 50 million kids who are going to schools need to know whether or not we will be doing what we can to improve the quality of public education. That is where our primary responsibility is when it comes to elementary and secondary education needs.

What will help public schools, in my view, is not vouchers but better qualified teachers, smaller class size, safe and modern facilities, programs to increase parental involvement, and more afterschool programs. Even if every available space in private schools were filled by a transfer student from a public school in America, only 4 percent of the public school students would receive a voucher under the maximum set of circumstances. Which 4 percent will it be? Who makes that choice? It will not be a kid who can be a bit of a problem. Unlike a public school, a private school can cherry-pick who they want to have, who they don't want to have, who they want to reject, who they like or don't like. That is their right. I never fault or suggest that a private or parochial school ought to accept everyone who applies. So when you are setting up a private school program, many of which, by the way, cost hundreds and hundreds of dollars—the idea that somehow we are going to have a meaningful voucher program for some desperately poor black child growing up in a ghetto somewhere to go to the Taft School in Connecticut or some private institution is foolish, in my view. We are talking about a fraction, even if you had a national program here, a fraction of the students who would qualify.

Vouchers do not even provide a choice for many of the students who are eligible for them. Unlike public schools, private schools are not required to accept all students, nor is there any evidence that the few students who are able to use vouchers to attend private schools outperform public school peers. The most comprehensive study of the first 5 years of the Milwaukee voucher program showed no achievement differences between voucher students and public school students, not any after 5 years.

I ask for 2 additional minutes, if I could.

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

Mr. DODD. In fact, this is why I made the statement I did at the outset. This is not uncharted waters at all. Mr.

President, 30 years of research suggests that when background conditions and other factors are taken into account there are no significant differences in achievement between public and private school students. Supporters of vouchers also suggest that competition from vouchers will improve public schools; that competition will shake out the bad schools.

I am all for business models in a lot of areas, but education is not widgets. The business model starts with a premise that there are winners and losers. An educational model that starts with that premise is not consistent with leaving no child behind. We cannot afford for any school or any child to be a loser. We cannot guarantee there will be winners, but we ought to be able to guarantee an equal opportunity to win. The idea that some are just going to fail and that's the way life is is not the way we ought to be dealing with elementary and secondary educational needs.

I do not think we can afford for any school or child to be a loser in America. Just as there is no reliable research suggesting that voucher students outperform their peers, there is no reliable research that suggests that voucher programs improve public schools either. We know what does improve them: additional resources, better teachers, smaller class size, curriculum, model schools. Those are the things that make a difference. We do not need a Federal demonstration program to learn about voucher programs or about what is necessary to improve public schools. We already know that we do not improve public schools by draining away desperately needed resources and undermining public support for those schools.

Mr. President, I urge our colleagues to look at what the record has been on this issue. It has been developed. It is not new.

I have great respect for what private and parochial schools do. They make a significant contribution. But the idea somehow we are going to fund two school systems in America is unrealistic. We do not do a very good job at the one we have. The idea somehow we are going to underwrite two is terribly naive and detracts from the resource allocation we need in order to try to make those schools that are in trouble receive the kind of support they ought to be getting.

For those reasons, I urge our colleagues to reject the Gregg amendment.

I yield the floor.

Mr. KERRY. Mr. President, I am concerned by some of the major distortions of fact that have occurred during today's debate. Some Senators have erroneously cited polling data to buoy their claims that a majority of Americans support school vouchers. A closer look at some recent trends show otherwise.

I have heard some of my colleagues cite a National Education Association poll suggesting that 63 percent of Americans favor voucher programs. That is just plain wrong. In fact, that poll demonstrated that 63 percent of Americans favor public school choice—not voucher programs. There is a huge distinction there, and I am surprised that my colleagues are not a little more cautious in discussing these two very separate ideas. As we all know, public school choice allows students and parents the opportunity to participate in charter schools, magnet schools or even just another public school in the same district. Public school choice does not involve private schools at all. I should also point out that public school choice has been strongly endorsed in this bill, and I congratulate the many hands who helped shape this legislation to include a provision that support public school choice programs.

In the 2000 election, two States overwhelmingly rejected referendums on funding voucher programs. Californians rejected vouchers by 71–29 percent, while Michigan voters rejected vouchers by 69–31. Since some of my colleagues raised race as an issue in this debate, I would also add that minorities in both States rejected vouchers in numbers that far exceed the aggregate State totals. Wolverine State African Americans, for example, voted against the voucher referendum by a margin of 3–1.

The much-heralded Milwaukee voucher program has also recently come under scrutiny. Students participating in the public school's SAGE program—which includes smaller class sizes, rigorous curriculum and assessment, access to after school programs and increased professional development—have tested better than kids in voucher programs.

So with those points made, I would like to address a couple of other arguments that have been made this morning. Even as proponents tell us that vouchers improve public schools, reality tells us otherwise. The Milwaukee and Cleveland voucher programs—which cost $29 million and $9 million, respectively—do not cover the complete cost of private school tuition for the relatively few students served by the programs. Private schools can also reduce their budgets by not offering health services, breakfast and lunch programs, counselors, or services to special needs students. For less than the cost of either voucher program, other programs, such as the Success for All program, could be implemented in city public schools, thereby benefiting all children in the school district.

Voucher programs create the potential for discrimination. Awarding a voucher to a family does not guarantee that the student will be accepted into a private school. While Milwaukee schools may not discriminate against disabled students, there is no requirement that they provide special education services. Likewise, private schools are not required to provide needed services to low-English proficient students or chronically disruptive students.

Finally, I take issue with colleagues who cry for accountability in our public schools, then blithely support voucher programs. I believe that our schools absolutely must be accountable for their students. But the enduring legacies of the Cleveland voucher experiment may well be bad budgeting and misspent funds rather than better results for students. A 1997 independent financial audit found that $1.9 million had been misspent, including $1.4 million paid to taxi companies transporting students to voucher schools. Since 1997, program officials have uncovered more than $400,000 in taxi fares were billed on days when the students in question were absent.

Worse even than the taxi fiasco, in 1998, the program ran 41 percent over budget, forcing the State of Ohio to take $2.9 million from public school funds to cover the overruns. That is $3 million coming out of the State public school coffers to fund a program that, like today's amendment, was not supposed to ''take money out of the public schools.''

No one wants to improve schools in the poorest parts of America more than I do. But voucher programs are not the way to accomplish this very worthwhile goal. We simply do not have the resources to spend millions of dollars on a few students at the expense of the 90 percent of American children who attend public schools. So I urge my colleagues to reject this amendment and instead to support greater investment in our public schools.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I warmly endorse the comments of the senior Senator from Connecticut. As always, he is spot on with his analysis, and his point with regard to the Gregg amendment, which I strongly oppose, is exactly where I think we should come out.

Although I commend the author and supporters of the amendment for their concern about low-performing schools, I believe this amendment is misguided because it would undermine the public education system that is the very tie that binds our society.

I encourage the authors to show their passion to improve our poor-performing public schools by fully resourcing those proven initiatives that will change failed schools.

Mr. President, 90 percent of our children attend public schools. As our Nation becomes increasingly diverse—my

State, in particular, is blessed with incredible diversity—our public schools continue their fundamental purpose of uniting Americans while providing every child with the opportunity to succeed. That must be our mission—our passion. The availability of quality public education for all is defining to America's democracy.

If we adopt this vouchers measure, we would drain limited resources from our public schools and send a signal that we are prepared to erode the historical purpose and position of public education in America.

Much of the debate around vouchers is about choice. But the choice inherent in any vouchers proposal is false, meaningless choice.

Contrary to the rhetoric, vouchers would not ensure parental choice, because private schools can and do reject applicants for private reasons—including disability or language skills.

In fact, the only real choice vouchers will create is in the hands of the private schools.

That means that a child with limited English proficiency—let's keep in mind that there are over 4.1 million of such children in our schools—would not have a meaningful choice. That means that a child with learning disabilities wouldn't really have a meaningful choice. These children with unique educational needs—who most need the promise of a quality education—would often be left behind in schools we deem to be failing.

Vouchers are also a false choice because the amount being offered is too little to be meaningful. How many families, making $32,000 or less, actually have the additional funds to allow them to take advantage of vouchers. What is the practical reality here?

In addition to vouchers setting up a false choice, vouchers provide no accountability. Now, I have been listening to much of the debate on this education bill, and one of the main themes has been about accountability. I support accountability. As a former businessman, I appreciate the importance of monitoring the success or failure of our investments.

But this voucher proposal provides no accountability. Under the proposal, we would divert critical public resources without any public oversight. This proposal would thus undermine the progress we are making towards increased accountability.

The incredible fact in this debate is that the evidence does not show that vouchers work. Experiments have shown that vouchers do not help improve student achievement. A University of Wisconsin-Madison professor found that there were no achievement differences between voucher student and comparable Milwaukee public school students.

Princeton University Professor Cecilia Rouse found that students in a special Milwaukee program that used extra resources to reduce class sizes outperformed both regular public school students as well as voucher students in both reading and math.

The evidence also shows that vouchers do not reach the students most in need. Finally, they do nothing to help the public schools that are left behind to educate the vast majority of our children.

We are unfortunately operating in a time of limited resources. More limited now that we have made the choices we've taken on the recent tax cut.

We are underfunding title I, the critical engine of reform for our low-income school districts. Two-thirds of the eligible kids are left out. Similarly, we have been shirking the Federal Government's responsibility in fully funding IDEA, education for the disabled.

Just when we should be putting increased resources in our public schools—so that our reform efforts can be meaningful, and so that we can ensure that the children who need our help the most, get our help—we should not be siphoning critical funds to fund vouchers. If we want to reform schools, we need to provide those schools with real resources, not deprive them.

We have heard a lot of rhetoric lately about the need to ensure that no child is left behind, and about the need for school reform. But we must put our money where our mouth is, because reform without resources is a charade.

Even though supporters will argue that this proposal would not take away funding from the title I program, any money spent on vouchers is money that could and should be used to bolster our public schools.

We know what works. A good teacher in every class is the most important single factor in the quality of a child's education. We can do everything else right, but if we don't have good teachers, the educational system just won't work. That's why it is critically important that we provide real resources to attract and retain quality teachers, and to help teachers develop their skills.

We also know that smaller class sizes work. It's abundantly clear that smaller classes are better for children, and we've started to make progress in recent years. But we have not gone far enough. In my view, that's a serious mistake.

We also know that our children must go to school in safe modern school buildings, and that's why I have been fighting to modernize our schools.

In sum, there is no evidence that vouchers work. They do not provide a meaningful choice to families who struggle to ensure that their children receive a quality education.

And by diverting funds we undermine our other reform efforts and put at risk those who remain in our public system.

We should not give up on our public schools. I urge my colleagues to oppose this amendment.

Mr. GREGG. Mr. President, I yield to the Senator from Pennsylvania 8 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. I thank my colleague from New Hampshire.

I have listened to the remarks and to the complaints of those who are going to vote against this amendment. First, they say it is not going to work; that the only program out there that is in fact in place right now is Milwaukee. Yet the superintendent of the Milwaukee school districts has come to Washington, DC, over the past few months and pleaded for us to pass this proposal because he and the poor people of Milwaukee whose children don't have an opportunity to get a good quality education in the existing school system want this program. It is the ultimate accountability.

We don't have accountability. When you have the dollars and you can take them to this school or to that school, that is accountability. There is no accountability in the public system because there is no choice in the public system. Your child is trapped in the school if you have low income. The child is trapped in the school to which they are designated to go. Therefore, accountability is just simply a check sheet that you have to fill out for some government bureaucracy. But there is no accountability to the consumer of the product. Isn't that what we are talking about? The consumer is the child.

We worry so much and talk so much. By the way, I know people are concerned about the money. This bill under consideration, to my understanding, increases the amount of money we are going to spend on education by over 100 percent. To suggest somehow or another that we have been parsimonious with the money we are throwing around here for education is somewhat disingenuous. Hundreds of billions of dollars are being authorized for this legislation. We are looking at $50 million for a pilot program.

What are people afraid of? Are you afraid this program will actually work? And if it does, it makes these hundreds of billions of dollars we are spending look as if we didn't know what we were doing. Are you afraid that it won't work and that there are some children right now who are getting a poor education who will continue to get a poor education?

There is no down side for these people. They are saying, if it doesn't work, we are no worse off than we are today. If you as the mother or father of a child in a poor school district want to give your child a chance, at least you are giving them hope of improving their situation. Hope is a powerful motivator. What are we afraid of? What are we afraid of?

Hundreds of billions of dollars are being pumped into our educational institutions through this bill, and we are running for the hills because there is $50 million for pilot programs that only go into effect if the Governor and the people in the local community want it.

Let me underline that again. There is not a Federal mandate on any State. There is not a Federal mandate on any school. This says, if you are a Governor and you want to work with your cities—principally there are going to be cities that are underperforming and leaving children behind—we are going to give you a chance, with some Federal dollars, for you and the school district to innovate and to do something very different that might change a child's life.

We talk about leaving children behind. The Senator from Connecticut said we cannot afford to have any child be a loser. You make the assumption that there are no losers in the current system. Let me assure you that we have lots of losers when it comes to having the opportunity to get a good education in this country. Lots of children are losing out on the opportunity to get a good education in this country.

For us to say we are not going to give caring Governors, caring superintendents, school boards, and parents the choice of doing something different for children who are right now losing out because of fear that it might work—let me get to the bottom line—isn't that what it is all about? Aren't we really afraid this might work? Because if we are afraid it is going to fail, that child who is losing under the current system right now is going to be no worse off.

Aren't we really afraid of success here? What we have been talking about—these glorious proclamations we have made about how we are going to improve the quality of schools and change the system and how we are going to be the savior of education—can all come down to the fact that we just haven't been giving the right incentives to parents and kids to get the kind of education they want, that we haven't upgraded a system that has ultimate accountability.

The ultimate accountability is that you can walk with your money. Isn't that what we are afraid of? I think it is. I think it is a great fear of giving up control.

The big problem is my life; I don't want to give up control. I want control over every aspect of my life. One of the things I have found is that sometimes, by giving up control, wonderful things can happen. Whether it is the State, whether it is the local school board, or whether it is the Federal Government, we want control of every little aspect, all the way down to making sure we have our hands in everything, and to make sure everything is run right. We control all of it. We feel good because we are doing something about it.

But I think all of us know in our own lives that when we try to micromanage control, everything gets screwed up, particularly when you are doing it from Washington, DC, in every little city and school district.

We are talking about a child here. We are not talking about children. It is wonderful to talk about children. I am talking about a child, because you know that if you are a mother sending a child to a poor school, you are worried about that child.

What does this have to do with my child and my child's education? I don't care whether you are controlling all of this. All I want is to give my child a chance. That is what this bill does. This amendment gives my child—mine—a chance—not children, my child.

We are afraid of that. We are afraid to give parents the chance to care for my child. We want to care for children because we know best—because, of course, we are smarter than all the people who worry about their child. We know best. So we are going to dictate to you every step of the way as to where the billions of dollars go; $50 million for a little pilot project that says we are going to give you the ability to take care of your child; we are going to give up control of your child; they say: Oh, no, we cannot do that. It is too risky. There might be a loser out there somewhere.

The PRESIDING OFFICER. The Senator has used the 8 minutes yielded to him.

Mr. SANTORUM. Thank you, Mr. President. I ask the question finally: What are we afraid of?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Pennsylvania for his strong and very effective statement in support of this amendment. I appreciate it.

I understand Senator KENNEDY is going to close on his side, and I am going to close on my side, and we will be ready to vote. My closing will be a little shorter than his closing because I have no more time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, I have 6 remaining minutes. Is that correct?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. KENNEDY. I ask the Chair to remind me when I have 30 seconds remaining.

Mr. President, I think we have had a good debate and discussion, and perhaps the best presentations of differing views on this matter during the last several hours.

I want to summarize the reasons I am strongly opposed to this amendment. We are talking about scarce resources. The case is made that this really isn't money that is going to be used for education. That doesn't really stand. I think most of us who are opposed to this amendment believe that if we have public money, we ought to invest it in the areas where public school children can benefit.

The theme of this legislation is to try to take tried and tested ideas and to make them available to the local communities and give those ideas that have been tried and tested some additional incentives with financial support in order to enable the most challenged children and the neediest children in our society to make progress.

We are committed to it. This legislation is to use tried and tested techniques in order to enhance that possibility. I think over the period of this debate we have demonstrated that these voucher programs that have been tried, whether it was in Milwaukee, Cleveland, or other communities, have not really provided effective enhancement of the children's ability to learn.

Now, just finally, I have listened to the Senator from Pennsylvania. This isn't about a child's choice. We have to understand this. The voucher issue isn't about the choice of a child. It is the choice for the school. That is a major difference.

To try to represent to families all over this country that if this amendment is adopted, and their child is caught in a particular school, that parent will be able to take that child out and go to another school is wrong. That child's school will make a determination based upon their own considerations whether to admit that child.

The Senator from New Hampshire is going to modify his amendment to make sure children who have some disability or special needs will be able to be included, and that children can be selected on the basis of lottery. Still, it will be up to the school, but that is certainly an improvement.

Let me read from the Department of Education's study about the private schools and accepting students with special needs:

> A policy of random assignment could mean that participating schools would accept any student who was assigned, including students with learning disabilities, limited English proficiency, or low achievement. However, when the private schools were asked specifically about a transfer program that would require participating private schools to accept such students, their interest in participating declined further. Under this circumstance, only 15 percent of the schools said they would be definitely or probably willing to participate. . . .

There is the answer. Fifteen percent are willing to take children who have some kind of special needs.

Secondly, in this report, in relation to participation in State assessments, 42 percent of the schools said they would be unwilling to participate.

Listen to this:

> Permit exemptions from religious instruction or activities. Very few religious schools

would be willing to participate in a transfer program if they were required to permit exemptions from religious instruction or activities. Eighty-six percent of the religious schools are unwilling to participate under this condition.

There is no provision for that in the Gregg amendment, absolutely none. If a child is admitted, finally, on a lottery provision and goes to a particular school, they are going to have to attend the religious ceremonies in that school. At least 86 percent of the schools will require it.

Milwaukee did not do it. They had a provision that excused it. Not in the Gregg amendment. This is not well thought through. The Senator says that hard-pressed parent out there, that single mom, is going to have a choice. That is baloney. That is not true.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. The school is going to make the decision. It is going to be as true as I am standing here, that if that child has special needs, there is no sense in applying; if that child has limited English, there is no sense in applying; if that child is a homeless child, there is no sense in applying. That is the record. That is why we should reject this amendment.

Let's take scarce resources and invest them where they should be invested; and that is in tried and tested programs that will enhance the children's academic achievement in the public schools of this country.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator's time has expired.

Mr. GREGG. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 14½ minutes.

Mr. GREGG. Tried and tested programs, that is a fairly unique way to describe a program that has left literally hundreds of thousands of children behind. The average low-income child in this country today, in a fourth grade class, reads at two grade levels less than their peers. Only half of those kids even graduate from their high school. They have been left behind. That is the whole point. That is why parents in inner-city schools want to have the opportunity to have some options.

That is why when the Children's Scholarship Fund put up some money and asked if there was anybody out there who wanted to go to a different school, you had literally thousands, actually 1.3 million children applying for those 40,000 slots which were limited to low-income kids.

That is why the Milwaukee school system has found it to be so successful. That is why Florida has found it to be so successful. Because it is the low-income children—specifically, the children of parents who in many instances are single moms—who have been locked into schools that have failed year after year after year, who have no options because the schools will not improve. No matter how much money we put into the schools, they simply will not improve. That is why those parents want another opportunity.

Let me read from a couple of statements made by some of these parents. We have Carol Butts, from the Milwaukee schools:

> When my daughter Evan finished fifth grade in the Milwaukee public school system, she could not multiply; she couldn't even write. Our family has limited income, so we didn't have too many choices. When I learned about the Milwaukee Parental Choice Program, I was ecstatic. In two years there, her school work has really improved.

These are specific cases.

Tracy Richardson:

> I first looked at three public school options. Classes were unruly. A magnet public school was better, but there was a waiting list. . . . I ended up using the A+ program to choose Montessori Elementary School. It has improved my child's learning immensely.

Tony Higgins:

> The Milwaukee program let me choose schools that I think are best for my girls. I believe both of them will have a choice to go on to college because of the voucher program.

These are real people who were locked into inner-city schools who did not have the option for education that those folks who have more money have, who were seeing their kids left behind. All they wanted for their children was a decent education. So through choice programs, in Milwaukee, Ohio, and Florida, a few parents have had that opportunity.

This idea that choice does not work is just a lot of hokum. It is a straw dog. A study by Kim Metcalf at Indiana University, the official evaluation of the Cleveland program in Ohio, found statistically significant gains in the test scores of students who were on vouchers. A study by Jay Greene and Paul Peterson found statistically significant math and reading score gains in the Milwaukee school voucher system. A study by a Princeton group found quite large statistically significant math gains for the Milwaukee Choice Program. Study after study has proven these programs work.

The idea that the other side has promoted, which is totally elitist, which is the problem, of course—opposition to the concept of choice is elitist by definition—is that we know best for parents—these parents whose children are locked in these schools and want to get out, we know best for them.

How outrageous that we stand in this Senate Chamber and do not give parents an option to allow their children to compete for the American dream.

The niece of Dr. Martin Luther King had it right. This is a civil right that we are talking about. The right to have a decent education is a civil right. When we year after year after year put children in schools that fail, we deny them that civil right.

This amendment is very simple. It is very small. It is very focused. Ten school districts across the country get the opportunity to participate, if they wish. Then the only parents who can participate are parents of families with $32,000 of income or less who are actually having their kids attend schools where for 3 years those schools have been defined as ''failing.'' And then, in order to protect the system more and assure fairness, we say the students who go to the private schools will be chosen by lottery. So there isn't any creaming or any attempt to skew the system.

In addition, we have language in this amendment that specifically says there can be no discrimination. That has been a straw dog that has been put up on the other side that if anybody bothered to read the amendment they would have seen did not apply.

Then we put in very tough evaluation standards to see whether or not the system works, to see whether or not private school choice works.

So what is there to fear from the other side? What is it that they fear? I think the Senator from Pennsylvania had it right. They fear that parents may actually choose to send their kids to a private school and that that may actually produce children who are actually competitive academically and who have a shot at the American dream, and it may—and this is what is really feared—put pressure on the public school system to change. It may threaten those unions which for years have told us that mediocrity works; that if we dumb down, it is acceptable; that we can have failed schools as long as we pay a union wage.

They fear this may actually disrupt the public school system. Should we not disrupt the public school system where year after year the schools have failed? Of course, we should. We should improve it. The way you improve it is to bring competition into the system, which is what this amendment does.

I go back to my experience as a child when I saw that elected official, the Governor of a State in our country, standing in the doorway of a school in Arkansas, I believe, unfortunately. I know my colleague from Arkansas opposed that aggressively and is glad that it is no longer the situation there. When that Governor stood in the door of that school and the Army had to come to allow a child to go into the school, that was an imprint on my youth. That is one of those visual things one remembers. I just couldn't understand how that could happen in our country, how somebody could block a child from going to school.

What is happening today is there are people standing in the school door of failed schools, of schools filled with

drugs and violence, schools where they do not teach, schools where children from year to year shuffle from classroom to classroom and cannot learn and are not allowed to learn and who, therefore, cannot participate in the American dream. We have people in this Congress standing in the doorway, blocking that doorway from allowing those children to leave that school and go across the street and participate in a school where they will learn and have the opportunity to participate in the American dream. It is an irony which has to disappoint us all.

Choice, portability, vouchers, to use the pejorative term, what is it all about? It is all about one thing: It is about children, giving America's children an opportunity to learn. It is especially about low-income children, locked in the inner city, whose only way out of their situation is education. When we deny them this choice, we deny them the opportunity to participate in the American dream.

That is not right and it is not fair. This minor exercise, in the sense of funding and in the sense of scope, should not be viewed with such antipathy from the other side. Rather, it should be viewed as an opportunity to see whether or not the arguments they make so aggressively are valid. If they have the courage of their position, they should allow this demonstration program to go forward because they will prove that it fails. In any event, they will have spent $50 million on at least improving a few children's opportunities to learn.

I can't understand why it is opposed, but I can understand this: If we do not get on the path of correcting these failing schools, and we do not get on the path of giving children in those schools options to learn in an environment which is conducive to learning, then we will lose another generation. As a nation, we can't afford that.

It is my hope that this amendment will be accepted, and I look forward to the vote.

AMENDMENT NO. 536, AS MODIFIED

Mr. GREGG. Madam President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to modification of the amendment?

Without objection, it is so ordered.

The amendment (No. 536), as modified, is as follows:

On page 628, between lines 9 and 10, insert the following:

"Subpart 4—Low-Income School Choice Demonstration

"SEC. 5161. LOW-INCOME SCHOOL CHOICE DEMONSTRATION.

''(a) SHORT TITLE.—This section may be cited as the 'Low-Income School Choice Demonstration Act of 2001'.

''(b) PURPOSE.—The purpose of this section is to determine the effectiveness of school choice in improving the academic achievement of disadvantaged students and the overall quality of public schools and local educational agencies.

''(c) DEFINITIONS.—In this section:

''(1) CHOICE SCHOOL.—The term 'choice school' means any public school, including a public charter school, that is not identified under section 1116, or any private school, including a private sectarian school, that is involved in a demonstration project assisted under this section.

''(2) ELIGIBLE CHILD.—The term 'eligible child' means a child in grades kindergarten through 12—

''(A) who is eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1964;

''(B) who attended a public elementary or secondary school, or who was not yet of school age, in the year preceding the year in which the child intends to participate in the project under this section; and

''(C) who attends, or is to attend, a public school that has been identified as failing for 3 consecutive years under section 1116 or by the State's accountability system.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a public agency, institution, or organization, such as a State, a State or local educational agency, a county or municipal agency, a consortium of public agencies, or a consortium of public agencies and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary, its ability to—

''(A) receive, disburse, and account for Federal funds; and

''(B) carry out the activities described in its application under this section.

''(4) EVALUATING ENTITY.—The term 'evaluating entity' means an independent third party entity, including any academic institution, or private or nonprofit organization, with demonstrated expertise in conducting evaluations, that is not an agency or instrumentality of the Federal Government.

''(5) PARENT.—The term 'parent' includes a legal guardian or other individual acting in loco parentis.

''(6) SCHOOL.—The term 'school' means a school that provides elementary education or secondary education (through grade 12), as determined under State law.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, to carry out this section.

''(e) PROGRAM AUTHORIZED.—

''(1) RESERVATION.—From the amount appropriated pursuant to the authority of subsection (d) in any fiscal year, the Secretary shall reserve and make available to the evaluating agency 5 percent for the evaluation of programs assisted under this section in accordance with subsection (k).

''(2) GRANTS.—

''(A) IN GENERAL.—From the amount appropriated pursuant to the authority of subsection (d) and not reserved under paragraph (1) for any fiscal year, the Secretary shall award grants to eligible entities to enable such entities to carry out not more than 10 demonstration projects (which may include 1 state) under which low-income parents receive education certificates for the costs of enrolling their eligible children in a choice school.

''(B) CONTINUING ELIGIBILITY.—The Secretary shall continue a demonstration project under this section by awarding a grant under subparagraph (A) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this section for such preceding fiscal year.

''(3) USE OF GRANTS.—Grants awarded under paragraph (2) shall be used to pay the costs of—

''(A) providing education certificates to low-income parents to enable such parents to pay the tuition, the fees, the allowable costs of transportation, if any, and the costs of complying with subsection (i)(1)(A), if any, for their eligible children to attend a choice school; and

''(B) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides education certificates under this section or 10 percent in any subsequent year, including—

''(i) seeking the involvement of choice schools in the demonstration project;

''(ii) providing information about the demonstration project, and the schools involved in the demonstration project, to parents of eligible children;

''(iii) making determinations of eligibility for participation in the demonstration project for eligible children;

''(iv) selecting students to participate in the demonstration project;

''(v) determining the amount of, and issuing, education certificates;

''(vi) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

''(vii) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in subsection (k).

''(4) CIVIL RIGHTS.—

''(A) IN GENERAL.—A choice school participating in the project under this section shall comply with title VI of the Civil Rights Act of 1964 and shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this section.

''(B) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

''(i) APPLICABILITY.—With respect to discrimination on the basis of sex, subparagraph (A) shall not apply to a choice school that is controlled by a religious organization if the application of such subparagraph is inconsistent with the religious tenets of the choice school.

''(ii) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subparagraph (A) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

''(iii) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subparagraph (A) shall be construed to prevent a parent from choosing, or a choice school from offering, a single-sex school, class, or activity.

''(C) REVOCATION.—If the eligible entity determines that a choice school participating in the project under this section is in violation of subparagraph (A), then the eligible entity shall terminate the involvement of such schools in the project.

''(f) AUTHORIZED PROJECTS; PRIORITY.—

''(1) AUTHORIZED PROJECTS.—The Secretary may award a grant under this section only for a demonstration project that—

''(A) involves at least one local educational agency that receives funds under section 1124A; and

''(B) includes the involvement of a sufficient number of choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to demonstration projects—

''(A) involve at least one local educational agency that is among the 20 percent of local educational agencies receiving funds under section 1124A in the State and having the highest number of children described in section 1124(c);

''(B) that involve diverse types of choice schools; and

''(C) that will contribute to the geographic diversity of demonstration projects assisted under this section.

''(g) APPLICATIONS.—

''(1) IN GENERAL.—Any eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

''(2) CONTENTS.—Each application described in paragraph (1) shall contain—

''(A) information demonstrating the eligibility for participation in the demonstration program of the eligible entity;

''(B) with respect to choice schools—

''(i) a description of the standards used by the eligible entity to determine which schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such eligible children consistent with state law;

''(ii) a description of the types of potential choice schools that will be involved in the demonstration project;

''(iii)(I) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

''(II) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each choice school;

''(iv) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children provided education certificates under this section than the choice school does for other children;

(v) an assurance that each choice school will admit children on the basis of a lottery;

''(vi) an assurance that each choice school operated, for at least 1 year prior to accepting education certificates under this section, an educational program similar to the educational program for which such choice school will accept such education certificates;

''(viii) an assurance that the eligible entity will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

''(viii) an assurance that choice schools will accept the amount of the scholarship as full payment of tuition and fees;

''(C) with respect to the participation in the demonstration project of eligible children—

''(i) a description of the procedures to be used to make a determination of eligibility for participation in the demonstration project for an eligible child, which shall include—

''(I) the procedures for obtaining, using and safeguarding information from applications for free or reduced price meals under the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1964; or

''(II) any other procedure, subject to the Secretary's approval, that accurately establishes the eligibility for such participation for an eligible child;

''(ii) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the eligible entity will give priority to eligible children from the lowest income families;

''(iii) a description of the procedures to be used to ensure maximum choice of schools for participating eligible children, including procedures to be used when—

''(I) the number of parents provided education certificates under this section who desire to enroll their eligible children in a particular choice school exceeds the number of eligible children that the choice school will accept; and

''(II) grant funds and funds from local sources are insufficient to support the total cost of choices made by parents with education certificates under this section; and

''(iv) a description of the procedures to be used to ensure compliance with subsection (i)(1)(A), which may include—

''(I) the direct provision of services by a local educational agency; and

''(II) arrangements made by a local educational agency with other service providers;

''(D) with respect to the operation of the demonstration project—

''(i) a description of the geographic area to be served;

''(ii) a timetable for carrying out the demonstration project;

''(iii) a description of the procedures to be used for the issuance and redemption of education certificates under this section;

''(iv) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this section for any participating eligible child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the education certificate was issued;

''(v) a description of the procedures to be used to provide the parental notification described in subsection (j);

''(vi) an assurance that the eligible entity will place all funds received under this section into a separate account, and that no other funds will be placed in such account;

''(vii) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

''(viii) an assurance that the eligible entity will cooperate with the evaluating entity in carrying out the evaluations described in subsection (k);

''(ix) an assurance that the eligible entity will—

''(I) maintain such records as the Secretary may require; and

''(II) comply with reasonable requests from the Secretary for information;

''(x) a description of the method by which the eligible entity will use to assess the progress of participants in math and reading and how such assessment is comparable to assessments used by the local educational agency involved;

''(xi) an assurance that if the number of students applying to participate in the project is greater than the number of students that the project can serve, participating students will be selected by a lottery; and

''(x) an assurance that no private school will be required to participate in the project without the private school's consent; and

''(E) such other assurances and information as the Secretary may require.

''(h) EDUCATION CERTIFICATES.—

''(1) IN GENERAL.—

''(A) AMOUNT.—The amount of an eligible child's education certificate under this section shall be determined by the eligible entity, but shall be an amount that provides to the recipient of the education certificate the maximum degree of choice in selecting the choice school the eligible child will attend.

''(B) CONSIDERATIONS.—

''(i) IN GENERAL.—Subject to such regulations as the Secretary shall prescribe, in determining the amount of an education certificate under this section an eligible entity shall consider—

''(I) the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project; and

''(II) the cost of complying with subsection (i)(1)(A).

''(ii) SCHOOLS CHARGING TUITION.—If an eligible child participating in a demonstration project under this section was attending a public school that charged tuition for the year preceding the first year of such participation, then in determining the amount of an education certificate for such eligible child under this section the eligible entity shall consider the tuition charged by such school for such eligible child in such preceding year.

''(C) SPECIAL RULE.—An eligible entity may provide an education certificate under this section to the parent of an eligible child who chooses to attend a school that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project or the cost of complying with subsection (i)(1)(A).

''(2) ADJUSTMENT.—The amount of the education certificate for a fiscal year may be adjusted in the second and third years of an eligible child's participation in a demonstration project under this section to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that eligible child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent of the amount of the education certificate for the fiscal year preceding the fiscal year for which the determination is made. The amount of the education certificate may also be adjusted in any fiscal year to comply with subsection (i)(1)(A).

''(3) MAXIMUM AMOUNT.—Notwithstanding any other provision of this subsection, the amount of an eligible child's education certificate shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency in which the public school to which the eligible child would normally be assigned is located for the fiscal year preceding the fiscal year for which the determination is made.

''(4) INCOME.—An education certificate under this section, and funds provided under the education certificate, shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

''(i) EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.—

''(1) EFFECT ON OTHER PROGRAMS.—

''(A) IN GENERAL.—An eligible child participating in a demonstration project under this section, who, in the absence of such a demonstration project, would have received services under part A of title I shall be provided such services.

''(B) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

''(2) COUNTING OF ELIGIBLE CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this section may count eligible children who, in the absence of such a demonstration project, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

''(3) SPECIAL RULE.—

''(A) IN GENERAL.—Notwithstanding the provisions of section 9(b)(2)(C)(iii) and (iv) of the Richard B. Russell National School Lunch Act, information obtained from an application for free or reduced price meals under such Act or the Child Nutrition Act of 1964 shall, upon request, be disclosed to an eligible entity receiving a grant under this section and may be used by the eligible entity to determine the eligibility of a child to participate in a demonstration project under this section and, if needed, to rank families by income in accordance with subsection (g)(2)(C)(ii).

''(B) LIMITATIONS.—

''(i) IN GENERAL.—Information provided under this paragraph shall be limited to the information needed to determine eligibility or to rank families in a demonstration project under this section and may be used only by persons who need the information to determine eligibility or rank families in a demonstration project under this section.

''(ii) LIMITATIONS.—A person having access to information provided under this paragraph shall be subject to the limitations and penalties imposed under section 9(b)(2)(C)(v) of the Richard B. Russell National School Lunch Act.

''(4) CONSTRUCTION.—

''(A) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section.

''(B) DESEGREGATION PLANS.—Nothing in this section shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this section.

''(j) PARENTAL NOTIFICATION.—Each eligible entity receiving a grant under this section shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

''(1) describe the demonstration project;

''(2) describe the eligibility requirements for participation in the demonstration project;

''(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for an eligible child;

''(4) describe the selection procedures to be used if the number of eligible children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

''(5) provide information about each choice school, including information about any admission requirements or criteria for each choice school participating in the demonstration project; and

''(6) include the schedule for parents to apply for their eligible children to participate in the demonstration project.

''(k) EVALUATION.—

''(1) ANNUAL EVALUATION.—

''(A) CONTRACT.—The Secretary shall enter into a contract with an evaluating agency for the conduct of an ongoing rigorous evaluation of the demonstration program under this section.

''(B) ANNUAL EVALUATION REQUIREMENT.—The contract described in subparagraph (A) shall require the evaluating agency to annually evaluate each demonstration project under this section in accordance with the criteria described in paragraph (2).

''(2) EVALUATION CRITERIA.—The Secretary shall establish such criteria for evaluating the demonstration program under this section. Such criteria shall include—

''(A) a description of the implementation of each demonstration project under this section;

''(B) a comparison of the educational achievement between students receiving education certificates under this section and students otherwise eligible for, but not receiving education certificates under this section;

''(C) a comparison of the level of parental satisfaction and involvement between parents whose children receive education certificates and parents from comparable backgrounds whose children did not receive an education certificate; and

''(D) a description of changes in the overall performance and quality of public elementary and secondary schools in the demonstration project area that can be directly or reasonably attributable to the program under this section.

''(3) REPORTS.—

''(A) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under this section shall submit, to the Secretary and the evaluating agency, an annual report regarding the demonstration project under this section. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

''(B) REPORTS BY EVALUATING AGENCY.—

''(i) IN GENERAL.—The evaluating agency shall transmit to the Secretary and the Congress 2 interim reports on the findings of the annual evaluation under this subsection.

''(ii) FIRST INTERIM REPORT.—The first interim report under clause (i) shall be submitted not later than September 20, 2003, and shall, at a minimum, describe the implementation of the demonstration projects under this section and shall include such demographic information as is reasonably available about—

''(I) the participating schools (both the choice schools and the schools that have been identified as failing;

''(II) the participating and requesting students and background of their families; and

''(III) the number of certificates requested versus the number of certificates received.

''(iii) SECOND INTERIM AND FINAL REPORT.—The second interim and final report under this subparagraph shall be submitted to the Secretary and the appropriate committees in Congress not later than September 30, 2006, and June 1, 2008, respectfully, and shall, at a minimum, include the information described in clause (ii), as well as any additional information deemed necessary by the Secretary.

Mr. GREGG. Madam President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 536, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—41

Allard	Frist	McConnell
Allen	Gramm	Murkowski
Bennett	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hatch	Santorum
Byrd	Helms	Sessions
Campbell	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Cochran	Inhofe	Stevens
Craig	Kyl	Thompson
DeWine	Lieberman	Thurmond
Domenici	Lott	Voinovich
Ensign	Lugar	Warner
Fitzgerald	McCain	

NAYS—58

Akaka	Dodd	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Enzi	Nelson (NE)
Bond	Feingold	Reed
Boxer	Feinstein	Reid
Breaux	Graham	Rockefeller
Burns	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carnahan	Hollings	Smith (OR)
Chafee	Jeffords	Snowe
Cleland	Johnson	Specter
Clinton	Kennedy	Stabenow
Collins	Kerry	Thomas
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Crapo	Leahy	Wyden
Daschle	Levin	
Dayton	Lincoln	

NOT VOTING—1

Inouye

The amendment (No. 536), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, we thank all our Members. Now we have agreed to consider the Carper amendment. We have a time limit, I believe a 2-hour time limit, evenly divided, so we expect our next vote sometime around quarter of 6. Perhaps we will be able to yield back some time, but we are trying to move this along.

Mr. GREGG. If the Senator will yield, it is my understanding after the Carper amendment we are going to have 10 or 20 minutes equally divided on the Dodd amendments?

Mr. REID. If the Senator from New Hampshire will yield, we cleared with Senator KENNEDY and with you, we are going to have a half hour evenly divided and then vote on the Dodd

amendment dealing with comparability, amendment No. 459.

Senator DASCHLE wishes to have a number of other amendments resolved tonight. We will do that. We will work with the two managers to move on.

Mr. GREGG. We are now moving onto the Carper-Gregg amendment?

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware, Mr. CARPER, is recognized to call up amendment No. 518, on which there shall be 2 hours of debate.

AMENDMENT NO. 518, AS MODIFIED

Mr. CARPER. Madam President, I ask unanimous consent amendment No. 518 be modified with the changes that are at the desk.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] for himself, Mr. GREGG, Mr. FRIST, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. KERRY, Ms. LANDRIEU, Mr. BIDEN, Mr. CRAPO, Mr. DEWINE, Mr. ENSIGN, and Mr. BREAUX, proposes an amendment numbered 518, as modified.

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

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

The amendment is as follows:

(Purpose: To promote parental involvement and parental empowerment in public education through greater competition and choice)

On page 45, between lines 20 and 21, insert the following:

''(H) Each State plan shall provide an assurance that the State's accountability requirements for charter schools (as defined in section 5120), such as requirements established under the State's charter school law and overseen by the State's authorized chartering agencies for such schools, are at least as rigorous as the accountability requirements established under this Act, such as the requirements regarding standards, assessments, adequate yearly progress, school identification, receipt of technical assistance, and corrective action, that are applicable to other schools in the State under this Act.

On page 763, between lines 10 and 11, insert the following:

SEC. 502. EMPOWERING PARENTS.

(a) SHORT TITLE.—This section may be cited as the ''Empowering Parents Act of 2001''.

(b) PUBLIC SCHOOL CHOICE.—

(1) SHORT TITLE OF SUBSECTION.—This subsection may be referred to as the ''Enhancing Public Education Through Choice Act''.

(2) PURPOSES.—The purposes of this subsection are—

(A) to prevent children from being consigned to, or left trapped in, failing schools;

(B) to ensure that parents of children in failing public schools have the choice to send their children to higher performing public schools, including public charter schools;

(C) to support and stimulate improved public school performance through increased public school competition and increased Federal financial assistance;

(D) to provide parents with more choices among public school options; and

(E) to assist local educational agencies with low-performing schools to implement districtwide public school choice programs or enter into partnerships with other local educational agencies to offer students interdistrict or statewide public school choice programs.

(3) PUBLIC SCHOOL CHOICE PROGRAMS.—Part A of title V, as amended in section 501, is further amended by adding at the end the following:

''Subpart 4—Voluntary Public School Choice Programs

''SEC. 5161. DEFINITIONS.

''In this subpart:

''(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given such term in section 5120.

''(2) LOWEST PERFORMING SCHOOL.—The term 'lowest performing school' means a public school that has failed to make adequate yearly progress, as described in section 1111, for 2 or more years.

''(3) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, for the most recent fiscal year for which satisfactory data are available.

''(4) PUBLIC SCHOOL.—The term 'public school' means a charter school, a public elementary school, and a public secondary school.

''(5) STUDENT IN POVERTY.—The term 'student in poverty' means a student from a family with an income below the poverty line.

''SEC. 5162. GRANTS.

''The Secretary shall make grants, on a competitive basis, to State educational agencies and local educational agencies, to enable the agencies, including the agencies serving the lowest performing schools, to implement programs of universal public school choice.

''SEC. 5163. USE OF FUNDS.

''(a) IN GENERAL.—An agency that receives a grant under this subpart shall use the funds made available through the grant to pay for the expenses of implementing a public school choice program, including—

''(1) the expenses of providing transportation services or the cost of transportation to eligible children;

''(2) the cost of making tuition transfer payments to public schools to which students transfer under the program;

''(3) the cost of capacity-enhancing activities that enable high-demand public schools to accommodate transfer requests under the program;

''(4) the cost of carrying out public education campaigns to inform students and parents about the program;

''(5) administrative costs; and

''(6) other costs reasonably necessary to implement the program.

''(b) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subpart shall supplement, and not supplant, State and local public funds expended to provide public school choice programs for eligible individuals.

''SEC. 5164. REQUIREMENTS.

''(a) INCLUSION IN PROGRAM.—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall—

''(1) allow all students attending public schools within the State or school district involved to attend the public school of their choice within the State or school district, respectively;

''(2) provide all eligible students in all grade levels equal access to the program;

''(3) include in the program charter schools and any other public school in the State or school district, respectively; and

''(4) develop the program with the involvement of parents and others in the community to be served, and individuals who will carry out the program, including administrators, teachers, principals, and other staff.

''(b) NOTICE.—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall give parents of eligible students prompt notice of the existence of the program and the program's availability to such parents, and a clear explanation of how the program will operate.

''(c) TRANSPORTATION.—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall provide eligible students with transportation services or the cost of transportation to and from the public schools, including charter schools, that the students choose to attend under this program.

''(d) NONDISCRIMINATION.—Notwithstanding subsection (a)(3), no public school may discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, or disability in providing programs and activities under this subpart.

''(e) PARALLEL ACCOUNTABILITY.—Each State educational agency or local educational agency receiving a grant under this subpart for a program through which a charter school receives assistance shall hold the school accountable for adequate yearly progress in improving student performance as described in title I and as established in the school's charter, including the use of the standards and assessments established under title I.

''SEC. 5165. APPLICATIONS.

''(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency or local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(b) CONTENTS.—Each application for a grant under this subpart shall include—

''(1) a description of the program for which the agency seeks funds and the goals for such program;

''(2) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal projects;

''(3) if the program is carried out by a partnership, the name of each partner and a description of the partner's responsibilities;

''(4) a description of the policies and procedures the agency will use to ensure—

''(A) accountability for results, including goals and performance indicators; and

''(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

''(5) such other information as the Secretary may require.

''SEC. 5166. PRIORITIES.

''In making grants under this subpart, the Secretary shall give priority to—

''(1) first, those State educational agencies and local educational agencies serving the lowest performing schools;

''(2) second, those State educational agencies and local educational agencies serving

the highest percentage of students in poverty; and

''(3) third, those State educational agencies or local educational agencies forming a partnership that seeks to implement an interdistrict approach to carrying out a public school choice program.

''SEC. 5167. EVALUATIONS, TECHNICAL ASSISTANCE, AND DISSEMINATION.

''(a) IN GENERAL.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

''(b) EVALUATIONS.—In carrying out evaluations under subsection (a), the Secretary may use the amount reserved under subsection (a) to carry out 1 or more evaluations of State and local programs assisted under this subpart, which shall, at a minimum, address—

''(1) how, and the extent to which, the programs promote educational equity and excellence; and

''(2) the extent to which public schools carrying out the programs are—

''(A) held accountable to the public;

''(B) effective in improving public education; and

''(C) open and accessible to all students.

''SEC. 5168. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $125,000,000 for fiscal year 2002 and each subsequent fiscal year.''.

(c) PUBLIC CHARTER SCHOOL FACILITIES FINANCING.—

(1) SHORT TITLE OF SUBSECTION.—This subsection may be cited as the ''Charter Schools Equity Act''.

(2) PURPOSES.—The purposes of this subsection are—

(A) to help eliminate the barriers that prevent charter school developers from accessing the credit markets, by encouraging lending institutions to lend funds to charter schools on terms more similar to the terms typically extended to traditional public schools; and

(B) to encourage the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

(3) CHARTER SCHOOLS.—

(A) CONFORMING AMENDMENT.—Section 5112(e)(1), as amended in section 501, is further amended by inserting ''(other than funds reserved to carry out section 5115(b))'' after ''section 5121''.

(B) MATCHING GRANTS TO STATES.—Section 5115, as amended in section 501, is further amended—

(i) in subsection (a), by inserting ''(other than funds reserved to carry out subsection (b))'' after ''this subpart'';

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following:

''(b) PER-PUPIL FACILITIES AID PROGRAMS.—

''(1) GRANTS.—

''(A) IN GENERAL.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, programs in which the States make payments, on a per-pupil basis, to charter schools to assist the schools in financing school facilities (referred to in this subsection as 'per-pupil facilities aid programs').

''(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

''(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

''(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection or its predecessor authority;

''(ii) 80 percent in the second such year;

''(iii) 60 percent in the third such year;

''(iv) 40 percent in the fourth such year; and

''(v) 20 percent in the fifth such year.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.

''(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent of the amount to carry out evaluations, to provide technical assistance, and to disseminate information.

''(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

''(3) REQUIREMENTS.—

''(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

''(B) STATE LAW.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

''(i) is specified in State law;

''(ii) provides annual financing, on a per-pupil basis, for charter school facilities; and

''(iii) provides financing that is dedicated solely for funding the facilities.

''(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(5) PRIORITIES.—In making grants under this subsection, the Secretary shall give priority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5112(e).

''(6) EVALUATIONS, TECHNICAL ASSISTANCE, AND DISSEMINATION.—

''(A) IN GENERAL.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary may carry out evaluations, provide technical assistance, and disseminate information.

''(B) EVALUATIONS.—In carrying out evaluations under subparagraph (A), the Secretary may carry out 1 or more evaluations of State programs assisted under this subsection, which shall, at a minimum, address—

''(i) how, and the extent to which, the programs promote educational equity and excellence; and

''(ii) the extent to which charter schools supported through the programs are—

''(I) held accountable to the public;

''(II) effective in improving public education; and

''(III) open and accessible to all students.''.

(C) AUTHORIZATION OF APPROPRIATIONS.—Section 5121, as amended in section 501, is further amended to read as follows:

''SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $400,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) RESERVATION.—For fiscal year 2002, the Secretary shall reserve, from the amount appropriated under subsection (a)—

''(1) $200,000,000 to carry out this subpart, other than section 5115(b); and

''(2) the remainder to carry out section 5115(b).''.

(4) CREDIT ENHANCEMENT INITIATIVES.—Subpart 1 of part A of title V, as amended in section 501, is further amended—

(A) by inserting after the subpart heading the following:

''CHAPTER I—CHARTER SCHOOL PROGRAMS'';

(B) by striking ''this subpart'' each place it appears and inserting ''this chapter''; and

(C) by adding at the end the following:

''CHAPTER II—CREDIT ENHANCEMENT INITIATIVES TO PROMOTE CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

''SEC. 5126. PURPOSE.

''The purpose of this chapter is to provide grants to eligible entities to permit the entities to establish or improve innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

''SEC. 5126A. GRANTS TO ELIGIBLE ENTITIES.

''(a) GRANTS FOR INITIATIVES.—

''(1) IN GENERAL.—The Secretary shall use 100 percent of the amount available to carry out this chapter to eligible entities having applications approved under this chapter to carry out innovative initiatives for assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

''(2) NUMBER OF GRANTS.—The Secretary shall award not fewer than 3 of the grants.

''(b) GRANTEE SELECTION.—

''(1) DETERMINATION.—The Secretary shall evaluate each application submitted, and shall determine which applications are of sufficient quality to merit approval and which are not.

''(2) MINIMUM GRANTS.—The Secretary shall award at least—

''(A) 1 grant to an eligible entity described in section 5126I(2)(A);

''(B) 1 grant to an eligible entity described in section 5126I(2)(B); and

''(C) 1 grant to an eligible entity described in section 5126I(2)(C),

if applications are submitted that permit the Secretary to award the grants without approving an application that is not of sufficient quality to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under this chapter shall be in sufficient amounts, and for initiatives of sufficient scope and quality, so as to effectively enhance credit for the financing of charter school acquisition, construction, or renovation.

''(d) SPECIAL RULE.—In the event the Secretary determines that the funds available to carry out this chapter are insufficient to permit the Secretary to award not fewer than 3

grants in accordance with subsections (a) through (c)—

''(1) subsections (a)(2) and (b)(2) shall not apply; and

''(2) the Secretary may determine the appropriate number of grants to be awarded in accordance with subsections (a)(1), (b)(1), and (c).

''SEC. 5126B. APPLICATIONS.

''(a) IN GENERAL.—To receive a grant under this chapter, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

''(b) CONTENTS.—An application submitted under subsection (a) shall contain—

''(1) a statement identifying the activities proposed to be undertaken with funds received under this chapter, including how the applicant will determine which charter schools will receive assistance, and how much and what types of assistance the charter schools will receive;

''(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

''(3) a description of the applicant's expertise in capital market financing;

''(4) a description of how the proposed activities will—

''(A) leverage private sector financing capital, to obtain the maximum amount of private sector financing capital, relative to the amount of government funding used, to assist charter schools; and

''(B) otherwise enhance credit available to charter schools;

''(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

''(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the schools need to have adequate facilities; and

''(7) such other information as the Secretary may reasonably require.

''SEC. 5126C. CHARTER SCHOOL OBJECTIVES.

''An eligible entity receiving a grant under this chapter shall use the funds received through the grant, and deposited in the reserve account established under section 5126D(a), to assist 1 or more charter schools to access private sector capital to accomplish 1 or more of the following objectives:

''(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

''(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

''(3) The payment of start-up costs, including the costs of training teachers and purchasing materials and equipment, including instructional materials and computers, for a charter school.

''SEC. 5126D. RESERVE ACCOUNT.

''(a) IN GENERAL.—For the purpose of assisting charter schools to accomplish the objectives described in section 5126C, an eligible entity receiving a grant under this chapter shall deposit the funds received through the grant (other than funds used for administrative costs in accordance with section 5126E) in a reserve account established and maintained by the entity for that purpose. The entity shall make the deposit in accordance with State and local law and may make the deposit directly or indirectly, and alone or in collaboration with others.

''(b) USE OF FUNDS.—Amounts deposited in such account shall be used by the entity for 1 or more of the following purposes:

''(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5126C.

''(2) Guaranteeing and insuring leases of personal and real property for such an objective.

''(3) Facilitating financing for such an objective by identifying potential lending sources, encouraging private lending, and carrying out other similar activities that directly promote lending to, or for the benefit of, charter schools.

''(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, for such an objective, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

''(c) INVESTMENT.—Funds received under this chapter and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(d) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this chapter shall be deposited in the reserve account established under subsection (a) and used in accordance with subsection (b).

''SEC. 5126E. LIMITATION ON ADMINISTRATIVE COSTS.

''An eligible entity that receives a grant under this chapter may use not more than 0.25 percent of the funds received through the grant for the administrative costs of carrying out the entity's responsibilities under this chapter.

''SEC. 5126F. AUDITS AND REPORTS.

''(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this chapter shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(b) REPORTS.—

''(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this chapter annually shall submit to the Secretary a report of the entity's operations and activities under this chapter.

''(2) CONTENTS.—Each such annual report shall include—

''(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant auditing the financial records of the eligible entity;

''(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

''(C) an evaluation by the eligible entity of the effectiveness of the entity's use of the Federal funds provided under this chapter in leveraging private funds;

''(D) a listing and description of the charter schools served by the entity with such Federal funds during the reporting period;

''(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5126C; and

''(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this chapter during the reporting period.

''(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this chapter.

''SEC. 5126G. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

''No financial obligation of an eligible entity entered into pursuant to this chapter (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this chapter.

''SEC. 5126H. RECOVERY OF FUNDS.

''(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(1) all of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this chapter, that the entity has failed to make substantial progress in carrying out the purposes described in section 5126D(b); or

''(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5126D(b).

''(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5126D(b).

''(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

''(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

''SEC. 5126I. DEFINITIONS.

''In this chapter:

''(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given such term in section 5120.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a public entity, such as a State or local governmental entity;

''(B) a private nonprofit entity; or

''(C) a consortium of entities described in subparagraphs (A) and (B).

''SEC. 5126J. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this chapter $200,000,000 for fiscal year 2002 and each subsequent fiscal year.''.

(5) INCOME EXCLUSION FOR INTEREST PAID ON LOANS BY CHARTER SCHOOLS.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 139 and section 140 and by inserting after section 138 the following new section:

Mr. CARPER. Madam President, I yield myself such time as I may consume.

Let me begin by extending my appreciation to Senator GREGG and a number of our colleagues, both Democrats and Republicans, for joining me in offering this amendment today.

Over the course of the last several weeks, we have found considerable common ground as we seek to redefine the role of the Federal Government in education. We believe we need to invest, at the Federal level, more resources, but in programs that work. We agree on the need to give that money to schools and school districts from the Federal Government more flexibly. We agree if we are going to provide more resources, and if we are going to provide those dollars more flexibly, we should demand results there should be accountability. Finally, we all agree on the need to impart to parents the ability to make choices about the schools their children attend.

In the 50 States, all but one have adopted rigorous standards about what they expect their students to know and do. In more than half the States of our country this past school year, tests were given to measure student progress toward their State standards in subjects such as math and science and English and social studies. States throughout America have wrestled with consequences, with accountability systems. How do we hold schools accountable, school districts accountable, parents accountable, and politicians as well? We have wrestled with those questions in Delaware. I know we are wrestling with them in all 50 States.

The bill we are working on, as it has been modified to date, has some important elements I want us to address with this amendment. I hope in offering this amendment we will make this bill better. I think there is a need for the changes we are offering in this amendment.

Under the legislation that has been modified to date and that stands before us today, we call on States to set their academic standards. For the most part they have done that. We call on States to prepare tests—some have prepared tests to measure student progress, but in this case we are calling on States to prepare tests to measure student progress on an annual basis from the third to eighth grade. We are calling on States to decide at what level they expect all of their students to perform roughly 10 years out.

In each of the next 10 years, we are asking them to spell out the benchmarks, the performance levels at which they expect their students to be able to perform, in year 1, 2, 3, 4, and so on, out to the 10th year.

There are consequences for schools where students do not meet the benchmarks, the improvement that the States themselves agreed on for their own schools. For failing schools—schools that fail to meet their annual progress improvement goals—the consequence is not great in the first year. They will receive technical assistance—more help. I think that is appropriate.

The second year a school fails to meet the annual improvement goals for their students, more technical assistance is provided, but there are some additional consequences as well.

By the time we get to year 4, for a school that has continued failing 4 years in a row, meaning their students have not met the benchmarks set by their school, set by their State, the consequences become more severe. Let me mention a few of them.

First of all, the school district in which that school has failed 4 years in a row must offer public school choice, must provide the transportation for students to go from a failing school to a school that is not failing. In addition, the school district is faced with one of a limited number of options for addressing what to do with that failing school. One of those options is to turn the school over to the State to run. Another option is to disband the school with respect to existing faculty and administration and start all over. A third option will be to turn the school over to a private sector enterprise, a private entity, to run the school. And a fourth option is to mandate that the school be transformed and turned into a charter school.

Personally, I hope by the end of year 4 there are not any schools that are failing in this country. But I think that may be the triumph of man's hope over experience. We have tens of thousands of schools. We have thousands of school districts across America. There are going to be schools that do not meet the standards, the benchmarks set by their own States—in some cases, 4 years in a row. What do we do within the Federal Government to help nurture, to foster, to ease that transition to public school choice in those schools that have failed 4 years in a row?

I think Delaware was the first State to implement public school choice statewide. We did so to inject market forces into our public schools by saying to parents that if your child's school is failing to meet your expectations for your child, you have the option to go to a variety of other schools, and the State will pay for the transportation. It makes for wonderful change, for good change, and for a positive change as we introduce elements of competition into public education.

Unfortunately, if you look at what we are offering within the Federal Government to assist, to nurture, to encourage, and to help ease that transition from traditional public schools to maybe statewide public school choice, we do precious little.

The amendment I offer today with Senator GREGG and others says that we ought to do a good deal more. In this amendment, we do.

The second question I want to ask rhetorically is, If we say in this legislation before us today that after 4 years of failure we have to do something with that failing school— one of the options is to turn it into a charter school—what do we do to help make sure that folks who want a charter school might have some ability to succeed in starting a charter school? How do we help them?

Under current law, we do a couple of things. Under current law, there is a basic charter school planning and development grant. It does not address brick and mortar, but it helps people who have an idea they would like to start a charter school and are not sure how to do it. It supports technical resource centers and clearinghouses that help point to what is working in other places to start charter schools; but with respect to brick and mortar, to help with the biggest challenge involved in starting up a charter school: Where are we going to have the school? How are we going to pay for building the school? How are going to take over an existing building and refurbish it for our school? It is a huge challenge in my State and every other State. There are 36 States that now have charter schools. But current law doesn't help much in that regard. We help very little in terms of the money that we appropriate. In the current fiscal year 2001 Labor-HHS appropriations bill, there is a $25 million grant to public entities and private entities that are engaged in providing credit enhancement to help provide space for charter schools. That help might come in the form of loan guarantees. It might come in the form of subsidized loans. It is $25 million.

The amendment before us today says that we ought to grow both of these approaches. In the first case, instead of providing $25 million—the program is currently authorized at $100 million—why don't we increase the authorization to $200 million to provide the assistance that charter schools really need to get started?

In the second case, we propose with our amendment to provide short-term matching grants to States that will help these charter schools on the brick and mortar side on the capital side.

Currently, in my State folks running a charter school and kids going to that charter school may receive operating money per student at that school equal to the operating funds that go to students in other public schools. However, in those other public schools, if they want to rebuild the school, build a new school, or refurbish a school, the State of Delaware will sell tax-exempt bonds for those public schools. The State of Delaware will pay anywhere from 60 to

80 percent of the cost of the principal and interest on those bonds. If a charter school is trying to get started in my State on the brick and mortar side, we don't do anything for them. We don't issue tax-exempt bonds, or even pay for 1 percent of their capital costs, much less 60 to 80 percent. If you look at the other 36 States, for the most part, those States provide just about the same help to charter schools on the capital side as Delaware—does.

I don't think it is the role of the Federal Government to come in and make up all of that difference. We can, as a Federal government, through loan guarantees and subsidized loans, encourage other public and nonpublic entities to assist in starting up charter schools and paying for the brick and mortar costs.

We can also provide incentives from my State and other States to provide some capital costs and capital assistance for charter schools. We will provide matching grants at the Federal level. We will not pay for all of it, but we will provide matching grants to help States get those charter schools started.

At the beginning of the debate I asked to modify the amendment. I did so because there are some tax consequences that are not appropriate to be debated in the context of this bill because they are within the purview of the Senate Finance Committee and the House Ways and Means Committee. I will mention them anyway. I will use my State as an example because that is what I know best.

If the State of Delaware wants to help build public schools, we issue tax-exempt bonds. If a charter school wants to build a school for themselves, they borrow money. The interest is not tax-free. A charter school may be right alongside a traditional public school. The public school gets tax-exempt bonds. Whoever loans the money to the charter school has to pay taxes on the interest.

I don't think that is right or fair. I would like to change that. Unfortunately, we cannot do that today. We will try to come back and address it in another venue with another vehicle.

For people who voted against the Gregg amendment on a demonstration for vouchers, I understand it was a tough vote. But for people who weren't willing to experiment in that way with choice, I urge you to consider this approach.

If you think public school choice can really help introduce market forces and competition into our public schools—other States are trying it—I urge you to vote for this amendment. If you think that we may be able to replicate the success of schools across America as we have done in Delaware—I urge you to vote for this amendment. The Presiding Officer, in another role as First Lady, actually came to the very first charter school we started in Delaware about 5 years ago. We were pleased to welcome her there. We were trying to start a charter high school. I say to the Presiding Officer that last year when the results were counted for tests in reading, math, science, and so forth, the high school that did the best of all the public high schools in Delaware was the Wilmington charter school that she visited.

In my State, the only school out of almost 200 schools where every student who took the Delaware math test last year actually met or exceeded the State's math standards, believe it or not, is the school that has the highest incidence of poverty in the State. Eighty-three percent of the kids at the East Side charter school receive free or reduced-price lunches. No other school in our State has an incidence of poverty such as that.

Those are only two examples of charter schools: one is a high school and another is K through 3. Charter schools are working well.

I hope we will say that the Federal Government should have an obligation. Under the accountability provisions of this legislation, I think there is a real obligation to assist in pushing forward public school choice and in making the transition from traditional public schools to charter schools. Maybe it is not easy, but it is something that is doable.

I retain the balance of my time. I turn it over to my colleague, and again say to Senator GREGG, thanks for joining in support of this legislation and, in fact, for amending this legislation to help to make it better.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Delaware has 45 minutes, 42 seconds. The opposition still has 1 hour.

Mr. CARPER. Madam President, it is not clear to me who controls the time in opposition.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to opposition time.

Mr. GREGG. I am not claiming opposition time. I am in support of the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to time on the opposition side.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, would the Chair restate the request?

The PRESIDING OFFICER. There has been no request of the Chair.

The Senator from Nevada.

Mr. REID. Senator CARPER asked who was in opposition to this amendment. Senator KENNEDY was predisposed, working with his staff. Senator KENNEDY is opposed to the amendment and would control the time.

I ask Senator KENNEDY, is that right?

Mr. KENNEDY. Just for the purposes of this moment now.

Mr. CARPER. Madam President, I yield to the Senator from New Hampshire whatever time he needs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Delaware.

Madam President, I support the Senator from Delaware in his amendment. I thank him for bringing it forward. The Senator, of course, served as Governor of Delaware prior to coming to the Senate. He understands intimately the issues that are involved in education, as all Governors do, because it is the No. 1 issue with which most Governors deal. Therefore, I think his amendment, which I am supporting, is a reflection of a comprehensive understanding of the question of how we try to address the improvement of our school systems.

I believe that those who have been exposed to the charter school movement see in it the embryo of a way to move our school systems into a phase of significant improvement.

Charter schools are being tried in a lot of States. In fact, they have expanded dramatically across the country. I think we are now up to some multiple thousand charter schools. They have caught on because they make sense.

Essentially, what a charter school does is give a community which is unhappy with the way the public school system is working an opportunity, within the public school structure, to set up an independent school, which is a public school but which is not subject to the restrictions that the public school system may put on the traditional school in the community, thus creativity can and does occur within that charter school.

In fact, there are many instances of charter schools being cited as schools that have radically improved the educational services delivered to the communities, and to students in those communities.

I know, for example, that President Bush is fond of citing his experience with a charter school in Houston. I have forgotten the name of the school, but I do recall vividly his discussion of it on the campaign trail, especially when he was in New Hampshire, and his enthusiasm about the way this charter school had taken a low-income urban school district population, which basically did not have a very good experience in the educational system, and turned it around so that it was now the leading school in the State in that age group.

That happens because charter schools are vibrant and exciting places. To begin with, the people who start them are enthusiastic about education. They want to make sure that children have

an opportunity to learn in a different climate. Therefore, they start these schools with the energy that comes from a new expedience and desire to change and improve the community, and especially the educational system.

They have a great track record. But they have run into some problems. What the Carper amendment does is essentially try to address, to the extent the Federal Government can participate in addressing this issue, some of the concerns of these school systems. One of the biggest I think—and one of the reasons I am excited about the amendment—is it addresses the capital needs of actually starting these schools. Even though he has had to modify the amendment in order to avoid a technical problem with the Ways and Means Committee on the House side—those who are familiar with the Ways and Means committee understand it is extremely territorial. I served on it and, I assure you, that is part of the character of the Ways and Means Committee—even with that adjustment, the amendment has in it initiatives which will allow charter school construction costs to be alleviated, or participated in to some degree, through these new funds which will be available.

That is very important because one of the biggest problems you run into with a charter school is not getting the talent, the people who want to run it out getting the building into shape where it actually can handle kids coming into the school system. So that, in my opinion, will be a very positive impact of this amendment.

Also, I think it should be pointed out that this amendment assists in the transportation activity, which is a critical part of the charter school problem. A lot of parents want to send their kids to a charter school, but they are low-income parents, and they do not have the capacity to physically move their kids from their home to the school. The school their child may be attending might be around the block, but it might be a school that simply isn't working and they may want their child to go to a charter school. But that charter school may require a significant amount of transportation costs on a daily basis, which may simply exceed the ability of a low-income parent to maintain. So this amendment assists in that area.

It is also important for us to understand—at least I believe it is important for us to understand—the way you improve education is not by a top-down approach. We in Washington do not have the answers. It is that simple. The way you improve education is by allowing the creative minds of the educational community, and the parents, to step on to the playing field of education and do what they think is best, do it with aggressiveness and do it with imagination.

Charter schools are an example of that opportunity. We should not say a charter school must be set up this way or must have this amount of procedure. It is just the opposite. We should simply say: You have the option to take that charter school route, if you want. And if you decide to go that way, we are going to help you by assisting you with the dollar support which will work for your benefit, and allow the school to be creative.

Some might argue: This is a new program or a significant increase in a program. And with all the other new programs that have been put into this bill, is it appropriate to create another program or add another significant amount of money into this bill. Obviously, I have reservations about that. I am concerned about the fact that this bill has exploded in costs. The 10-year cost of this bill presently exceeds the original cost of this bill by almost $200 billion.

But I think what we have to remember is that what this bill should be doing is creating incentives for creative ideas and approaches. And charter schools, as much as anything else that can occur in the educational community, will accomplish that goal.

In this bill money is being spent to promote programmatic activity that is already in place and that maybe isn't working all that well or, if it is working all that well, maybe is tangential to dramatically increasing the learning capacity of children.

Charter schools, on the other hand, are working and we know they will significantly impact the capacity of children to improve their education, not only because the child who is in the charter school gets a better education but because charter schools, by definition, put pressure on the rest of the public school community within that city or town or State to improve. So it is bringing competition into the public school system using the public school system itself.

We just had an amendment to try to bring competition into the public school system using the private school system. That was rejected. This amendment stays within the context of the public school system and brings competition into the system. As a result, in my opinion, it puts significant positive pressure on the other public schools to improve their product. And as a result, I think that is very positive.

Mr. REID. I ask the Senator from New Hampshire if he will yield?

Mr. GREGG. I certainly will yield.

Mr. REID. I have spoken to Senator KENNEDY, and Senator KENNEDY is not in opposition to this amendment. I want to make sure the Senator knows that prior to completing his remarks. So I do not know who is in opposition to the amendment. I guess the Senator from Delaware will find out later. At this time we know of no one who is in opposition.

Mr. GREGG. I am sure the Senator from Delaware will be relieved to hear no one is in opposition to the amendment. I certainly am. That is good news.

Mr. REID. The Senator wishes to speak on the amendment after you finish.

Mr. GREGG. With that good news, I will curtail my statement and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield myself such time as I might use on the amendment.

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

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the pending amendment addresses two important growing policy areas: Public school choice and public charter schools. First, the amendment provides grant support to States seeking intra- and inter-district public school choice plans. That is very important, given where we are in other provisions of the bill. Second, the pending amendment provides specific assistance to charter schools struggling with capital school construction needs. That is going to be very important, given the provisions of the bill that will require schools to restructure and reorganize if they fail to meet certain goals.

I support public school choice. Our legislation already provides parents of children in low-performing schools the option to transfer to other public schools or charter schools. But public school choice programs bring added costs that come with, most significantly, added transportation needs. If we are truly to support public school choice, we should provide the districts aid for their increased transportation costs.

I also support charter schools. Like public school choice which can encourage districtwide improvement, charter schools can provide more options to parents within the public school system. I think we should do more to support the charter schools in the area in which they have the greatest need—school construction.

Charter schools do not have the same capital resources that regular public schools do. Charter schools cannot float tax-exempt bonds as public school districts can. Charter schools primarily have new building construction needs. Noncharter, public schools and public school districts, on the other hand, primarily have building repair needs. Just as there are charter schools with unique and urgent school repair and construction needs, there are also regular public schools with unique and urgent school repair and construction needs. We should also provide school construction assistance to both charter schools and regular public schools.

That is the difficulty I find in the logic of my friends who opposed the Harkin proposal in terms of providing help to meet the construction needs in our public school system, a best estimate of over $130 billion in needs. We recognize the importance of having a facility that is going to be safe for children and that is also going to be responsive to the children's needs in terms of a modern classroom. I know Senator HARKIN has made the case, and Senator FEINSTEIN and others, of the importance of giving assistance to local communities. They are not required to take that help, but when you realize the age of many of our school facilities, particularly in many of the older cities of the country, as well as in many of the rural areas, you know there is an extraordinary need.

What is so apparent is that children attending schools which are in dilapidated condition sends a very powerful message to the students. On the one hand, they go to modern supermarkets and modern malls and they see what investments in these kinds of facilities would mean. They are valued by their parents or their grownups. Then on the other hand, parents are sending children off to schools which are dilapidated, which are in need of repair, where in many instances the electrical systems aren't working or their air-conditioning is not working, the windows are not repaired.

I am supporting this proposal, but it is important to wonder why we in the Senate, if we are going to provide this kind of help for the construction of charter schools, are not providing assistance to the public schools. I find it difficult to understand the response in this area by many of our colleagues on this side of the aisle, their traditional argument that this is a local responsibility. The fact is, we are trying to find ways of creating a climate where children can learn. If we are not going to provide the classroom situation for that learning process, we are not really meeting our responsibilities.

I am supporting this program, but I do think the need for school renovation and modernization across the board is extraordinary. The National Center on Education Statistics reports that nationwide more than $127 billion is needed for public school construction, repair, and modernization. The American Society of Engineers reports that average school repair costs per child are $3,800.

All of the reforms included in the BEST Act will be dramatically undermined if we continue to send children to dilapidated, overcrowded, out-of-date schools. When we send children to inadequate, crumbling schools, we send them the message that they don't matter. What does it say to a child when their classroom is a school bathroom, when windows are broken and roofs are leaking?

We should support public school and public charter school construction needs. We need to keep in mind that 97 percent of all public school children go to noncharter schools. I continue to hold out hope that we will provide badly needed school construction assistance to regular public schools and public charter schools. Construction and modernization needs are great across the board.

I urge my colleagues to support the pending amendment and hope we can continue to work in the future to support construction and modernization needs nationwide.

There may be those who say we are not going to support it because we are not meeting our responsibility to public schools. There may be some of our colleagues who fall in that category. I would rather see us do what is right for children in meeting our responsibility on the public school choice provisions which are included and also with regard to charter schools.

My great regret about this amendment is that it is leaving out 97 percent of the public schools that ought to get help. This amendment is a very modest amendment. It is a useful amendment. But for me it sort of fails to hit the mark in providing the assistance which is needed in the area of construction.

I know we have to do the best we can. There was a broader kind of amendment that was not accepted in the Senate. The Senator from Delaware has come up with a proposal to at least provide some construction funding in areas where there is need. Hopefully, as this whole process moves ahead, we will find some opportunity to find a way of helping the other public schools in this country with their construction needs as well.

This amendment is useful. I hope it reminds us of the fact that we are not meeting our responsibilities in construction and assistance to other public schools and that we will continue to work in that area to help the children of this country.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. CARPER. Madam President, let me express my thanks to the chairman, the Senator from Massachusetts, for his support and for his words.

I have said on the floor before and I say it again today: We all acknowledge, the role of the Federal Government is not to run our schools, the role of the Federal Government is to try to level the playing field at least a little bit for kids who come, in some cases, from hopelessly disadvantaged backgrounds. The appropriate role of the Federal Government is to help identify what is working to raise student achievement across the country.

An appropriate role for the Federal Government is, when we do identify those things that are working, to encourage them. We nurture those ideas. We try to share those ideas with others around the country.

I remember when I was Governor of Delaware, about 5 years ago we were debating public school choice. I had just signed, as Governor, public school choice into law. I remember overhearing a conversation between a couple of school administrators. They didn't know I was listening, but I was.

I heard one administrator say to the other: If we don't offer parents what they want for their children in our public schools, their children will go to another school where they are offering what they want for their children. I said to myself at the time: He's got it. Because in Delaware and other places where we have public school choice, particularly when you provide help on the transportation side so that it is really meaningful, if a student in school A isn't getting what they want or their parents want for them, they can go to school B. The transportation is provided for, and the money follows the students.

That is a really important concept. The money follows the student. In our State, the State provides anywhere from $6,000 to $7,000 per student for their education. When one child goes from school A to school B, the $6,000 or $7,000 follows that student. If one student moves from school A to school B, not many people are going to take notice of that. If 10 students move from school A to school B, that is 10 times $6,000 or $7,000, which is $60,000 or $70,000. Maybe somebody will notice that. If 100 students move from school A to school B because they are offering something school A is not offering, somebody is going to notice that certainly; they are certainly going to notice it in school A. The question they began to ask in my State was: What are they offering there that we are not offering? Maybe we ought to offer it as well.

It is the very best thing to come out of competition and out of the market forces we have introduced. Let me also add that I have always believed that the role of government, and particularly the Federal Government, in education is not to row the boat. The role of the Federal Government is maybe to help steer the boat. The Federal Government provides less than 10 percent of the resources for the education of our children. States provide much more. In Delaware, it is 70 percent. Nationally, I think it is about 50 percent. The rest comes from local property taxes.

But if we in this body, in this Capitol, in our role as the Federal Government—certainly the legislative side of it—if we can help identify those things that work and if we can nurture them and help steer and not row the boat, our kids, in a lot of places, with relatively modest investments, are going

to end up with a better education and be better prepared to go on and face the world with the skills they will need to be successful in college and in work and in life.

Senator KENNEDY said this is a modest but useful amendment. I think it is going to prove even more useful than we dare to hope today. If it is adopted and ends up in the final bill that goes to the President, we will have a chance to test that premise. I sincerely hope we do.

Again, to Senator GREGG, and to others who joined us in cosponsoring the original bill which underlies the amendment, and this amendment itself, I express my thanks.

Madam President, I yield back whatever time remains and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. We have to determine if there is a sufficient second.

Is there a sufficient second?

There is not a sufficient second.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, it is my understanding that the Senator from Delaware has yielded back his time.

The PRESIDING OFFICER. The Senator is correct. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 518), as modified, was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I thank the Senator from Delaware. This amendment is related to other very important provisions in the legislation to ensure there is going to be sufficient funds available. Also in the legislation, there was going to be, with the reconstruction of these schools, the possibility of the development of these charter schools, and this will give additional flexibility to local communities to move in that direction.

So I thank him for offering the amendment. I believe it reaches sort of the central core of what we are attempting to do. I think it is valuable and helpful. I wish it had been a little broader, but I thank the Senator very much for offering it and for working closely with us to move the process along. I am grateful to him.

I am also grateful to my friend from New Hampshire, as always.

Mr. GREGG. I thank my friend.

AMENDMENTS NOS. 505, 545 AS MODIFIED, 520 AS MODIFIED, 583, 561 AS MODIFIED, AND 461 AS MODIFIED, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Madam President, today we are again in a position to clear amendments by consent. I ask, therefore, unanimous consent that it be in order for these amendments to be considered en bloc and that any modifications, where applicable, be agreed to, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc.

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

The amendments were agreed to, as follows:

(The text of amendment No. 505 is printed in the RECORD of May 9, 2001, under ''Amendments Submitted.'')

AMENDMENT NO. 545 AS MODIFIED

(Purpose: To create a set-aside for Bureau of Indian Affairs schools)

On page 365, strike lines 7 through 11, and insert the following:

''(a) LIMITATION.—

''(1) IN GENERAL.—From funds appropriated under this part, the Secretary shall reserve such sums as may be necessary for grants awarded under section 3136 prior to the date of enactment of the Better Education for Students and Teacher Act.

''(2) BUREAU OF INDIAN AFFAIRS FUNDED SCHOOLS.—From funds appropriated under this part, the Secretary shall reserve 0.75 percent of such funds for Bureau of Indian Affairs funded schools. Not later than 6 months after the date of enactment of the Better Education for Students and Teacher Act, the Secretary of the Interior shall establish rules for distributing such funds in accordance with a formula developed by the Secretary of the Interior in consultation with school baords of BIA-funded schools, taking into consideration whether a minimum amount is needed to ensure small schools can utilize funding effectively.

AMENDMENT NO. 520 AS MODIFIED

(Purpose: To modify the formula for calculating impact aid payments relating to federal acquisition of real property)

At the end of title IX, add the following:

SEC. 902. IMPACT AID PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702), as amended by section 1803 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398), is amended—

(1) in subsection (h)(4), by striking subparagraph (B) and inserting the following:

''(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (as determined by dividing the maximum amount that such agency is eligible to receive under subsection (b) by the total maximum amounts that all such local educational agencies are eligible to receive under such subsection) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for purposes of calculating a local educational agency's maximum payment under subsection (b), data from the most current fiscal year shall be used.''; and

(2) by adding at the end the following:

''(n) LOSS OF ELIGIBILITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall make a minimum payment to a local educational agency described in paragraph (2), for the first fiscal year that the agency loses eligibility for assistance under this section as a result of property located within the school district served by the agency failing to meet the definition of Federal property under section 8013(5)(C)(iii), in an amount equal to 90 percent of the amount received by the agency under this section in the preceding year.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is an agency that—

''(A) was eligible for, and received, a payment under this section for fiscal year 2002; and

''(B) beginning in fiscal year 2003 or a subsequent fiscal year, is no longer eligible for payments under this section as provided for in subsection (a)(1)(C) as a result of the transfer of the Federal property involved to a non-Federal entity.''.

AMENDMENT NO. 583

(Purpose: To make certain technical amendments with respect to impact aid)

At the appropriate place, insert the following:

SEC. ___. IMPACT AID TECHNICAL AMENDMENTS.

(a) FEDERAL PROPERTY PAYMENTS.—Section 8002(h) (20 U.S.C. 7702(h)) (as amended by section 1803(c) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and was eligible to receive a payment under section 2 of the Act of September 30, 1950'' and inserting ''and that filed, or has been determined pursuant to law to have filed, a timely application and met, or has been determined pursuant to law to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950''; and

(B) in subparagraph (B), by striking ''(or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal year 1994,'' and inserting ''(or if the local educational agency did not meet, or has not been determined pursuant to law to meet, the eligibility requirements under section 2(a)(1)(C) of the Act Of September 20, 1950, for fiscal year 1994,''.

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting before the period the following: '', or whose application for fiscal year 1995 was deemed by law to be timely filed for the purpose of payments for later years''; and

(B) in subparagraph (B)(ii), by striking ''for each local educational agency that received a payment under this section for fiscal year 1995'' and inserting ''for each local educational agency described in subparagraph (A)''; and

(3) in paragraph (4)(B)—

(A) by striking ''(in the same manner as percentage shares are determined for local educational agencies under paragraph

(2)(B)(ii)'' and inserting ''(by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies''; and

(B) by striking '', except that for the purpose of calculating a local educational agency's assessed value of the Federal property,'' and inserting '', except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b),''.

(b) CALCULATION OF PAYMENT UNDER SECTION 8003 FOR SMALL LOCAL EDUCATIONAL AGENCIES.—Section 8003(b)(3)(B)(iv) (20 U.S.C. 7703(b)(3)(B)(iv)) (as amended by section 1806(b)(2)(C) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after ''of the State in which the agency is located'' the following: ''or less than the average per pupil expenditure of all the States''.

(c) STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.—Section 8009(b)(1) (20 U.S.C. 7709 (b)(1)) (as amended by section 1812(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after ''section 8003(a)(2)(B))'' the following: ''and, with respect to a local educational agency that receives a payment under section 8003(b)(2), the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under paragraph (1) of section 8003(b)''.

(d) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 8014 (20 U.S.C. 7714) (as amended by section 1817(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

(1) in subsection (a), by striking ''three succeeding'' and inserting ''six succeeding''';

(2) in subsection (b), by striking ''three succeeding'' and inserting '''″six succeeding'';

(3) in subsection (c), by striking ''three succeeding'' and inserting ''six succeeding'';

(4) in subsection (e), by striking ''three succeeding'' and inserting ''six succeeding'';

(5) in subsection (f), by striking ''three succeeding'' and inserting ''six succeeding''; and

(6) in subsection (g), by striking ''three succeeding'' and inserting ''six succeeding''.

AMENDMENT NO. 561 AS MODIFIED

(Purpose: To encourage projects carried out with community-based organizations such as the Police Athletic and Activity Leagues)

On page 256, line 21, strike ''; and'' and insert a semicolon.

On page 256, line 24, strike the period and insert ''; and''.

On page 256, after line 24, add the following:

''(I) an assurance that the eligible organization will, to the maximum extent practicable, carry out the proposed program with community-based organizations that have experience in providing before and after school programs, such as the YMCA, the Police Athletic and Activities Leagues, Boys and Girls Clubs and Big Brothers/Big Sisters of America.''

AMENDMENT NO. 461 AS MODIFIED

(Purpose: To provide for the expansion of education technology for rural areas)

On page 367, line 5, insert after the period the following: ''The Secretary shall give priority when awarding grants under this paragraph to State educational agencies whose applications submitted under section 2305 outline a strategy to carry out part E.''.

On page 383, after line 12, insert the following:

SEC. 203. RURAL TECHNOLOGY EDUCATION ACADEMIES.

Title II (20 U.S.C. 6601 et seq.), as amended by section 202, is further amended by adding at the end the following:

''PART E—RURAL TECHNOLOGY EDUCATION ACADEMIES

''SEC. 2501. SHORT TITLE.

This part may be cited as the 'Rural Technology Education Academies Act'.

''SEC. 2502. FINDINGS AND PURPOSE.

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

''(1) Rural areas offer technology programs in existing public schools, such as those in career and technical education programs, but they are limited in numbers and are not adequately funded. Further, rural areas often cannot support specialized schools, such as magnet or charter schools.

''(2) Technology can offer rural students educational and employment opportunities that they otherwise would not have.

''(3) Schools in rural and small towns receive disproportionately less funding than their urban counterparts, necessitating that such schools receive additional assistance to implement technology curriculum.

''(4) In the future, workers without technology skills run the risk of being excluded from the new global, technological economy.

''(5) Teaching technology in rural schools is vitally important because it creates an employee pool for employers sorely in need of information technology specialists.

''(6) A qualified workforce can attract information technology employers to rural areas and help bridge the digital divide between rural and urban American that is evidenced by the out-migration and economic decline typical of many rural areas.

''(b) PURPOSE.—It is the purpose of this part to give rural schools comprehensive assistance to train the technology literate workforce needed to bridge the rural-urban digital divide.

''SEC. 2503. GRANTS TO STATES.

''(a) IN GENERAL.—The Secretary shall use amounts made available under section 2310(a) to carry out this part to make grants to eligible States for the development and implementation of technology curriculum.

''(b) STATE ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for a grant under subsection (a), a State shall—

''(A) have in place a statewide educational technology plan developed in consultation with the State agency responsible for administering programs under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and

''(B) include eligible local educational agencies (as defined in paragraph (2)) under the plan.

''(2) DEFINITION.—In this part, the term 'eligible local educational agency' means a local educational agency—

''(A) with less than 600 total students in average daily attendance at the schools served by such agency; and

''(B) with respect to which all of the schools served by the agency have a School Locale Code of 7 or 8, as determined by the Secretary.

''(c) AMOUNT OF GRANT.—Of the amount made available under section 2310(a) to carry out this part for a fiscal year and reduced by amounts used under section 2504, the Secretary shall provide to each State under a grant under subsection (a) an amount the bears that same ratio to such appropriated amount as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State bears to the number of all such students at the schools served by eligible local educational agencies in all States in such fiscal year.

''(d) USE OF AMOUNTS.—

''(1) IN GENERAL.—A State that receives a grant under subsection (a) shall use—

''(A) not less than 85 percent of the amounts received under the grant to provide funds to eligible local educational agencies in the State for use as provided for in paragraph (2); and

''(B) not to exceed 15 percent of the amounts received under the grant to carry out activities to develop or enhance and further the implementation of technology curriculum, including—

''(i) the development or enhancement of technology courses in areas including computer network technology, computer engineering technology, computer design and repair, software engineering, and programming;

''(ii) the development or enhancement of high quality technology standards;

''(iii) the examination of the utility of web-based technology courses, including college-level courses and instruction for both students and teachers;

''(iv) the development or enhancement of State advisory councils on technology teacher training;

''(v) the addition of high-quality technology courses to teacher certification programs;

''(vi) the provision of financial resources and incentives to eligible local educational agencies to enable such agencies to implement a technology curriculum;

''(vii) the implementation of a centralized web-site for educators to exchange computer-related curriculum and lesson plans; and

''(viii) the provision of technical assistance to local educational agencies.

''(2) LOCAL USE OF FUNDS.—Amounts received by an eligible local educational agency under paragraph (1)(A) shall be used for—

''(A) the implementation of a technology curriculum that is based on standards developed by the State, if applicable;

''(B) professional development in the area of technology, including for the certification of teachers in information technology;

''(C) teacher-to-teacher technology mentoring programs;

''(D) the provision of incentives to teachers teaching in technology-related fields to persuade such teachers to remain in rural areas;

''(E) the purchase of equipment needed to implement a technology curriculum;

''(F) the provision of technology courses through distance learning;

''(G) the development of, or entering into a, consortium with other local educational agencies, institutions of higher education, or for-profit businesses, nonprofit organizations, community-based organizations or other entities with the capacity to contribute to technology training for the purposes of subparagraphs (A) through (F); or

''(H) other activities consistent with the purposes of this part.

''(3) AMOUNT OF ASSISTANCE.—In providing assistance to eligible local educational agencies under this section, a State shall ensure that the amount provided to any eligible agency reflects the size and financial need of the agency as evidenced by the number or

percentage of children served by the agency who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"SEC. 2504. TECHNICAL ASSISTANCE.

''From amounts made available for a fiscal year under section 2310(a) to carry out this part, the Secretary may use not to exceed 5 percent of such amounts to—

''(1) establish a position within the Office of Educational Technology of the Department of Education for a specialist in rural schools;

''(2) identify and disseminate throughout the United States information on best practices concerning technology curricula; and

''(3) conduct seminars in rural areas on technology education.''.

Mr. KENNEDY. We expect that momentarily Senator CANTWELL will be here. We have worked out a rough program and schedule for the latter part of the afternoon and through the evening. We will be able to move along on that program, and we want to thank all of our colleagues for their cooperation.

We have some of the important remaining amendments with which we have to deal, but we have been able to work out a process and a procedure to get time agreements on most of these. So Members will know when these amendments are going to come up. The leader had indicated that we would be voting through the afternoon and into the evening, and there is every expectation that we will continue to do so.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 459 AS FURTHER MODIFIED

Mr. DODD. Madam President, I ask unanimous consent amendment No. 459, the Dodd amendment, be before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is laid aside.

Mr. DODD. I understand we have half an hour of time to debate this amendment. Is there a time agreement?

The PRESIDING OFFICER. There is no time agreement.

Mr. REID. If the Senator from Connecticut will yield, we ask that the Senator from Connecticut, the Republican leader, and Senator KENNEDY agree to a half hour evenly divided.

Mr. DODD. I may use less than that. We have talked a lot about it already. The Senator from New Hampshire has spoken eloquently and at length in opposition. I presume we could get done prior to that. We say ''half an hour.'' Then we think we have to use it. If not, we could get done before. With the admonition of the Senator from Nevada, we will try to move this along.

Mr. REID. Will the Senator yield?

Mr. DODD. I yield.

Mr. REID. As part of the proposed unanimous consent agreement, I ask unanimous consent there be no second-degree amendments prior to the vote, which should be shortly.

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

Mr. DODD. Madam President, I raised this amendment a week or so ago. We spoke on it on several different occasions. It was interrupted at various times, other amendments were offered, and this amendment was laid aside.

I say to my colleagues, I offer this amendment on behalf of myself, Senator BIDEN, and Senator REED of Rhode Island. This is an amendment that was first offered in the other body by the distinguished Member of the House, Congressman CHAKA FATTAH of Philadelphia.

This amendment is strongly endorsed by the Council of Great City Schools, Leadership Conference on Civil Rights, National Education Association, the National PTA, a coalition of 180 national organizations including AARP, AFL-CIO, American Veterans Committee, Catholic Charities, Children's Defense Fund, the Congress of National Black Churches, the League of Women Voters, the National Council of Jewish Women, the National Council of La Rasa, the YWCA and YMCA, just to name some.

CHAKA FATTAH made an eloquent argument in the other body about the value of this amendment. Basically what it does is the following:

Since 1965, for 36 years, we have written into the Elementary and Secondary Education Act language that says that in each school district in America there must be a comparable educational opportunity for every child. For 36 years that has worked rather well. We improved education—but there are still gaps in it. Nonetheless, 36 years ago we said for those school districts we believe that all children, regardless of their circumstances of birth, ought to have a comparable education.

Some school districts have student populations vastly in excess of what some States have. The school districts of Los Angeles and New York individually have school populations in excess of the student populations in 27 States. Those school districts are highly diverse, in terms of the number of children from various economic backgrounds within those school districts.

My amendment says we ought to apply that same standard to the States. Why do I say that? This bill asks that children do a better job, be more accountable, be more responsive. To do that, we are going to require a test in this bill. The underlying bill says that every third, fourth, fifth, sixth, seventh, and eighth grader is now going to have to take a test.

Prior to the adoption of this bill, we had mandates from the Federal Government that said there would be three tests in that age group. So we have mandated that there be accountability already. We are not breaking new ground. We are extending it.

Also in this bill we say the teachers need to be more accountable and more responsive. We say school districts need to be accountable and more responsive. We say parents do, school boards do. We say we, at the Federal level, need to be more responsible and demand greater accountability. The one missing element in this entire chain, from the infant child in school to the Federal Government, where I have named virtually everybody from the child to Uncle Sam—one element is missing in that litany. The one element is the States. There is nothing in this bill that requires that the States be accountable or that the States be responsible.

Remember, title I was written 36 years ago because we thought, at the national level, not enough was being done to serve the most needy children in America. That was the rationale behind the Elementary and Secondary Education Act—to provide Federal moneys to the States, to help them serve the most needy children.

Over the years we provided a lot of money, about 6 cents on every dollar. Madam President, 94 cents for educating children comes from States and localities.

If we are going to demand greater accountability, and that students do better in school, that there be higher standards that are to be met, how do we exclude one of the elements here responsible for at least a part of that 94 cents? It is certainly more than the 6 cents the Federal Government supplies. Is it really that radical to say: Mr. Governor or State education board, will you see to it, or work towards achieving comparability of educational opportunity within your State?

I am not mandating success. I don't think you ought to do that. We cannot do that. But to say to a child in Connecticut or a child in the State of Washington or New Hampshire or wherever else they may be, that because of the accident of where you are born, being born in that State should not mean you can end up with an entirely different educational opportunity.

My bill says over the next 6 years—not right away—within 6 years, you will write to the Secretary of Education, under this amendment, if it is adopted, providing assurance that you have such a plan and that you have begun to implement it. And by the

way, if 6 years is not long enough, I will give you 2 more under this amendment. That is 8 years.

If you do not do it, what happens? It is left to the discretion of the Secretary to withhold some of the administrative funds under title I—not title I funds. The idea is to urge the States to join with us. Many States, Madam President, as you know and I know, are working hard at this already, just as most school districts are working hard, just as most parents are working hard, and most school boards are working hard. We are not demanding greater accountability in this bill of every school district, parent, child, and teacher because we think they are all failing. We do not believe that. We believe some are.

I believe some States are not doing enough. If I can demand accountability and responsibility of a child, a parent, a teacher, a school board, a school district, and the Federal Government, is it too much to ask that we seek at least an effort on the part of our States to improve the quality of educational opportunity?

I do not think I need to go back and lay out all the arguments. We all know the days of saying this ought to be exclusively, totally a local effort are gone. That may have had great value in the 19th or most of the 20th century when our economic future and success depended upon a child from Connecticut competing with a child from New Hampshire or Massachusetts, or one from Illinois competing with someone in the State of Washington.

But we have entered a global economy. We better have a national vision when it comes to education and national standards. Leaving no child behind means just that. That is why the President has raised this subject matter with the priority he has.

The American public wants to see our public schools do better. The President said leave no child behind and he is enforcing this bill because he believes that by testing children, testing teachers, putting real stringent requirements on school districts, on parents and on ourselves, we are going to raise those standards. I did not hear the word ''States'' there. That 94 cents that goes to the education of a child, a substantial part of it comes from the States.

I know my State is working hard at this. We have had court cases pending. I know the Governor and the State legislature work at this. I have no problems whatsoever with States that are trying to get this job done. But unfortunately, as I said a moment ago, there are jurisdictions in this country which have not been as responsive or have not been as accountable to the desire to see to it that all children will be given an equal opportunity to succeed.

It has been 47 years since the Supreme Court of the United States, just across the street here, passed Brown v. Board of Education, almost a half century ago. When they said separate and unequal schools can no longer be permissible, it was almost a half century ago. There is not one of us in this Chamber who does not know as a matter of fact, even in the States that are trying harder, that Brown v. Board of Education, that 9–0 decision, has yet to provide the kind of relief of the problems that too many of our children are facing. They are separate and they are in unequal educational opportunities. I do not care what State you go to, that is the case. Some States are working at it and some are not.

Madam President, almost 50 years later I do not think it is too much to ask that State education authorities or our Governors should also be asked to join in this effort. We cannot do it without them. This is not some peripheral organization here. This is about as critical as it gets. If we are going to be looking for better results and excluding the States from stepping up to the plate and becoming a part of this assessment, then we are missing a major part of the equation necessary to achieve that success.

I do not point an accusing finger at any Governor, State agency, or board.

We don't tell them how to do it. We don't lay out in some excruciating detail of micromanaging how each State ought to try to achieve it. We don't say identical at all. We say comparable.

I know I will hear from my friend from New Hampshire suggesting that I am using a cookie cutter—that every jurisdiction within a given State is going to have to develop an identical plan. Nothing could be further from the truth. We are talking about comparability. The word was chosen because it is in existing law. It has been there for almost four decades—comparable educational opportunity at a district level. I am expanding the concept to include the States. We are expanding and doing a lot of things new. The Federal Government is not new to having mandates. We shut off all Federal funds if States don't do a better job on school violence. We mandate that there be testing done at the elementary level in America. We have done that for years. We are mandating that districts offer comparable education. These are all mandates. We are not breaking new ground by insisting that States join in this effort.

My colleague from New Hampshire said this is a deal breaker. What deal breaker? We deal with this bill once every 6 years. How do you exclude the States? How do you go home and say to people we have done a great job here? We are going to see much better results.

By the way, a substantial portion of that 94 cents that goes to the education of a child is going to be excluded from any accountability or any assessment, in effect.

It seems to me that if you are asking some impoverished school district to do better, or some kid growing up in a ghetto or in a rural part of America to do better, you ought to try to provide the resources to achieve those goals. And you ought to have some measurement by which you can judge whether or not everybody is pulling their fair share to see to it that we get the best results possible.

That is all this amendment is designed to do—to just add one other word to district student, district teacher, school board, Federal Government: add the word ''State.'' However, you want to make it accountable, whether it is the educational authority, or the Governor, or whoever it is, whatever means you choose to try to achieve comparability, that is up to each State. I don't believe the Federal Government ought to be telling States how to do that. It is not identical. It is comparable.

As I have said, there are many school districts that embrace a great diversity within their boundaries. They have lived with this law for 36 years. Certainly, for school districts that have student populations in excess of the populations in 27 States—more than half of the States in this country—asking the States to step up and provide some assurance and at least making themselves open to the assessments that we ought to be requiring, I don't think is too much.

I thank CHAKA FATTAH, the Congressional Black Caucus. La Rasa, the Latino/Hispanic group, places this at a very high priority. CHAKA FATTAH said the other day that this is the No. 1 priority for the Congressional Black Caucus in their consideration of this bill. Again, groups like the YMCA, YWCA, the Children's Defense Fund, American Veterans Committee, AARP—I give great credit to retirees for supporting this effort—the Leadership Conference on Civil Rights, the National PTA, and the National Education Association are supporting this amendment. I thank them for their support.

Again, it is 6 years down the road. This doesn't go into effect next month, or next year, or the year after, if this bill is passed. We are providing more than half a decade for States to try it and at least get themselves in a position to offer these assurances, and then a 2-year waiver beyond that and penalties to be imposed by the Secretary only to administrative funds and not to the title I funds that go to the needy children in this country.

Again, I hope our colleagues will see fit to support this amendment. I will be happy to yield the floor at this point.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Hampshire.

Mr. GREGG. Madam President, I inquire of the Senator from Connecticut, after I speak, does the Senator want to

go to a vote at that time on his amendment?

Mr. DODD. I am prepared to at that point.

Mr. GREGG. Madam President, I will not try to say anything that is identical to what I said yesterday or the day before or last week on this issue.

Let me simply point out that this amendment, in my humble opinion, is one of the most significant ones we are going to take up in that it reflects and makes one of the most significant attempts to have the Federal Government become intrusive in the school systems of our country.

The practical implications of this amendment are that the Federal Government will now require that every State and all its communities have comparable educational systems. We went through in some length debate on this amendment over a couple of days last week. But, essentially, that is a role that is inappropriate for the Federal Government. The Federal Government should not be telling the State, whatever State it happens to be—Montana, Indiana, West Virginia, New Hampshire, or Ohio—you must have a school system structured so that all your school systems are comparable; so that every school system in the entire State must do essentially the same thing from school district to school district in order to meet that comparability standard.

There are States in this country that, either through court actions dealing with funding, such as New Hampshire, or through court actions maybe dealing with something beyond funding. I am not familiar with any that have gone beyond the funding issue that have determined there should be comparability within the State. There are States which may have—I don't know this—State legislators that have decided it is part of their State organizational structure for education that they want comparability.

But I also know that there are a lot of States in this country that have decided they do not necessarily want comparability because there are significant differences within that State between what one school district needs to do in order to be a good school educational system and what another school needs to do in order to be a good educational system.

Those differences are reflected in the collective bargaining agreements between where you might have one part of the State with collective bargaining agreements where teachers have introduced agreements where the teacher has a different workweek than another part of the State; or where the number of students for a classroom is different in another part of the State; or the responsibility of teachers in extracurricular activities is different in another part of the State; or you might have a school district where States have decided that in one part of the State kids will be educated in a certain technical skill area that is unique to that part of the State—say forestry or farming—and in another part of the State that technical skill is not relevant because it is an urban part of the State; or you might have a school district in one part of the State that believes it wants to focus on foreign languages; whereas, another part of the State wants to focus on technology skills versus foreign languages, so they restructured their structure, or you might even have different schooldays. One may have a longer schoolday or a shorter schoolday.

Obviously, in the end, they probably have a State law requiring so many schooldays or the way buildings are configured may be significantly different.

States have legitimate reasons because of the weather requirements in a State. They may not want to have a comparable school system across the State and still believe that they can deliver quality education. But other States may decide they want comparability.

But it is truly the responsibility of the State to make that decision and not the Federal Government.

With the Federal Government to come in with 6 to 7 percent of the dollars spent on local elementary and secondary school education and say we have the right to demand statewide comparability is incredibly intrusive. It opens the door to all sorts of issues that I think significantly expand the role of the Federal Government in an inappropriate way.

The logic of this amendment would be that the next step is entire school systems across the country have to be comparable. Why stop at the State border?

If you are going to say that every State has to have comparable districts why would you stop there? Wouldn't the next logical step be the true nationalization of the school systems, saying that every State has to have comparable educational systems? That would be an excessive reach of the Federal Government.

I believe this amendment, as has been characterized, clearly undermines fundamentally the agreement that was reached in negotiations as to the core elements of this bill. It is a dramatic departure from the traditional role of the Federal Government, with an excessive amount of intrusion by the Federal Government. For that reason, I strongly oppose this amendment and hope it will be defeated.

I understand my colleague is going to ask for the yeas and nays and we can go to a vote.

Mr. DODD. If I could take 1 minute, I have some remarks.

Mr. GREGG. Certainly.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Connecticut.

Mr. DODD. Mr. President, I will just respond a little bit. Then we will go to the vote. I have a statement from CHAKA FATTAH. I will not read all of this, but I think the Congressman from Philadelphia makes a very strong point. He says:

> If students do not have comparable opportunities, they will not have comparable results.
>
> . . . There is no one anywhere who would say that rural and urban school districts receive comparable resources with our wealthier suburban districts; yet, we want to have the same standards. This is not logical. I am perfectly prepared to support testing where we measure the aptitude of young people who have the same opportunities to see if they have the same results.
>
> . . . The goal should be excellence for not just some, but all, of our nation's children. My hope is that some of [our] colleagues will understand the importance of educational comparability as well.

Mr. President, I ask unanimous consent that the entire statement be printed in the RECORD.

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

STATEMENT BY CONGRESSMAN CHAKA FATTAH ON THE DODD AMENDMENT

''For two days this week, the most powerful lawmaking body in the world has debated whether poor children have the right to learn in situations comparable to our wealthier students. The Dodd Amendment, No. 459, stresses the need for schools to have comparable resources. However, some are attempting to block this important vote.

Right now, the Republicans are pushing to test every child in math and reading. But if poor kids do not have certified teachers, if they don't have updated textbooks, if their class sizes are twice as large and their school districts are underfunded, then why ask for test results that are clearly skewed? If students do not have comparable opportunities, they will not have comparable results.

I wonder why some Republicans are unwilling to urge states to provide comparable educational opportunities for poor children as the Dodd Amendment asserts. There is no one anywhere who would say that rural and urban school districts receive comparable resources with our wealthier suburban districts; yet, we want to have the same standards. This is not logical. I am perfectly prepared to support testing where we measure the aptitude of young people who have the same opportunities to see if they have the same results. However, if we want these children to take national tests, we should also strive to provide them with comparable resources. With so many state courts ruling for more equitable funding, why would some Republicans threaten to filibuster an amendment that would provide this very goal?

I have had many conversations with Senators Dodd, Biden and others on why we need all our public schools to perform at comparable levels. They understand this and should be commended for offering this amendment. The goal should be excellence for not just some, but all, of our nation's children. My hope is that some of their Republican colleagues will understannd the importance of educational comparability as well.''

Mr. DODD. To add to my colleague's point, this is not telling the States how

the State system should be structured. It is not saying that if one district offers Japanese as a language, because there is an interest, they have to offer it to everybody in the State. That is not common sense.

Comparability of educational services is about comparability of educational opportunity. I cannot see why this is a controversial issue. I hope, again, our colleagues can support the amendment.

I thank my colleague from New Hampshire for his patience and yield the floor.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 459, as further modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—42

Akaka	Dorgan	Levin
Biden	Durbin	Lieberman
Bingaman	Edwards	Mikulski
Boxer	Feingold	Murray
Byrd	Feinstein	Nelson (FL)
Cantwell	Graham	Reed
Carnahan	Harkin	Reid
Cleland	Hollings	Rockefeller
Clinton	Inouye	Sarbanes
Conrad	Johnson	Schumer
Corzine	Kennedy	Stabenow
Daschle	Kerry	Torricelli
Dayton	Kohl	Wellstone
Dodd	Leahy	Wyden

NAYS—58

Allard	Enzi	Miller
Allen	Fitzgerald	Murkowski
Baucus	Frist	Nelson (NE)
Bayh	Gramm	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Santorum
Breaux	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Campbell	Hutchison	Snowe
Carper	Inhofe	Specter
Chafee	Jeffords	Stevens
Cochran	Kyl	Thomas
Collins	Landrieu	Thompson
Craig	Lincoln	Thurmond
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Domenici	McCain	
Ensign	McConnell	

The amendment (No. 459), as further modified, was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 370 offered by the Senator from California be next in order; that there be a 30-minute time agreement, with no second-degree amendments, and that we have, as we have been doing on this bill, a side-by-side amendment offered by Senator HAGEL. His amendment would be debated for 30 minutes evenly divided, with no second-degree amendments to the Hagel amendment. We would vote after both amendments were offered and argued.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it looks as if we will vote at 6:30.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 370 TO AMENDMENT NO. 358

Mrs. FEINSTEIN. Mr. President, I would like to proceed under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 370.

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

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

The amendment is as follows:

(Purpose: To award grants for school construction)

On page 302, between lines 7 and 8, insert the following:

Part ____—School Construction

SEC. ____01. SHORT TITLE.

This part may be cited as the ''Excellence in Education Act of 2001''.

SEC. ____02. DEFINITIONS.

In this part:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''Secretary'' have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(2) CONSTRUCTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''construction'' means—

(i) preparation of drawings and specifications for school facilities;

(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

(iii) inspection and supervision of the construction of new school facilities.

(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

(3) SCHOOL FACILITY.—The term ''school facility'' means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

SEC. ____03. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $1,000,000,000 for each of the fiscal years 2002 through 2006.

SEC. ____04. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

SEC. ____05. CONDITIONS FOR RECEIVING FUNDS.

In order to receive funds under this part a local educational agency shall meet the following requirements:

(1) Reduce class and school sizes for public schools served by the local educational agency as follows:

(A) Limit class size to an average student-to-teacher ratio of 20 to 1, in classes serving kindergarten through grade 6 students, in the schools served by the agency.

(B) Limit class size to an average student-to-teacher ratio of 28 to 1, in classes serving grade 7 through grade 12 students, in the schools served by the agency.

(C) Limit the size of public elementary schools and secondary schools served by the agency to—

(i) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

(ii) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

(iii) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

SEC. ____06. APPLICATIONS.

(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) CONTENTS.—Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with this part;

(2) a brief description of the construction to be conducted;

(3) a cost estimate of the activities to be conducted; and

(4) a description of available non-Federal matching funds.

AMENDMENT NO. 370 AS MODIFIED

Mrs. FEINSTEIN. I ask unanimous consent the amendment be modified with the changes I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, we have not seen the modification.

I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment as modified, is as follows:

On page 696, between lines 18 and 19, insert the following:

''CHAPTER 5—SCHOOL CONSTRUCTION

''SEC. 5351. DEFINITIONS.

''In this chapter:

''(1) CONSTRUCTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'construction' means—

''(i) preparation of drawings and specifications for school facilities;

''(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

''(iii) inspection and supervision of the construction of new school facilities.

''(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

''(2) SCHOOL FACILITY.—The term 'school facility' means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

''SEC. 5352. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—Funds made available to local educational agencies under section 5312 may, notwithstanding section 5331(a), be used to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

''(b) NONAPPLICATION OF PROVISIONS.—The provisions of chapter 4 shall not apply to this chapter.

''SEC. 5353. CONDITIONS FOR USE OF FUNDS.

''In order to use funds for construction under this chapter a local educational agency shall meet the following requirements:

''(1) Reduce school sizes for public elementary schools and secondary schools served by the local educational agency to—

''(A) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

''(B) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

''(C) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

''(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

''SEC. 5354. APPLICATIONS.

''(a) IN GENERAL.—Each local educational agency desiring to use funds under this chapter shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require.

''(b) CONTENTS.—Each application shall contain—

''(1) an assurance that the grant funds will be used in accordance with this chapter;

''(2) a brief description of the construction to be conducted;

''(3) a cost estimate of the activities to be conducted; and

''(4) a description of available non-Federal matching funds.''

Mrs. FEINSTEIN. Mr. President, I think virtually every Member of this body has been to an overcrowded school. I personally have been in schools where I have seen children learning in closets because the population of the school was so large, for example, elementary schools with over 1,000 students, many schools with many different languages. Yet it is very difficult for local jurisdictions to build smaller schools because of the pressures of growing population.

The amendment I have sent to the desk allows funds under title V, part B, subpart 4, the Innovative Education Program Strategies, to be used to reduce the size of schools. The amendment authorizes the U.S. Department of Education to award grants as a permissible use of these funds to reduce the size of schools, in other words, to build small schools. The grants would be equally matched by the State, the local jurisdiction, or the school district. This amendment does not add additional dollars but permits use of funds under Title V that may be available.

I am introducing the amendment because I strongly believe children learn better and teachers teach better in smaller schools. Many of our schools are just too big. In fact, half of all American high school students go to schools with 1,500 or more students. Half of all American high school students are in huge high schools. Studies have shown again and again and again that student achievement improves when school and class size are reduced.

The U.S. Department of Education indicates these are some of the benefits of small schools: Students have a greater sense of belonging; fewer discipline problems occur; crime, violence, and gang activity go down; alcohol and tobacco use declines; dropout rates fall; graduation rates rise; and student attendance increases.

The ideal high school, according to education experts, is between 600 and 900 students. The National Association of Elementary School Principals recommends an elementary school size of no more than 400 for grades kindergarten to grade 5. That is the way it was when I went to public school, and that is one of the reasons I was able to learn.

Studies show that students in small schools have higher academic achievement, fewer discipline problems, lower dropout rates, higher levels of student participation, and higher graduation rates. A Tennessee study called project STAR placed 6,500 kindergartners in 330 classes of different sizes. The test scores and the behavior of students in smaller classes were better than those in larger classes.

We know that small class size benefits. We also know that in a society as diverse as ours, when some schools have as many as 40 different languages, smaller schools benefit students and teachers as well.

Under this amendment, schools receiving grants that would be equally matched would have to meet the following size requirements: For kindergarten through fifth grade, not more than 500 students; for grades 6 through 8, not more than 750 students; for grades 9 through 12, not more than 1,500 students.

This amendment will provide a new funding source for school districts or States to build new schools with the explicit goal of reducing school size. We need to build 6,000 new schools in this Nation just to meet enrollment growth projections. That is not going to happen if there isn't some Federal help. By amending title V and making this a permitted use—grants for small schools—I hope school districts will have an incentive to build small.

Let me give examples of large schools. In Mapleton, UT, 832 students in an elementary school; Narragansett Elementary School, in Rhode Island, 710 students; Coral Gables Elementary School, FL, 748 students; Munford, AL, Ophelia Hill Elementary, 730 students; Gosnell Elementary, in Arkansas, 788 students. It isn't only the big States, it is the small States, too.

Right nearby in Herndon, Virginia, we have a middle school of 1,285 students and Rocky Run Middle School, also in Virginia, 1,350 students. A combination middle school and high school in Florida, in River Ridge Middle and High School, 3,260 students in one school.

Here are some examples of large high schools. Olympic Heights Community High School, Palm Beach, FL, 2,405 students; Camelback High School, Phoenix, AZ, 2,557 students; Georgia, in South Gwinnett High School, 2,550 students; in Lyons, IL, 3,087 students; and Waipahu High School, in Hawaii, 2,434 students.

California, as the Senator from Connecticut pointed out, has some of the largest schools in the country. Los Angeles has some of the largest classes and schools in the world. Let me give an example. In Los Angeles, Hawaiian Elementary—elementary—1,365 students; South Gate Middle School—middle school—4,442 students; Belmont High School, 4,874 students.

I have been in some of these schools.

If we can provide an incentive for local jurisdictions to build smaller schools, educational experts now say that beginning schools, elementary schools, do not have to be in a special campus. We can have a campus within a campus or have a small school as part of a commercial setting, for example.

The important thing is ''small.'' Small is better when it comes to education, particularly in the lower grades, and particularly when one has a varied socioeconomic structure, one has many different languages. Schools I have been in—and I will tell you this—have been a cacophony of sound, so many students, so much noise, everything in shifts; a shift for the lunch, everything in track; track 1, track 2; and, again, 40 different languages spoken.

I hope the Senate sees fit to pass this amendment. As I said, the amendment

does not add new funds. It would simply amend title V to make as a permissible use of title V funds, grants that would be equally matched, Federal dollars with state or local dollars, to build small schools in the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 797 TO AMENDMENT NO. 358

Mr. HAGEL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself, Mr. CAMPBELL, and Mr. KYL, proposes an amendment numbered 797.

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

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

The amendment is as follows:

(Purpose: To require that certain schools be given priority in the allocation of school construction assistance)

At the appropriate place, insert the following:

"5—FEDERAL PRIORITIES FOR SCHOOL REPAIR AND RENOVATION.

"SEC. 5351. REQUIREMENT RELATING TO SCHOOL CONSTRUCTION ASSISTANCE.

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

''(7) Over several decades, Bureau of Indian Affairs and Impact Aid schools have suffered from neglect and disrepair, which has had a direct impact on student learning and safety.

''(8) As of January 2001, the repair, rehabilitation, and renovation backlog for Bureau of Indian Affairs and heavily impacted Impact Aid education facilities and quarters was over $2,000,000,000.

''(b) REQUIREMENT.—Notwithstanding any other provision of law (including the provisions of this Act), in administering any Federal program to provide assistance for school construction or renovation, the Secretary of Education shall ensure that assistance under such program is provided to meet the construction or renovation needs of schools receiving Impact Aid, schools under the jurisdiction of the Department of Defense, and Indian and Bureau of Indian Affairs funded schools prior to making any such assistance available under such program to other schools.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to—

''(1) school construction bond programs or school renovation bond programs; or

''(2) amounts provided for school construction or renovation under—''.

Mr. HAGEL. Mr. President, I join my colleagues, Senators CAMPBELL and KYL, in offering this amendment which reconfirms the Federal obligation to the Bureau of Indian Affairs schools, Department of Defense schools, and Impact Aid schools. While we all agree that steps need to be taken to modernize and improve the conditions of our schools nationwide, one question continually permeates this debate and makes consensus difficult. This question revolves around what should be the appropriate role of the Federal Government with respect to school construction.

Senator FEINSTEIN would like to reduce class size by constructing more classrooms. That is an admirable goal, one to which I think we all are committed. However, before the Senate authorizes funding for general school construction, we have an existing obligation that we should meet first. The Federal Government has a responsibility to educate Native American children and the children of men and women who serve the Federal Government. This obligation includes building and repairing the schools these children attend.

The need for school repair is great. There is no dispute about this need. The General Accounting Office estimated in March 2000 that it will cost $112 billion to repair and modernize U.S. schools. The National Education Association estimates that it will cost more than $300 billion to repair and modernize U.S. schools.

However, before we can allow Federal funds to flow to locally supported schools for these purposes, as noble and worthy as these purposes are, we, the Federal Government, have our first obligation to ensure the facility needs of BIA, DOD, and Impact Aid-supported schools are met.

The Bureau of Indian Affairs operates 185 schools across the country. Impact Aid reaches more than 1,600 schools serving 1.2 million federally connected children. The Department of Defense operates 70 schools nationwide. The repair needs of these schools reach well over $2 billion.

Due to military base realignments, the Fort Hood public school district in Texas is now using over 200 trailers to serve students.

The Waynesville School District in Missouri needs to replace a high school that was built in the late 19th century.

In my home State of Nebraska, your home State, Mr. President, the Bellevue public school district needs a new middle school, and the Winnebago School District has over $3 million in needed immediate repairs and construction.

The amendment I offer today along with my colleagues from Arizona and Colorado will assure we meet our commitment to the children attending Bureau of Indian Affairs, Impact Aid, and Department of Defense schools, schools we clearly have a Federal obligation to support.

We must meet these clear Federal obligations first.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HAGEL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 370 AS MODIFIED

Mr. KENNEDY. Mr. President, I first thank Senator FEINSTEIN for her amendment and urge the Senate adopt it. We have in the legislation what is called title V. That provides flexibility in the States and local communities—20 percent is retained to the State; 80 percent goes to the local communities. Half is distributed under a somewhat different formula from title I, but half goes into the title I formula, the other based on population. So there are funds that will be available.

What this amendment is saying, as described by the Senator, is the resources can be used for the development of new schools.

One of the things most of us think about when we think about new schools is a brand new school appearing on a bluff or on a hill or in a field. But what we are finding out now is that many new schools are being built inside of old schools. We have had good hearings on the results of this kind of experimentation, where they are taking schools that have large student populations and breaking them down and literally having two or three or four new schools in a very large school context.

They are finding out the changing of the organization and changing of the structure and the administration and running of these institutions have had a very positive impact on the students themselves.

So this amendment will provide some flexibility in this area of new schools. It will not only try to meet some of the needs for additional construction, which we have talked about earlier in the debate on the Carper amendment and earlier than that on the Harkin amendment, but it will also permit the use of these funds which otherwise would not have been permitted for the development of new schools in older school buildings.

I think it is a useful addition. I know the initial amendment was a good deal more ambitious. I was prepared to support that enthusiastically. But I think this is an important addition, and I thank the Senator for bringing this matter to our attention.

From my own judgment, this will be a very worthwhile utilization of the title I funding that I think should be supported.

I notice the Senator from Nebraska asked for the yeas and nays. I believe, with my colleague, we are prepared to accept the Feinstein amendment, if we could voice vote that amendment.

Mr. GREGG. I think we will have to reserve our rights. We cannot do that right now.

Mr. KENNEDY. All right. Then I think the Senator reserves the remainder of her time.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts

for his comments. I reserve the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 797

Mr. GREGG. Mr. President, I would like to claim the time in opposition to the amendment of the Senator from California, but right now I rise in support of the Hagel amendment and yield myself such time as I consume.

I rise in support of the amendment of the Senator from Nebraska. Senator HAGEL has proposed an amendment which is very appropriate. He essentially said in his amendment, before we start doing construction activities—renovation, repair—on public schools in jurisdictions where States have responsibilities or communities have responsibilities, we ought to first do our job in our own areas where we have responsibilities, specifically in the Indian reservation areas and especially at our military facilities. Many of our military personnel have young children and those children are, first, under the pressure of being children of military personnel, which is a difficult position and it puts a lot of pressure on the family. And, second, a lot of them are in school buildings which are dilapidated and simply not up to snuff as far as being a physical facility in which education should be performed.

We, the Federal Government, have a first line of responsibility to take care of those school buildings and those school construction needs and renovation needs on our military installations. The same can be said for our Indian reservations where we have the primary responsibility through treaty agreements. There are numerous instances where the Federal Government has the responsibility of maintaining the physical facilities of the schools on those reservations. We have an obligation to do that.

I think the Senator from Nebraska has really pointed out a very appropriate obligation of the Federal Government and has prioritized this process of using funds, to the extent they are going to be used, in the renovation area out of title VI, and the use of those funds in a manner which is consistent with our obligations as the Federal Government. The Federal Government's first responsibility should be the Federal facilities, and especially to children on our military bases.

I strongly support the amendment of the Senator from Nebraska and hope it will be accepted. I look forward to voting on it.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I did not comment earlier on the Hagel amendment. I join in recommending support for the amendment. As one who was the chairman of the Committee on Indian Education just about 30 years ago and was mindful of the particular needs of Native Americans, as well as those in the densely populated military districts, I think the Senator has given us a good amendment to be able to express our priority by giving focus and attention to the heavily impacted Native Americans and military districts.

I welcome the chance to support the amendment. I thank him for bringing it to our attention.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I understand the Senator from California has 4 minutes remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. KENNEDY. Madam President, this amendment, offered as a perfecting amendment, was never part of the printed list of amendments. As a matter of good faith, I was under the impression that it was the perfection of another amendment.

This amendment is effectively the Enzi amendment. The effect of this amendment, if it goes into effect, is not the $10 million of impact aid for Native Americans; it effectively, under the language of the amendment on page 3 says, ''notwithstanding any other provision of law, the secretary shall ensure that assistance under such program is provided to meet the construction and renovation needs of schools receiving impacted aid.''

That takes all of the previously appropriated money and effectively ends that kind of support for the schools that are expecting for this to be distributed in this month. So this is a revote on the Enzi amendment. The Enzi amendment was defeated and this amendment should be defeated.

Quite frankly, I really question—I hate to say this—the good will of our colleagues. We have been attempting to working in good-faith efforts here. I didn't object to the modification of the amendment. This is a restatement of the Enzi amendment which effectively takes all of the construction funds previously appropriated and earmarked for States—already now the States would have that—and says that money will go to a handful of impact aid areas. I hope this amendment will be defeated. It is the Enzi amendment. I ask our colleagues to review their votes at that particular time.

This effectively vitiates the action that was taken in the last Congress to help school construction across this country. With this amendment, it effectively eliminates that kind of proposal. I think it is grossly both an unfair and unwise policy.

I have the list of the allocations now from the Department of Education for each of the 50 States. I say to every one of our Members, you can be assured you will not get this money that is going to go out to your States within the next 4 weeks. It will not go out if this amendment is accepted and becomes law. That is the effect of it.

I regret that we didn't have more time to debate it. I regret that the proponent of the amendment is not here. I have been asking whether the floor manager of the bill understood this to be a repeat of the Enzi amendment. I ask him now if he knows that.

Mr. GREGG. If the Senator will yield?

Mr. KENNEDY. I can't yield on my time, since I have very little time left. I will say it is the exact language of the Enzi amendment. They are identical. That is really a misrepresentation of what this amendment is all about.

I repeat, since I haven't any further time—and we were charged on our side during the quorum call, with all of my time being charged initially—even though earlier today when the Senator wasn't here, we asked for a fair distribution of the time. We can play it whatever way our friends on the other side want, but this is not the way for good legislation or good faith.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, possibly, could you tell us what the time situation is?

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes remaining.

Mr. GREGG. The Senator from California has how much?

The PRESIDING OFFICER. No time remains.

Mr. GREGG. The Senator from Nebraska?

The PRESIDING OFFICER. The Senator from Nebraska has 4 minutes.

Mr. GREGG. The Senator from Nebraska has 4 minutes, I have 4 minutes, and there is no time on that side.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I don't know how the time is charged, but it seems to me that time is obviously being charged fairly and equitably because we are down to 4 minutes on our side, and I think the Senator from Massachusetts probably spoke for at least 4 minutes on his time.

As to the equity of time charge, I think it was reasonable.

As to the issue which the Senator from Massachusetts has asked—did I know this was the Enzi amendment—unfortunately, I didn't. But I still like the Enzi amendment. So I guess I am certainly for it. However, at this point I will yield to the Senator from Arizona, if the Senator wishes to claim time from Senator HAGEL.

Mr. KYL. Madam President, as a cosponsor of the amendment, perhaps I could have the remainder of the time.

Mr. KENNEDY. Could we ask for another 20 minutes?

Mr. GREGG. That is fine with me if you want 20 minutes equally divided.

Mr. KENNEDY. Yes.

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

The Senator from Arizona.

Mr. KYL. Madam President, first let me respond to the Senator from Massachusetts. I think he will find that this is not the Enzi amendment. That was several pages long. This is the first 21 lines of the first page of the Enzi amendment.

What this amendment says is that the impact aid which has traditionally gone to the federally impacted areas is going to be given a priority. The primary areas we are talking about are Indian reservations and military installations.

In my State of Arizona, we have more reservation Indians than any other State in the United States, and a lot of military installations.

My own view is that States and local school districts have always had the responsibility for school construction. They are the ones primarily responsible for that.

With respect to Federal involvement in primary and secondary education, our first obligation ought to be to the our first responsibilities—the Federal installations and the Indian reservations over which we have trust land responsibility. Both of them are sorely in need of these funds. Therefore, it makes sense to me that we should consider, as a distinct proposition, the first 21 lines of the Enzi amendment, which provide that the priority goes to these federally impacted areas—so that they get the money first, and what is left over can go to other school districts.

To me, that seems very logical. It seems to be the appropriate role for the Federal Government. Why would we not take care of the Federal responsibilities first as a priority and then, to the extent there is money left over, add that to what the States and local school districts spend for their schools?

Since 1967, impact aid construction has not been fully funded. The result is a huge backlog of projects. In Education Week, a school board member in the military impact district said that some districts conducted so much of their business in portable classrooms and aging buildings that they ''more closely resemble prison camps than schools.''

He went on to say, ''Our troops are in Bosnia and those are the kinds of schools their kids are in.''

I might note that the Military Impact Schools Association, which is obviously interested in this, estimated it would take $310 million to meet facility needs in their members' districts.

I can tell you from my experience with the many Indian reservations in Arizona that you have a very similar situation with federally impacted schools in Indian Country. In fact, it is even more dire.

According to a 1996 study by the National Indian Impacted Schools Association, a typical district of this type had more than $7 million in facilities needs.

And facilities needs are even more pressing for America's 185 Indian schools, which educate 50,000 Indian students.

According to testimony from the director of the Office of Indian Education, perhaps half of the schools within the jurisdiction of the Bureau of Indian Affairs exceeded their useful lives of more than 50 years, and more than 20 percent are over 50 years old.

No fewer than 96 schools need to be entirely replaced.

I think it is important that we put the money first where the Federal Government has the first responsibility, which is in our military installations and Indian reservations. That is all this amendment does. There is nothing secret about it. That is all it does.

That doesn't begin to use up the entire $1.5 billion that is available here. That is approximately the amount, as I understand it.

Again, we are simply providing the priority to the military installations and the reservations.

I commend the Senator from Nebraska as well as the Senator from Colorado, Mr. CAMPBELL, for his emphasis on getting these needs met, and I certainly hope we can adopt this amendment which establishes the priority for Federal facilities.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 5 minutes.

Madam President, this is an entirely unacceptable way to do business in the Senate. The initial Hagel amendment that was printed for all of us to see applied to impact aid and Native American construction. The amount of money that was appropriated previously was $10 million. It was represented to us that this was a technical correction about how that $10 million was going to be expended between impact aid and Native American housing.

At the last moment, the Senator from Nebraska asked for a perfecting amendment. We, to our fault, believed that it was a perfecting amendment, but the perfecting amendment is an amendment that does not deal with the $10 million but deals with $1.2 billion and tracks the Enzi amendment which says the allocations of funding that had been reached under the Department of Education under the Harkin amendment of last year will be emasculated and instead there will be an entirely different distribution according to impact aid, so that every one of those States that was going to receive the aid now from the Department of Education are going to receive nothing. Somehow it will be distributed to States that have impact aid and Native Americans.

That is a perfecting amendment. That just defies understanding, logic, reason, and truthfulness. Truthfulness.

Madam President, I hope that amendment will be defeated. I will print the exact language of the Enzi amendment and the 22 lines the Senator from Arizona says—well, it is true they had 22 lines of the Enzi amendment. That is the operative language. What difference does it make if you have five other pages of it? You have 22 lines of it that say exactly what the Enzi amendment said. That is basically wrong. It is a bad way to deal with this institution.

I am surprised, quite frankly. I regret having to make these remarks when the Senator is not here. We are under a time limit on this, and this amendment ought to be withdrawn, and we ought to deal with the existing Hagel amendment. When all time expires, I am going to make that request, that we withdraw the perfecting amendment and go back to the original Enzi amendment that was distributed and that was understood to be the amendment on which we were going to act.

I yield the remaining 5 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. There are 7 minutes remaining.

Mr. DURBIN. Madam President, in my home State of Illinois, we have an impact aid district. It is near the Great Lakes Naval Training Station. It needs additional Federal assistance. I supported it and asked for it over the years, and I will continue to support it.

The Hagel amendment we are considering is fundamentally inexplicable. Here we have $1.2 billion to be given, as I understand it, to 200 impact aid school districts; $6 million per school district if you happen to be in the lucky category of Senator HAGEL's amendment. And who will lose? Sixteen thousand school districts across America that have already made application and been approved for money for renovation of schools.

In my home State of Illinois, we are talking about $42 million they expect

to receive in the next few weeks, money that will be spent to make schools better and safer before the new school year starts. They will not receive the money under the Hagel amendment. Only one school district in my State will receive the money, some $6 million. Quite a windfall.

I am sure they can figure out someplace to use it, but is that fair? Is it fair at this point in time, after every State in the Union and the school districts therein have made applications for $1.2 billion in school construction money, to tell them it is over, they are not going to receive this assistance? The money that is being applied for in this construction grant is money to make schools safer so kids can go to school and have a good learning experience.

I thank the Senator from Arizona, Mr. KYL. He really explained the motive behind this amendment. It is not a matter of helping impact aid districts; it is a matter of many Senators on that side of the aisle objecting to the notion that the Federal Government would give money to local school districts.

The Senator from Arizona was very forthcoming. He said when it comes to school construction, it should come from State and local funds. That is his philosophy. This amendment reflects it. They do not want Federal assistance going to school districts across the State.

I respect the Senator for being forthcoming in his statement, but let's be very clear that this amendment will take away $1.2 billion in school construction funds that school districts across America have applied for to make their schools better and safer for the new school year. That is clearly the intent of it. It is not a question of helping kids in school. It is a question of ending a program which many people on the other side of the aisle just do not agree with philosophically.

I happen to believe education is the highest priority in our country. I believe that an investment from the Federal Government in making our schools safer so kids do not have the ceilings falling down on top of them, they are not stuck out in a trailer in the parking lot, they have a good classroom where they can learn, is a national priority that deserves a national investment.

Those who opposed that program in years gone by had a chance to argue against it. They lost the debate. Now they are trying with the Hagel amendment to win again.

I say to the Senator from Massachusetts, this amendment is, as he says, a last minute attempt to undermine a good program for school construction across America. Those school districts in every State are going to learn, if this amendment is adopted today, they have lost the Federal assistance they need to improve their schools. I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. How much time is on this side?

Mr. GREGG. I yield to the Senator from Arizona 3 minutes.

Mr. REID. How much time remains on this side?

The PRESIDING OFFICER. Three minutes 29 seconds.

Mr. KYL. That was the time remaining on the Democratic side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KYL. And the time remaining on the Republican side?

The PRESIDING OFFICER. Ten minutes.

Mr. KYL. Madam President, I want to respond to my colleague from Illinois.

I would like to characterize my position rather than having my friend from Illinois characterize my position. He complimented me on being candid to say that I thought the first responsibility for the Federal Government in school construction is for the military installations and Indian reservations. That is correct.

That is why, in this amendment, we first apply school construction funds to the needs of the military installations and the Indian reservations because those are the schools that get no help from the States. States do not build schools on military installations of the Federal Government or on the Federal Indian reservations. Only the Federal Government has that responsibility. Only we spend the money for those facilities.

Those facilities are in horrible condition, far worse as a general rule than the average school described by my friend from Illinois.

What we are saying is since only the Federal Government takes care of these two areas, or should, that the money we have allocated for school construction should first be applied to them as a matter of priority.

Do I have a bit of a parochial interest here? Yes, I do because we have a lot of military installations and Indian reservations in Arizona, and the conditions are deplorable on our Federal Indian reservations. Anybody in this Chamber would be embarrassed to go to these facilities, and I add to that the court facilities, the jail facilities, and a lot of other facilities. And who has the responsibility for them? The Federal Government. Again: these are the schools that do not get any help from the States.

What are we saying as the Federal Government when we say that we are going to help the States and local governments build their schools before attending to our first obligation, our Indian reservations and military installations? I say that is backwards. We already have somebody who is supposed to have the responsibility to take care of our primary and secondary education within the States. It is only the Federal Government that can take care of the military and Indian reservations. That is why I say this amendment makes all the sense in the world.

Let's prioritize the Federal dollars so we take care of our own responsibilities first and then the remainder of the funds can be distributed to the State school needs.

That is the way I characterize this, rather than the way my colleague from Illinois did. It is a matter of priorities.

I hope my colleagues will support the amendment.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The majority has 3 minutes 29 seconds, and the minority has 6 minutes.

Mr. KENNEDY. The Senator from Iowa is here. He was the proponent of the initial amendment that provided $1.2 billion which has been appropriated and now allocated to 50 States. The initial amendment of the Senator from Nebraska had a program that was previously funded at $10 million, and his amendment allocated that $10 million to Native Americans. That was the initial amendment.

The Senator sent up a new amendment that was not even printed that effectively wipes out all of the money appropriated under the Harkin amendment a year ago and will deny the 50 States the funding to which they were entitled.

The remaining 3 minutes goes to the Senator from Iowa.

Mr. HARKIN. I don't know how this amendment all of a sudden came out of the clear blue sky. We heard it was noncontroversial. This amendment robs States of millions of dollars they get on July 1 of this year. This is money we put in the appropriations bill last year. It was agreed to by the Republicans, by the Democrats, by the House, by the White House. This is all signed off on. This is $1.2 billion that goes to States for emergencies—safety, repairs to schools, to meet fire code violations.

This is the same amendment—this amendment that is before the Senate—that was defeated May 16 by a bipartisan vote of 62–37. This is basically the same amendment. We have already defeated it 62–37. If Members vote for this amendment, they are voting to cut already appropriated funds that are going to States. Members are shifting it to important but a small number of schools in a few States.

Before Members vote, see how much money is going into your State beginning on July 1 of this year. If this amendment passes, your State will not get one cent of this money for emergency repairs to meet fire and safety codes in their schools.

This amendment was defeated on May 16—check the record—by a bipartisan vote of 62–37. This money is already appropriated. I already have the amount of money that has been allocated going to each State. The money is going out on July 1. Your school districts are counting on getting this money to meet fire and safety codes, to repair and renovate their schools. This is not building new schools. This is simply to make your schools safe.

I hope people will reject this amendment as we rejected it before by a vote of 62–37 on May 16.

Mr. CAMPBELL. Mr. President, first I thank Senator HAGEL for offering an amendment to S. 1 concerning the existing obligations the Federal Government has to Bureau of Indian Affairs, DOD and impact aid school systems. through numerous treaties, statutes, and court decisions, the Federal Government has assumed a trust responsibility to provide a quality education to Indian children.

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

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

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

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

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

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

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

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

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 seconds and the Senator from New Hampshire has 6 minutes 59 seconds.

Mr. GREGG. Madam President, I make a point: For all the concern which the other side has, I believe the other side has a right to know of the amendments that come forward. The confusion about this is unfortunate. The fact is, this amendment is a legitimate second degree to the underlying amendment, and therefore would have been in order if we had been functioning under the traditional parliamentary system. We are functioning under a system where we don't second degree; we have side-by-sides. As a second degree, it would have wiped out the Feinstein amendment. That is just a statement of where we are parliamentarily.

I yield the floor.

Mr. HARKIN. I ask to be recognized for 60 seconds.

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

Mr. HARKIN. Madam President, I make it clear again: On May 16 an amendment was offered by Senator ENZI of Wyoming that would have redistributed $240 million of the $1.2 billion that is going out for school repair. That amendment was defeated by a vote of 62–37. That would have only redistributed $240 million. This amendment before the Senate takes the whole $1.2 billion and puts it into Impact Aid.

If a Member was opposed to taking $240 million out of the school renovation repair for fire and safety code on the Enzi amendment, that Member surely ought to be opposed to taking $1.2 billion and putting it into Impact Aid and taking it away from our schools for meeting safety and fire codes in our local school districts.

Mr. KENNEDY. I ask to proceed for 2 minutes and give 1 minute to the Senator.

The initial Hagel amendment was 549; what was called up was No. 797 and was not printed. This was $10 million which we understood was going to be perfected in some way, as we have been perfecting amendments all day long on the floor and granting that permission—although it takes consent to do it. We expected that perfection would be along the lines of the Hagel amendment, a drafting error. Instead, what was called up is a completely different amendment, 797, that was not even printed and otherwise would be out of order since it was not filed in time. Instead of $10 million, it is $1.2 billion.

I think that is a gross misappropriation. I ask, therefore, that the perfecting amendment be withdrawn and that we vote on the initial Hagel amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. The objection is heard.

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

Mr. GREGG. I believe I have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand the Senator from Massachusetts is expressing his frustration about the situation. But the situation is not, as I mentioned before, so far from what a typical parliamentary situation would be. All the first degrees had to be cleared, that is correct, but no second degrees had to be cleared. So there have been second degrees which are not being set up as second degrees because of this side-by-side process, which has been very constructive, so that everybody gets a vote on what their position is. They have been relevant to the first degree but have not been filed. So this is a second-degree amendment which is being held as a side-by-side amendment.

That being said, simply, once again, to clear the parliamentary errors from where we are from our perspective.

I yield the floor.

How much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. GREGG. I ask unanimous consent we stand in a quorum call for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator can suggest the absence of a quorum. It will require further consent to terminate the call. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I wanted to ask if it would be appropriate——

The PRESIDING OFFICER. A quorum call is in progress.

Mrs. HUTCHISON. I ask unanimous consent the quorum call be lifted for——

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued the call of the roll.

AMENDMENT NO. 797, WITHDRAWN

Mr. HAGEL. Mr. President, I ask unanimous consent that the yeas and nays on my amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. HAGEL. Thank you, Mr. President.

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

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: Was the amendment withdrawn, or did the author of the amendment intend to withdraw it?

Mr. HAGEL. Mr. President, my intent is to withdraw the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object— of course I will not object—I cosponsored it because I felt very strongly that it was something we should do. I hope that sometime we will prioritize Federal funds for our responsibility to Federal military and Federal Indian reservation installations. I hope at some point we can get along with it. But, obviously, I don't object to withdrawing the amendment.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: I ask the distinguished manager of the bill if there will be another opportunity with appropriate notice to have a vote on the Federal priorities for Federal schools because I, too, am very interested in our military schools and our Indian schools being a first priority. That is my inquiry.

Mr. KENNEDY. Mr. President, there are amendments which are filed to that effect and that are in order. I don't have the list as to that particular measure in front of me.

Mr. GREGG. Mr. President, I think there is an amendment coming up that would be relevant to a second degree. If the Senator wishes to bring it back, it would be available at that time.

Mrs. HUTCHISON. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Nebraska that his actions tonight, because of a misunderstanding that could have been on our part, only magnify my feelings about the Senator from Nebraska. This was very classic action on his behalf, and I personally appreciate it.

Mr. KENNEDY. Mr. President, I join in that. The Senator has given me a good explanation of what his plans were and what his intentions were, and they were completely honorable—not that they are not always honorable.

His explanations made a great deal of sense to me when he explained what he had intended to do. So we were caught up in a difficult situation. I am enormously grateful to him for this action. We are more than glad to accommodate Senators as we move on. We will have another opportunity.

On the basis of the substance, if he wants to, I will certainly ask consent that we be able to consider the Senator's amendment at a time, if he chooses to do so, later in this debate. We will all have an opportunity to vote on it at some time. I will take the opportunity to discuss this with the Senator and other interested Senators at a later time.

I thank him very much.

Mr. HAGEL. Mr. President, may I respond. I appreciate very much the work of my friends and colleagues from Nevada and Massachusetts. I would very much like to accept the invitation of the distinguished senior Senator from Massachusetts to at a later date have an opportunity to revisit this subject.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 370, AS MODIFIED

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 370, as modified, offered by the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—52

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

NAYS—46

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

NOT VOTING—2

Inouye	Murkowski

The amendment (No. 370), as modified, was agreed to.

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

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we have the Senator from Washington, Ms. CANTWELL, who has an amendment. As I understand it, there will probably be a side-by-side amendment that will be offered on that from the other side. It is the desire that both of those would be considered together probably on the morrow.

We have the Senator from South Carolina and Senator WELLSTONE to speak. We are prepared to take the Nelson amendment now and include that. It has been cleared. Later on in the evening, we will have a voice vote on the amendment of my colleague, Senator KERRY. There is going to be, as I understand it, from the other side, a side-by-side amendment to that of the Senator from South Carolina. That is going to be available tonight, and it is going to be printed tonight. I don't know whether the Senator from Pennsylvania intends to speak about it tonight or not. We are just trying to get the general lay of the land so that the Members will know the way we are going to proceed. That is sort of what we have on track.

Then we have a full morning tomorrow with the Senator from Connecticut and his amendment. We will then dispose of these other measures.

I see the majority leader here. I know he wants to address the Senate.

Mr. DASCHLE. Mr. President, I compliment both managers. I thank especially my colleague, Senator KENNEDY. We have made a lot of good progress today. Obviously, we have a full night's work tonight. With that understanding, I have talked with Senator LOTT, and I think we are prepared to say tonight there will be no more votes. We will have those two votes side by side tomorrow at 9 o'clock.

So we will begin again following our work tonight with the votes tomorrow, and we will go on to the Dodd amendment and the order that Senator KENNEDY has suggested.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Was the Senator propounding a unanimous consent agreement?

Mr. KENNEDY. No, I was not propounding a consent request. I was stating the way the managers would like to proceed. We are trying to proceed in good faith. We have talked to the different Members, and that seemed to be acceptable. We wanted to let the Members know.

Mr. WELLSTONE. Senator HOLLINGS and I were under the impression we would vote tonight. Sometimes when colleagues are gone, it is like spitting in the wind. If we are going to do it tomorrow, could we have—and this would hold true for Senator SANTORUM—5 minutes each to summarize tomorrow?

Mr. KENNEDY. Yes.

Mr. DASCHLE. Mr. President, we will put forth a unanimous consent request, which we will be prepared to propound later tonight. We will take that request into consideration.

Mr. KENNEDY. Mr. President, so we will continue through this evening. If there are other Senators with other amendments, we will try to continue the process. We have made good progress during the day, and we have some remaining important amendments tonight, and particularly in the morning. We thank our colleagues for their cooperation. We can move ahead.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent to modify amendment No. 630.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object—and I will not—it is my understanding that the Senator from Washington is going to take about 5 minutes; is that right?

Ms. CANTWELL. About 7 minutes.

Mr. REID. Seven minutes.

Mr. GREGG. Reserving the right to object——

Mr. KENNEDY. Mr. President, will the Senator proceed now, and we will have a chance to look at the modification and make the request for the modification perhaps later at the conclusion of her remarks? If I could suggest that to the Senator.

Ms. CANTWELL. I will call up——

Mr. KENNEDY. If the Senator wants to proceed with her presentation, and then we will have an opportunity for the other side to review the modification. I am sure it is in order, and we can modify the amendment and dispose of this tomorrow.

AMENDMENT NO. 630 AS MODIFIED

Ms. CANTWELL. I will call up amendment No. 630, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 630, as modified.

Mr. KENNEDY. Mr. President, there is no objection to the modification.

I ask unanimous consent that the amendment be modified.

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

The amendment, as modified, is as follows:

(Purpose: To provide additional requirements)

On page 363, line 12, after ''disability.'' insert the following: ''It shall be a further goal of this part to encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based methods that can be widely implemented into best practices by State and local educational agencies.''.

On page 369, between lines 6 and 7, insert the following:

''(2) outlines how the plan incorporates—

''(A) teacher education and professional development;

''(B) curricular development; and

''(C) technology resources and systems for the purpose of establishing best practices that can be widely implemented by State and local educational agencies;''.

On page 375, between lines 18 and 19, insert the following:

''SEC. 2309. NATIONAL EVALUATION OF TECHNOLOGY PLANS.

''Not later than 36 months after the date of enactment of this title, the Secretary, in consultation with other Federal departments or agencies, State and local educational practitioners, and policy makers, including teachers, principals and superintendents, and experts in technology and the application of technology to education, shall report to Congress on best practices in implementing technology effectively consistent with the provisions of section 2305(2). The report shall include recommendations for revisions to the National Education Technology Plan for the purpose of establishing best practices that can be widely implemented by State and local educational agencies.''

Mr. KENNEDY. Mr. President, the Senator from Washington will proceed for 7 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise today to urge my colleagues to support this bipartisan amendment to the Elementary and Secondary Education Act that embraces the powerful role technology can play as a tool in educating our Nation's children.

Before I proceed further, I thank Senator KENNEDY for his exceptional work and leadership on this bill, and I thank Senator ENZI for his work in helping me develop this amendment. His leadership in technology issues during his tenure in the Senate has been outstanding, and I look forward to the continued work on these and other important technology issues.

Technology has brought innovation and efficiency to our lives through businesses, and now it is time to make sure we make those same achievements in our educational system.

Across the country, we have seen the proper uses of technology can transform a curriculum into a multimedia interactive experience that not only helps children learn more effectively but also fosters a student's passion for learning.

Numerous recent studies, including some done by the Department of Education, the White House Office of Science and Technology, and the Rand Corporation, have shown that technology serves the goal of education in several important ways: Supporting student performance, increasing motivation and self-esteem, and preparing students for the future.

Last fall, a San Francisco-based independent research organization released a study showing that the integrated use of computer technology in schools significantly increases learning. The study focused on the first 3 years of Microsoft's Anytime, Anywhere Learning Program which provides laptops for students and their teachers to integrate technology into the classroom and into their daily classwork. The study showed it improved the students' writing and encouraged collaboration and more involvement with their school classwork.

So we understand that the potential of education and technology is no secret. But what we are finding today, as this chart shows, is that much of the investment has been made, in fact, in equipment. The chart shows that unless technology is properly integrated into curriculum, students will not realize the benefits of having access. Without teachers who know how to use computers to teach children, they will not benefit. When teachers are well trained and technology is used effectively to unleash children's imagination and creativity, magical things happen in our educational system.

Take, for example, Tonasket, WA, where a teacher, Larry Alexander, combined computer technology and a 500-tree apple orchard to teach his fifth grade class about science, math, and technology. The kids studied a range of topics, including cell growth, life cycles, geometry, economics, and hands-

on learning experiences, literally becoming the most favorite program in the school.

What the Cantwell-Enzi amendment says is that in addition to computers and access, we need to assure teacher training and curriculum development. The Cantwell-Enzi amendment takes the first step in bridging the technology and teaching divide. The amendment says the technology block grant program for State and local agencies should be amended so that instead of just putting dollars into technology under the title II program, States applying should integrate their system resources with teacher training and professional development and curriculum development, thereby assuring a focus on teacher training and curriculum development and not just on equipment.

There are many examples of success to which this kind of legislation can lead, but I want to give one example from the State of New Jersey where a neighborhood of Cuban citizens and a school in Union City have made great success. I ask unanimous consent to print in the RECORD an article that appeared in Business Week in the last year on this subject.

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

WIRED SCHOOLS—A TECHNOLOGY REVOLUTION IS ABOUT TO SWEEP AMERICA'S CLASSROOMS

In 1989, the schools in Union City, N.J., an impoverished Cuban enclave along the Hudson River across from Manhattan, were among the nation's worst. They received failing marks in 44 of the 52 categories New Jersey used to assess schools, and state officials warned they would seize control if Union City didn't shape up. The threat prompted many changes in Union City, including a technological transformation of its entire educational system. Aided by Bell Atlantic Corp. (*BEL<http://host,businessweek.com/businessweek/corporate snapshot.html?Symbol-BEL&Timespan=260>*, officials equipped the schools and students' homes with a network of computers, creating ''one of the most, if not the most wired urban school district in the U.S.,'' says Margaret Honey, director of the Center for Children & Technology in New York City. But Union City did far more than simply buy computers. The school day was restructured into longer classes; teachers were given 40 hours of training a year, up from 8; the district's school budget more than doubled; and the traditional curriculum, emphasizing rote learning, was scrapped so students would work on joint projects such as researching a report on inventions. ''The dynamics have changed tremendously,'' says Mary Ann Sakoutis, a 37-year veteran social studies teacher at Union City's Emerson High School, whose U.S. history students now spend much of their time on the Net researching such events as the Spanish-American War. ''The kids are more involved, and I am no longer force-feeding them.'' It shows. Last year, Union City topped all New Jersey cities on state tests. The number of graduates accepted at top institutions such as Yale University and Massachusetts Institute of Technology has jumped from 8 in 1997, the last class taught the old-fashioned way, to 63 in 1999.

* * * * *

Ms. CANTWELL. The article says:

But Union City did far more than simply buy computers. The school day was reconstructed into longer classes; teachers were given 40 hours of training a year—

And the school district doubled its budget—

and the traditional curriculum of emphasizing rote learning was scrapped so students could work on joint projects such as research reports and inventions.

The article further says that the kids are more involved and they are no longer being force fed in the educational system. The result is, the article says, that Union City topped all New Jersey cities on State tests. The number of graduates accepted at top institutions such as Yale University and Massachusetts Institute of Technology has jumped from just 8 of their graduates from Union City in 1997, the last time a class was taught the old-fashioned way, to 63 accepted graduates in 1999.

I think it shows the success of our focus on technology ought to be on curriculum development, teacher training, and on integration of the system.

This amendment asks that the Department of Education analyze after 3 years the best practices so we can scale the use of these best practices into our educational system in this country.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as an enthusiastic cosponsor of the Cantwell-Enzi amendment. For some time, we have been working together to make sure there is not a digital divide in the United States of America. Both in the budget and in other amendments in this bill, we have passed legislation to provide access to technology, but we also have to be sure our children have access to people who know how to teach technology.

Bill Gates said that if you have access to technology and know how to use technology, whether you are a person, a county, or a country, your future is bright, but if you do not have that access, your future is dismal.

As we are working on our legislation, we want to make sure we have access to technology, but it is not only about gadgets, it is not about gear, it is about opportunity and empowerment.

We need to make sure the children do have technology, but the single most important thing is teacher training—that the teachers themselves know how to use technology and then also, through creativity and new ingenious software, get our children ready for the future.

We do not have a worker shortage in this country, but we do have a skill shortage. K–12 is the farm team for the future. Just as we have little leagues for baseball, we have to make sure our teachers are big league and ready to teach technology.

I am pleased to continue to support the legislation that ensures there is no digital divide. The amendment offered by the Senator from the State of Washington is just what we need to make highest and best use of the technology we are going to provide. I congratulate her on her research, creativity, and the practicality of her amendment. I look forward to voting for it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I was under the impression this amendment was going to take a couple minutes, that the other side accepted it. Now I understand they are going to offer a second-degree amendment.

Mr. SANTORUM. To Wellstone.

Mr. REID. To Wellstone, not to this.

Does the Senator from New Jersey wish to speak for 5 minutes on this amendment? I ask unanimous consent that be the case. If I may, while I am proceeding, I ask the Republican manager, is there going to be a second-degree amendment offered to this amendment?

Mr. GREGG. Yes.

Mr. REID. May we vote on them in the morning?

Mr. GREGG. If the Senator will yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is my understanding we will be voting on these in the morning. If they are acceptable, there will be less time needed to debate them in the morning.

Mr. REID. They both may be accepted; is that right?

Mr. GREGG. If they are going to be accepted. I do not know if your side has reviewed the second-degree amendment.

Mr. REID. My only question is, we have Senators HOLLINGS and WELLSTONE waiting, and we know they are going to be second-degreed. Senator SANTORUM already spoke to Senator HOLLINGS. I wonder how much more time the Senator from Virginia wants on this amendment.

Again, we have Senators HOLLINGS and WELLSTONE waiting. They thought they would be next.

Mr. ALLEN. We thought we were going to be introducing this amendment tomorrow morning. Copies are being made now. I believe I can give my remarks in 15 minutes this evening and it would be perfectly fine to vote. I understand people want to move forward.

Mr. REID. If the Senator from New Hampshire has the floor, maybe the Senator from Virginia could offer his amendment tonight, we could look at it, and he could speak on it sometime tomorrow and we could dispose of these two amendments.

Mr. GREGG. That is an excellent suggestion. Perhaps those folks who wish to speak on the amendment of the Senator from Washington could also speak tomorrow prior to the vote on both.

Mr. REID. Senator CORZINE only wishes to speak for 5 minutes. We have Senator HOLLINGS waiting.

Mr. GREGG. We will plan to do it that way.

Mr. REID. We vote on Senator HOLLINGS in the morning and Senator SANTORUM in the morning.

Mr. GREGG. That is correct. Senator SANTORUM may need some time, unless it is accepted.

Mr. REID. He has whatever time he needs tonight. Senator HOLLINGS and WELLSTONE wanted 5 minutes. Does he need more than that?

Mr. GREGG. The Senator from Pennsylvania is in the Chamber and can advise how much time he believes he needs in the morning.

Mr. SANTORUM. Maybe 10 or 15 minutes.

Mr. REID. We will prepare something in writing.

Mr. GREGG. Thank you.

Mr. ENZI. I wanted to speak on the Helms amendment, as well.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I rise in strong support of the amendment that develops best practices for teaching technology education, the integration. This amendment ensures that our kids benefit from new technologies that are rapidly changing the face of our country.

Before I discuss the amendment, I extend my compliments to the Senator from Washington, Ms. CANTWELL, for her outstanding leadership on this issue. Given her State and her own personal background, it is fitting she has taken the lead in this area. I think her expertise and her commitment to the application of technology in our society is a terrific addition to the Senate.

I am particularly pleased the Senator from Washington cited Union City, NJ, as one of those places that has effectively integrated computer technology into the educational system, making a real difference in the lives of children in their learning experience. We heard the statistics.

It is clear the Internet and the proliferation of computers have created a revolutionary change in our society. Yet when it comes to using the Internet to improve our schools, we have only scratched the surface. As the Senator suggested, we have done a lot regarding investing in hardware, but not a lot on the software, particularly among the teachers that have to bring the technology to our students.

We need to move beyond word processing and e-mails and get to the real heart and soul of learning in a fundamental way and make it more interesting, more effective. The same kind of productivity gains we have had in our economy we can have in education. To do that we need to do a better job of training teachers and showing them how computers can change, not just what we teach but how we teach, integrating the technology and educational experience together.

A few years ago, it would have been difficult for a fifth grader in a New Jersey school to share their experiences with a similar class in Australia or anywhere else in the world. Now they can. A few years ago it would have been difficult for students to chat real time with real experts around the country about questions discussed in class. Now they can. A few years ago it would have been unrealistic for a teacher to involve students with interactive software that uses exciting games to teach math and science. Now they can.

However, they cannot do any of these things if teachers do not have the ability or the background to deliver those experiences. Today, many classrooms are equipped with computers, but their teachers are not equipped to integrate the computers into a learning experience. That is why this amendment is vital. Truly, it will make a difference. It will require States and local education officials to develop strategies for improving teacher training and curriculum development in order to assure that schools take full advantage of the Internet and other new technologies. There is tremendous potential and this amendment will make that possible.

Again, I thank Senator CANTWELL for her leadership on this issue. I urge my colleagues to support this important amendment, bringing the advances we have had in the rest of our society to our classrooms.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from New Hampshire.

Mr. GREGG. What is the present business before the Senate?

The PRESIDING OFFICER. The Cantwell amendment, as modified, is pending.

Mr. GREGG. I ask unanimous consent to set aside the amendment, and I send an amendment to the desk and ask it be reported on behalf of Senator SANTORUM.

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

Mr. KENNEDY. As I understand, the Senator sent the amendment which will be offered as a side-by-side, the Santorum amendment, for tomorrow. I hope the amendment is printed and that interested Members and their staffs have a chance to take a look. We have copies available for the staff.

There is no objection.

Mr. GREGG. I withdraw my unanimous consent to set aside the Cantwell amendment so this can be a second degree. Is that correct procedure?

Mr. KENNEDY. As I understand, we are going to follow the precedent from earlier of voting side by side. We had the opportunity to vote first on the Cantwell amendment and then the other amendment, with back-to-back votes. I think that is what is intended. I think the Senator from New Hampshire agrees with me.

Mr. GREGG. Mr. President, the cleanest way to do this is, if I may inquire of the Chair, to offer this as a first degree and have the Cantwell amendment also be a first degree. Would that be the most appropriate way to proceed?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, at this moment I ask to withhold further action on the amendment I sent to the desk.

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

Mr. HOLLINGS. Mr. President, I want to conform to the unanimous consent agreement. Accordingly, I ask my amendment at the desk be called and reported. I take it it is an amendment in the first degree?

The PRESIDING OFFICER. The amendment as drafted is a second-degree amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent it be considered as a first degree.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 798 AND 799 TO AMENDMENT NO. 358

Mr. GREGG. Mr. President, I ask unanimous consent at this time the Santorum amendment, which I had sent to the desk, be reported and that it be considered as a first degree in a side-by-side status with the Hollings amendment which is now a first degree.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 798.

The Senator from New Hampshire [Mr. GREGG], for Mr. Santorum, proposes an amendment numbered 799.

The amendments are as follows:

AMENDMENT NO. 798

(Purpose: To permit States to waive certain testing requirements)

On page 47, after line 12, insert the following:

''(i)(I) a State may elect, in accordance with this clause, to waive the application of the requirements of this subparagraph if—

''(aa) the State determines that alternative public elementary and secondary educational investments will produce a greater increase in student achievement; or

''(bb) the State can demonstrate the presence of a comparable assessment system;

''(II) a waiver under subclause (I) shall be for a period of 1 year;

''(III) a State with a waiver in effect under this clause may utilize Federal funds appropriated to carry out activities in schools that fail to make yearly progress, as defined in the plan of the State under section 1111(b)(2)(B), to—

''(aa) increase teacher pay;

''(bb) implement teacher recruitment and retention programs;

''(cc) reduce class size;

''(dd) hire additional teachers to reduce class sizes;

''(ee) improve school facilities;

''(ff) provide afterschool programs;

''(gg) tutor students;

''(hh) increase the access of students to technology;

''(ii) improve school safety; or

''(jj) carry out any other activity that the State educational agency determines necessary to improve the education of public elementary and secondary school students; and

''(IV) a State shall ensure that funds to which this clause applies will not be used to pay the cost of tuition, room, or board at a private school or a charter school;''.

AMENDMENT NO. 799

(Purpose: To express the sense of the Senate regarding science education)

At the appropriate place, insert the following:

''SEC. ____. SENSE OF THE SENATE.

''It is the sense of the Senate that—

''(1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and

''(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, following the debate here for the last 7 weeks, one would think the public school system of this Nation is in terrible, terrible disrepair. In fact, you'd think it should be closed down, a good bit of it. That is the thrust of the so-called testing approach given here, whereby for $7 billion over a 7-year period, all who have not done so will do so immediately. In other words, third to eighth grade pupils will be tested and then found inadequate and the trustees found unresponsive. Thereby, what we have is a closing down of the public school system.

So we are going to show them from Washington. It is all out of whole cloth. The fact is, at the Federal level, we only provide some 7 cents of every education dollar. So we are not closing down the schools. And we ought to understand, at the outset, the public school system is one of the geniuses of the Founding Fathers.

It was James Madison:

A popular government without popular information or the means of acquiring it is about a prologue to a farce or a tragedy.

In the earliest days, there was Madison.

John Adams:

The whole people must take upon themselves the education of the whole people and be willing to bear the expense of it.

The reason I start in this vein, to make these quotes, is because I have observed the 20-year effort to close down public schools: put in tuition tax credits, put in vouchers, put in charter schools—anything but give to the public schools and the pupils of America what they need.

Thank heavens for the wonderful Senator from Minnesota, Senator PAUL WELLSTONE. I had not been in on the early parts of this 7-week debate. But watching his zeal, his brilliance, and the way he has approached this particular problem, he has really been an education to all of us in the Senate.

Let's look, for example, at the Land Ordinance of 1785, whereby 4 years before the ratification of the Constitution of the United States they divided up in the western lands of Minnesota, 6 miles by 6 miles square, 36 squares, with the provision that square 36, in the middle, be reserved for public education. And Horace Mann, the father of public schools in America, said that this law laid the foundation of the present system of free schools:

The idea of an educational system that was at once both universal, free, and available to all the people, rich and poor alike, was revolutionary. This is the great thing about America. No other nation ever had such an institution. Three centuries later it is a stranger to the bulk of the people of the world. The free public school system which the Puritans conceived, has been, in large measure, the secret of America's success. In these classrooms, children of all ages, nationalities, and tongues, learned a common language and became imbued with one central idea: The American conception that all men are created equal, that opportunities are open to all, that every minority, whether respected or despised, has the same guaranteed rights as the majority. Parents who landed here often brought with them the antagonisms, the rivalries, the suspicions of other continents, but their children became one and united in the pursuit of a democratic ideal.

Mr. President, what Mann said and persists today is what he calls the large measure of the secret of America's success—not failure, success.

I emphasize that because in the hinterlands 70 years ago, I was tested. We have been having tests, tests. The fact of the matter is I looked it up. This past school year, they spent $422 million on testing.

Let's go to the little State of South Carolina where we have been having tests for the third through eighth grades, complete, at the cost of some $7.8 million.

The superintendent of education in South Carolina, Ms. Inez Tenenbaum, said students under her testing system made significant and, in some cases, dramatic improvements in the latest round of tests. South Carolina increased greatly, met or exceeded the international average in the Third International Math and Science Study.

The national report card, Quality Counts 2001, published by the respected national magazine, Education Week, recognized South Carolina's efforts to improve teacher quality and raise academic standards. South Carolina was ranked among the top six States in the Nation in both categories.

My little State is not affluent with a low per capita income, and with a large minority population who, for 200 years, did not have public schools.

The first thing I did the week I was elected back in 1948 was to attend the Freedom School across the Cooper River in my county in November. It was one big square building with a potbelly stove in the middle, with classes in each of the four corners, and one teacher. That is what the minorities had in 1948. We didn't start providing adequate educational opportunities for minorities until 1954 with Brown vs. Board of Education, and we are still playing catchup. It is not because we haven't made the effort or we do not know what is going on.

I really get annoyed when I hear the Senator, not to be identified, say what we want to do is find out what works. Come on, Washington, ha-ha. We are going to find out what works.

Mr. President, I have a school that has been taken over by this distinguished superintendent. It has almost a totally black population. They have the zeal. They have the interest. They don't have the wherewithal. Now, we are helping at the State level. But to find out what works, they only have to go up to the junior high school in Columbia, SC, which was extolled in last week's issue of Time magazine, or to the Spartanburg High School in Spartanburg, SC, which was the first 4-time Blue Ribbon School.

We know what works. We are working on what works. What really gets this Senator is potentially spending $3 to $7 billion on testing, according to the National Association of State Boards of Education. I ask unanimous consent that this be printed in the RECORD.

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

ESTIMATED COST OF FEDERAL TESTING MANDATE FOR READING AND MATH (DOES NOT INCLUDE SCIENCE ASSESSMENT REQUIREMENT)

(Calculations on the attached chart were made using the accepted cost scale of developing and administering (scoring, reporting results, etc.) assessments. Developing state tests aligned to standards range from $25–$125 per student. Administering tests is an annual expense that usually runs from $25–$50 per student. The number of students was derived from the 1999–2000 school year enrollment statistics in grades 3–8 in each state. Since administration is an ongoing expense, it was calculated based on being implemented in the 2004–05 school year as called for in the President's proposal and detailed in H.R. 1 and running through the remainder of the seven year reauthorization term of the Elementary and Secondary Education Act (ESEA). The estimates do not include the cost of the science assessments required in 2007–08.)

States	Students, grades 3–8	Development		Administration		Total cost—development plus administration	
		$25	$125	$25	$50	Minimum	Maximum
Alabama	351,299	$8,782,475	$43,912,375	$8,782,475	$17,564,950	$43,912,375	$114,172,175
Alaska	64,019	1,600,475	8,002,375	1,600,475	3,200,950	8,002,375	20,806,175
Arizona	407,991	10,199,775	50,998,875	10,119,975	20,399,550	50,998,875	132,597,075
Arkansas	211,380	5,284,500	26,422,500	5,284,500	10,569,000	26,422,500	68,698,500
California	2,765,332	69,133,300	345,666,500	69,133,300	138,266,600	345,666,500	898,732,900
Colorado	331,605	8,290,125	41,450,625	8,290,125	16,580,250	41,450,625	107,771,625
Connecticut	262,403	6,560,075	32,800,375	6,560,075	13,120,150	32,800,375	85,280,975
Delaware	53,216	1,330,400	6,652,000	1,330,400	2,660,800	6,652,000	17,295,200
DC	31,634	790,850	3,954,250	790,850	1,581,700	3,954,250	10,281,050
Florida	1,126,261	28,156,525	140,782,625	28,156,525	56,313,050	140,782,625	366,034,825
Georgia	672,760	16,819,000	84,095,000	16,819,000	33,638,000	84,095,000	218,647,000
Hawaii	87,515	2,187,875	10,939,375	2,187,875	4,375,750	10,939,375	28,442,375
Idaho	112,786	2,819,650	14,098,250	2,819,650	5,639,300	14,098,250	36,655,450
Illinois	930,160	23,254,000	116,270,000	23,254,000	46,508,000	116,270,000	302,302,000
Indiana	462,285	11,557,125	57,785,625	11,557,125	23,114,250	57,785,625	150,242,625
Iowa	219,167	5,479,175	27,395,875	5,479,175	10,958,350	27,395,875	71,229,275
Kansas	214,838	5,370,950	26,854,750	5,370,950	10,741,900	26,854,750	69,822,350
Kentucky	292,915	7,322,875	36,614,375	7,322,875	14,645,750	36,614,375	95,197,375
Louisiana	345,366	8,634,150	43,170,750	8,634,150	17,268,300	43,170,750	112,243,950
Maine	100,617	2,515,425	12,577,125	2,515,425	5,030,850	12,577,125	32,700,525
Maryland	396,137	9,903,425	49,517,125	9,903,425	19,806,850	49,517,125	128,744,525
Massachusetts	458,740	11,468,500	57,342,500	11,468,500	22,937,000	57,342,500	149,090,500
Michigan	763,727	19,093,175	95,465,875	19,093,175	38,186,350	95,465,875	248,211,275
Minnesota	389,236	9,730,900	48,654,500	9,730,900	19,461,800	48,654,500	126,501,700
Mississippi	232,811	5,820,275	29,101,375	5,820,275	11,640,550	29,101,375	75,663,575
Missouri	418,709	10,467,725	52,338,625	10,467,725	20,935,450	52,338,625	136,080,425
Montana	73,408	1,835,200	9,176,000	1,835,200	3,670,400	9,176,000	23,857,600
Nebraska	130,074	3,251,850	16,259,250	3,251,850	6,503,700	16,259,250	42,274,050
Nevada	156,584	3,914,600	19,573,000	3,914,600	7,829,200	19,573,000	50,889,800
New Hampshire	102,346	2,558,650	12,793,250	2,558,650	5,117,300	12,793,250	33,262,450
New Jersey	577,632	14,440,800	72,204,000	14,440,800	28,881,600	72,204,000	187,730,400
New Mexico	152,283	3,807,075	19,035,375	3,807,075	7,614,150	19,035,375	49,491,975
New York	1,275,051	31,876,275	159,381,375	31,876,275	63,752,550	159,381,375	414,391,575
North Carolina	611,381	15,284,525	76,422,625	15,284,525	30,569,050	76,422,625	198,698,825
North Dakota	50,867	1,271,675	6,358,375	1,271,675	2,543,350	6,358,375	16,351,775
Ohio	848,082	21,202,050	106,010,250	21,202,050	42,404,100	106,010,250	275,626,650
Oklahoma	281,037	7,025,925	35,129,625	7,025,925	14,051,850	35,129,625	91,337,025
Oregon	256,063	6,401,575	32,007,875	6,401,575	12,083,150	32,007,875	83,220,475
Pennsylvania	845,909	21,147,725	105,738,625	21,147,725	42,295,450	105,738,625	274,920,425
Rhode Island	73,218	1,830,450	9,152,250	1,830,450	3,660,900	9,152,250	23,795,850
South Carolina	314,851	7,871,275	39,356,375	7,871,275	15,742,550	39,356,375	102,326,575
South Dakota	60,191	1,504,775	7,523,875	1,504,775	3,009,550	7,523,875	19,562,075
Tennessee	416,306	10,407,650	52,038,250	10,407,650	20,815,300	52,038,250	135,299,450
Texas	1,833,022	45,825,550	229,127,750	45,825,550	91,651,100	229,127,750	595,732,150
Utah	212,143	5,303,575	26,517,875	5,303,575	10,607,150	26,517,875	68,946,475
Vermont	48,157	1,203,925	6,019,625	1,203,925	2,407,850	6,019,625	15,651,025
Virginia	526,475	13,161,875	65,809,375	13,161,875	26,323,750	65,809,375	171,104,375
Washington	466,546	11,663,650	58,318,250	11,663,650	23,327,300	58,318,250	151,627,450
West Virginia	132,200	3,305,000	16,525,000	3,305,000	6,610,000	16,525,000	42,965,000
Wisconsin	393,473	9,836,825	49,184,125	9,836,825	19,673,650	49,184,125	127,878,725
Wyoming	42,606	1,065,150	5,325,750	1,065,150	2,130,300	5,325,750	13,846,950
Totals	21,582,814	539,570,350	2,697,851,750	539,570,350	1,079,140,700	2,697,851,750	7,014,414,550

	2000–2001	2001–2002	2002–2003	2003–2004	2004–2005	2005–2006	2006–2007
Current Law	School Fails to make AYP—Year 1.	School Fails to make AYP—Year 2.	School Improvement—Year 3. New plan; 10% $ on prof dev.	School Improvement—Year 4. (Cont'd activities)	Corrective Action—Year 5 W/hold $ or change governance or reconstitute or other	Cont'd—Year 6	Cont'd—Year 7
Best Act	School Fails to Make AYP—Year 1.	School Improvement—Year 2. At the beginning of year 2, school must implement, w/in 3 months, a new plan that includes: 10% funds for prof dev; research-based strategies to turn around.	School Improvement—Year 3. If school is still failing to make AYP, it must, starting the next school year: continue activities from previous year; and must provide public school choice options. A district may institute corrective actions.	Corrective Action—Year 4 If school failed for 3 consecutive years to make AYP, at the beginning of the 4th year it must: institute alternative governance, or replace staff, or use a new curriculum; and with no more than 15% of Title I funds, it must provide the option for transportation for public school choice and supplemental services for the lowest achieving students.	Reconstitution—Year 5 Schools that failed for four years to make AYP must go into reconstitution which requires them to: provide supplementary services; provide public school choice with transportation; and reopen the school under new governance.	Move out of reconstitution if make progress over next 2 years or repeat reconstitution	

Mr. HOLLINGS. Mr. President, it shows the cost of this particular approach.

Then we hear Senator after Senator saying curriculum, and the other one is class size. The other one is better teacher pay. The other one is more reading after school, and on down the list of particular needs. But this Washington, one-size-fits-all, unfunded mandate says do as we say do, and go through our $7 billion exercise in futility. And come up with what? Let's assume it works. Let's assume that 30 or 40 schools in my State are closed. You can't go from one county to the other. You can't just waltz from Allendale over to Hampton. You would have to change the laws in South Carolina. We act like we know what is going on. We are the ones who do not know what is going on. We are the ones who ought to be tested. Come on.

Then, of all things, as the distinguished Senator from Minnesota has been going over and over again, we have given them the test without giving them the course.

Sure, I believe in testing. We all believe in testing. But give them the course, and test them on the course.

But if you give them the women, infants, and children nutritional program, they would come into this world with strong minds. If you do not give them Head Start, which is only 30 percent covered right now, they aren't prepared to learn when they enter school. If you do not give them Title I for the disadvantaged—which we only fund at 33 percent of its authorized level—they haven't had the course. If you do not give them a prepared teacher, they don't receive quality instruction. I have had tutors go into some of the schools, and say they were rather embarrassed because the teacher spoke English poorly.

So the student hasn't had the course. But in Washington, we know what to do. We are going to mandate as much as $7 billion in standardized tests before they have had the course. Can't we spend $7 billion giving them the course, giving them good teachers, giving them the small classrooms, curriculum, remedial reading and math, afterschool programs, and give them a good building?

Let's take the money and assume we have had the test in effect over the past 4 years. Let's assume it proves schools are failing. So we have schools that are closed down. Let's take the closed-down or about-to-be-closed-down schools, because they are not going to do it. Let's assume they are the poor schools. We need revenue sharing. I put that first bill in on February 1, 1967. It worked well until the Senators found out that the Governors were using it to distribute money around the States to run against Senators. Senator Howard Baker and some others repealed it. But it worked.

My distinguished colleague from California, Senator BOXER, says there is no silver bullet. But there is silver money.

What they need is revenue sharing and financial assistance for all these particular endeavors that everybody has. The side-by-side amendment is curriculum. I tend to support Senator SANTORUM on that curriculum, and all the other Senators around. But let's not try to dignify this flawed approach to public education. It is just downright pollster politics. They haven't been able to do away with the Department. They haven't been able to get tuition tax credits, vouchers, or charter schools, or in any way to divert money to the private sector.

Incidentally, I have had children that have gone to both private and public schools. I have a daughter who graduated from Woodrow Wilson High, and another one who went to Cathedral right here in the District. I know the value of both of them.

But the duty of the Congress, the United States Senators and the United States Government is to provide, as John Adams and James Madison and Horace Mann said, public education, not private. That isn't how to do it.

We cannot oversee the private schools. We cannot dictate to the private schools. We should not dictate to the private schools. But we have a duty. Do not give me this ''private approach'' like somehow we don't know what works or what works better. We know.

Right to the point, if we use this money, we can get something done rather than go through an exercise in futility. We are already testing in all 50 States. You can't show me a State in the United States that does not have testing. You can't do it.

What we really need to do—and I will yield to my distinguished colleague from Minnesota in a moment—is fund what works. But now that has to really be upgraded with respect to globalization, the technology that is needed in these classrooms, the good teachers and everything else of that kind. That is what we need to do.

Let's not waste money. In the last campaign in 1998, my challenger took me on before all the principals and talked about the bureaucracy in Washington—the Washington nanny, the Washington approach. That is exactly what this is. This is not helping the local schools at all. This is saying, we are putting you on trial, and you are going to have to pay for a good part of it. That is an unfunded mandate. Can you imagine such a thing really being signed by the President or suggested by a mature body such as the Senate?

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do we have?

The PRESIDING OFFICER. There is no time limit on this debate.

Mr. WELLSTONE. Mr. President, I believe I interrupted the Senator from South Carolina. I will take a couple minutes because the Senator from South Carolina has said it better than I can.

Listening to the Senator from South Carolina, I want to say a couple things. First of all, I want to say one thing personally, which is unusual to say, but I hope people were able to listen carefully to the history behind the remarks.

There are some people in our country—I am sorry, but the Senator was so kind and gracious, I just sound like a politician engaged in flattery—there are few people I have met who I so admire. I cannot believe the people that were at the heart of the struggle in the South who took on a system of apartheid. And this Senator from South Carolina is one of them. There are very few of us who have this history—very few of us. It doesn't mean Senators have to agree with his position on this amendment. But I just wanted to say that. There are some people who showed unbelievable courage and were prophetic. And I feel that way about Senator HOLLINGS from South Carolina.

When I was listening to the Senator from South Carolina, I was thinking to myself that actually there are a couple different issues here. On one of them, I spent so many hours I felt as if I was giving enough speeches to deafen the gods. And maybe that is what happened because I did not get a lot of votes on the amendment that meant the most to me.

There were some amendments we did on testing, I say to my colleague, that make this bill better, much, much better if, in fact, it ensures that assessments do not just become standardized, multiple choice tests, and rather include multiple, high quality measures.

Then there was the question of whether or not, if we are going to mandate—my colleague talks about unfunded mandates—that every child will be tested in every State, in every school district, in every grade, then I was praying for a Federal mandate or mission that would say that we would also have equality of opportunity for every child in our country to be able to do well in these tests, to be able to achieve.

I think part of what the Senator from South Carolina is saying is that in some ways this is utterly ridiculous. We already know the schools where kids have two and three and four teachers during a year. We already know the schools where I would argue housing is becoming a major educational issue. In some of our towns kids, little kids are moving—little children that are my grandchildren's age—two or three or four times during the year.

We already know the difference between a beautiful building, that is inviting, that tells children that we care about them versus a dilapidated, crumbling building that tells children that we don't care about them.

We also know of the schools where there are toilets that work and computer technology and buildings that were warm this winter and are not stifling hot in the summer. We know that that works. As a matter of fact, most Senators can look at where their children have gone to school, and they know what works.

We already know that the smaller class sizes are good. We already know that support services for teachers are really important, whether it be more counselors, whether it be additional teaching assistants to help children read or to do better in reading or to do better in math. We already know it all. I think that is part of what the Senator is saying.

So this amendment says, if a State chooses, in its wisdom, to say, we don't really need to do this, but we would certainly make use of this money to help the children, to help our kids, to help our schools, to help our teachers, we leave it up to the States to do so.

Is my understanding correct?

Mr. HOLLINGS. Right.

Mr. WELLSTONE. Mr. President, I only have two more points to make, one point I have not made in this Senate Chamber but I have been thinking about this and thinking about this and thinking about this to the point where I just don't even know how to decide how to vote. A large part of me wants to vote against this bill. On the other hand there are strong improvements in the bill—most particularly mandatory funding for the IDEA program. That is really important. That will help a lot of our schools, I say to Senator HOLLINGS. It really will.

But the other side of the coin is clear. I have asked a question of some of my friends who are more conservative than I. There are a number of Senators who may be more conservative than I. But I have asked them: How do we get to this point where the Federal Government is now going to mandate—first of all, the NAEP test every year. Despite NAEP's high quality these are still new tests that every State is going to have to do.

Seven years ago we started some testing under Title I, but we have not even gotten the results on that testing authorized in 1994. We have not begun to evaluate whether or not that testing has had a positive impact on student learning. But now we are going to move ahead and test every child every year.

We have the Federal Government now telling school districts—which I always thought was the heart of the grassroots political culture in America—that it doesn't matter what you have decided you need to do. It doesn't matter how you think you can be most accountable. We, the Federal Government, are telling every school district in every State, you will test every child in the third grade, the fourth grade, the fifth grade, the sixth grade, the seventh grade, and the eighth grade. I do not know whether the Federal Government has any business doing that.

I am amazed, frankly, that there is not more opposition. It would seem to me a good conservative principle would be that this is an overreach.

Now people could turn around and say to me: Well, you, of all people, Senator WELLSTONE but, for me, when it comes to civil rights or when it comes to human rights or when it comes to the first amendment or when it comes to a floor beneath which no poor child should fall or when it comes to basic educational needs of children or that children should not go hungry, I do not think that is up to a State to decide. To me, we, as a national community, should say, no, we all live by these rules, these values.

But the other part of me is a decentrist. I do not know whether I really believe the Federal Government has any business telling every school district in every State they have to do this. I think we can very well rue the day that we voted for this.

On that philosophical point, as well as on the question of how we are setting a lot of kids and teachers in schools up for failure because we have not committed the resources to make sure they will all have the opportunity to learn, it seems to me this amendment speaks of that. That is why I rise to support it.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am obviously very grateful for the more than laudatory, exaggerated remarks. We are good friends. We are working the same side of the street.

Let me emphasize, with respect to our minority schools, endeavors have been made there. In 1950–51 in South Carolina, we passed a 3-percent sales tax that I authored. We were trying to play catchup ball. When we increased the sales tax, under Governor Riley, to 5 percent, we were supported by the Black Caucus. I want to emphasize that we were opposed at the time by the Chamber of Commerce, the South Carolina Association of Textile Manufacturers, and the other business groups.

Minorities know there is one way to really try to catch up and get a piece of this American dream. That is public schools, public education. Wherever you can give them the support and the means to really implement it, they support public education. I did not want to infer, when I talked about my Allendale school, that they were not for it. In fact, I have other reports in here, with which I will not belabor the Senate, on the tremendous improvements already made in the takeover of that particular school. We have worked year in and year out, and we still are trying our best.

One of the things that goes into the calculation is the quality of the teacher. If you go to the institutions of higher learning in this country, public and private, the education degree, in large measure, is to take care of the football team. If you have a big, old, hefty 280-pounder who is not too quick upstairs but very quick with his legs and everything else downstairs, then you put him in education. Let him get into an education major. I have discussed this with college presidents. We have been into every facet of this thing.

The one big waste is this bill. It is a tremendous waste of time and money. It should not be. Yes, I agree on the disabilities provisions in there. All of us are frustrated because we all know about the needs. We have been pointing out different needs. So we should address these needs directly instead of creating costly tests that tell us what we already know.

Mr. President, I ask unanimous consent that the documents I referred to be printed in the RECORD.

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

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3–8 tests	New tests required	Revenue sharing proceeds
Alabama	$4,000	B	B	B	B	B	B	12	0	$6,918,844
Alaska	3,500	B	B	.....	B	B	B	10	2	3,714,151
Arizona	4,800	B	B	B	B	B	B	12	0	7,551,260
Arkansas	3,200	.....	B	B	B	B	B	10	2	5,358,006
California	44,000	B	B	B	B	B	B	12	0	33,848,095
Colorado	10,700	R	R	B	B	B	B	10	2	6,699,152
Connecticut	2,000	.....	B	.....	B	.....	B	6	6	5,927,183
Delaware	3,800	B	.....	B	.....	.....	B	6	6	3,593,640
Florida	22,400	B	B	B	B	B	B	12	0	15,563,774
Georgia	14,000	B	B	B	B	.....	B	10	2	10,504,837
Hawaii	1,400	B	.....	B	.....	.....	B	6	6	3,976,256
Idaho	700	B	B	B	B	B	B	12	0	4,258,161
Illinois	16,500	B	.....	B	.....	.....	B	6	6	13,376,210
Indiana	19,000	B	.....	.....	B	.....	B	6	6	8,156,926
Iowa	0	.....	B	.....	.....	.....	B	4	8	5,444,873
Kansas	1,100	.....	M	R	.....	M	R	4	8	5,396,581
Kentucky	8,100	B	R	M	B	R	M	8	4	6,267,553
Louisiana	9,000	B	B	B	B	B	B	12	0	6,852,660
Maine	3,300	.....	B	.....	.....	.....	B	4	8	4,122,412
Maryland	17,100	B	B	B	B	B	B	12	0	7,419,025
Massachusetts	20,000	R	B	.....	M	B	R	7	5	8,117,380
Michigan	16,000	.....	B	R	.....	R	R	5	7	11,519,600
Minnesota	5,200	B	.....	B	.....	.....	B	6	6	7,342,043
Mississippi	7,600	B	B	B	B	B	B	12	0	5,597,075
Missouri	13,400	R	M	.....	.....	R	M	4	8	7,670,823
Montana	282	B	.....	.....	.....	.....	B	4	8	3,818,888
Nebraska	1,650	.....	R	.....	.....	.....	R	2	10	4,451,014
Nevada	3,300	B	B	B	.....	.....	B	8	4	4,746,741

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3–8 tests	New tests required	Revenue sharing proceeds
New Hampshire	2,500	B			B			4	8	4,141,700
New Jersey	17,000		B				B	4	8	9,443,656
New Mexico	650	B	B	B	B	B	B	12	0	4,698,762
New York	13,000		B				B	4	8	17,223,571
North Carolina	11,300	B	B	B	B	B	B	12	0	9,820,136
North Dakota	208		B		B		B	6	6	3,567,436
Ohio	12,300		B		B			4	8	12,460,605
Oklahoma	2,500	B		B			B	6	6	6,135,051
Oregon	7,000	B		B			B	6	6	5,856,458
Pennsylvania	15,000			B	R		B	5	7	12,436,365
Rhode Island	2,300	R	B			R	B	6	6	3,816,768
South Carolina	7,800	B	B	B	B	B	B	12	0	6,512,256
South Dakota	720		B	R			B	5	7	3,671,448
Tennessee	15,600	B	B	B	B	B	B	12	0	7,644,016
Texas	26,600	B	B	B	B	B	B	12	0	23,447,902
Utah	1,400	B	B	B	B	B	B	12	0	5,366,518
Vermont	460		B				B	4	8	3,537,206
Virginia	17,900	B	B	B	B		B	10	2	8,872,984
Washington	7,700	B	B		B	B		8	4	8,204,458
West Virginia	400	B	B	B	B	B	B	12	0	4,474,730
Wisconsin	2,000	R	B				B	5	7	7,389,308
Wyoming	1,700		B				B	4	8	3,475,283
Total	422,070							387	213	390,409,780

Note.—B=Tests in Reading and Math; M=Tests in Math; R=Tests in Reading.

STATEWIDE FOCUS ON SCHOOL IMPROVEMENT PRODUCES A YEAR OF IMPROVING TEST SCORES

(By Inez M. Tenenbaum)

The end of a school year is always an exciting time. We take time to review the year behind us and immediately begin to plan for the one ahead. The school year just ending has been marked by the most significant student test score improvements in the history of South Carolina's public school system. Indeed, we are well on our way to forever putting to rest the misguided perception that our students and schools cannot succeed. Clearly, they can.

South Carolinians should take pride in the progress we are making. Consider these successes from the past year:

Students made significant and in some cases dramatic improvements in the latest round of PACT testing, with gains reported across all grade levels, subjects and demographic groups.

Scores of South Carolina High School Exit Exam rose nearly three points , the largest gain in a decade.

South Carolina high school seniors raised their average SAT score by 12 points, the largest gain in the country and four times the national increase. In addition, South Carolina high school juniors improved their performance on the Preliminary SAT by 5.2 points, nearly four times the national increase of 1.4 points.

Scores of South Carolina high school seniors taking the ACT college entrance exam rose from the previous year while sophomores who took PLAN—the preliminary ACT—scored one-tenth of a point higher than the national average.

Our fifth-, eighth- and 11th-graders scored above the national average in reading, language and math on TerraNova, a nationally standardized test of reading, language and math skills.

South Carolina eighth-graders met or exceeded the international average in the Third International Math and Science Study, which compared test scores from students in 38 nations.

An analysis by the nonprofit RAND organization of improvements in student reading and math test scores ranked south Carolina 17th among the states.

For the fifth consecutive year, the number of South Carolina first-graders scoring ''ready'' for school set a new record. More than 43,000 first-graders—a record 85.2 percent—met the state's readiness standard. That was a 13 percentage-point improvement from 1995, the year before the state began a three-year phase-in of full day kindergarten. The biggest improvements were by minority students and students from low-income families.

In the midst of these test score improvements, the national report card ''Quality Counts 2001,'' published by the respected national magazine Education Week, recognized South Carolina's efforts to improve teacher quality and raise academic standards, South Carolina was ranked among the top six states in the nation in both categories.

This report was especially significant, because I believe that a major reason for South Carolina's success has been our dramatic raising of academic standards. By setting the bar so high, and by creating the extremely rigorous PACT tests to measure our progress, we have challenged our students and schools—and they have responded.

I do not mean to suggest that the struggle to build a world-class school system in South Carolina has been won. Although it's true that we have schools in our state that are as excellent as any in the nation, we also have schools that struggle to provide their students with even the most basic education.

This November, South Carolina's first school report cards will be published under the mandate of the Education Accountability Act of 1998. Many schools will have their excellence confirmed, and others will be identified as needing extensive assistance. As State Superintendent of Education, I can assure you that these schools will get that assistance.

But as we await November's report cards, let's remember the amazing accomplishments of the school year that's now ending. Our progress is real, and it is undeniable. South Carolina educators, students, parents, businesses, and communities are proving every day that focus and hard work pay off.

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that an article in today's Washington Post, ''From Teachers to Drill Sergeants,'' be printed in the RECORD.

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

[From the Washington Post, June 12, 2001]

FROM TEACHERS TO DRILL SERGEANTS

(By Jay Mathews)

I have watched hundreds of teachers over the last two decades and am sure of one thing: I couldn't last two days in their jobs. After the first day, my throat would be sore, my legs wobbly and my energy level needle pointing below empty. That night I would fall asleep trying to make a new lesson plan. The next morning I would call in sick, making it clear I had an incurable, terminal illness.

So it is unbelievably presumptuous of me to write columns and give speeches on how to make schools better. I regularly remind myself, and anyone who might be listening, that when it comes to talking about education, I am just a balding, 5-foot-6-inch playback machine. The thoughts are not mine, but those of the many educators, as well as students and parents, who have patiently explained to me over the years what is going on, and why.

I am always amazed that such smart and busy people have time for me. That is especially true these last few weeks. Scores of readers have responded to the request in my May 22 column for a precise accounting of how the new state achievement tests affect teaching. I now have a much deeper appreciation of what the tests—and administrators' ill-considered reaction to them—have done to many schools.

Only about half of the teachers who wrote me said they had been forced to change their teaching, but that is because in many cases they refused to alter what was working for their students. ''My philosophy has long been, continues to be, and . . . will continue to be largely the test,'' said Al Dieste, who teaches at-risk middle schoolers at Springfield Community Day School, a public school in Columbia, Calif. ''I teach; the test be damned.''

Lisa Donmoyer, a kindergarten to eighth grade science specialist in Easton, Md., said ''a rich, interesting classroom is more likely to produce students who do well on the test than a classroom where the teacher employs the 'drill and kill' method.''

But in many cases, teachers said, administrators made it very difficult to do the right thing.

At one Fairfax County high school, non-honors students were dropped from in-class National History Day essay writing activities so they would have more time to study for the Virginia Standards of Learning (SOL) tests, even though some non-honors students had won previous district competitions.

Hewitt, Tex., high school teacher Donna Garner resigned in protest when her popular program for teaching the lost art of grammar was banned because it conflicted with

the step-by-step schedule for preparing for the Texas Assessment of Academic Skills (TAAS) tests.

A third-grade teacher in Fort Worth, said her principal asked her if she had designated as many students as possible for special education classes so they would be exempt from the tests and make the school average higher.

Raymond Larrabee was told his son's eighth-grade honors English class would not have time to read all of Charles Dickens' ''David Copperfield'' because there were too many topics to cover for the Massachusetts Comprehensive Assessment System (MACAS) test.

A Florida principal told a novice teacher that her wide-ranging discussions of the possible answers to sample test questions was a waste of time. Just tell them which answers are correct, she was told.

Doug Graney, a history teacher at Herndon High School in Fairfax, and a recently retired Arlington teacher who asked not to be identified, dropped their engaging approach to U.S. history because of the SOLs. They had been starting with post World War II history, stimulating family discussions about events their students' parents and grandparents had witnessed. Then they went back to colonial days to show how it had all started.

The e-mails illuminated two problems that I think all sides in the testing debate would acknowledge. First, some states may be demanding that teachers cover too much, ensuring once-over-lightly instruction. Second, many principals, moved by blind panic or cross-town rivalry, are demanding more test prep—taking practice tests, learning testing strategies, memorizing key essay words—than is necessary or useful.

Problem one is something for state school boards and superintendents to ponder. Problem two is, at least in part, something that teachers can do something about.

Okay. I know. I am the coward who lacks the fortitude to even try teaching. But I think many educators are right when they say that too many of their colleagues are obeying their principals rather than their principles.

Even pointy-headed, fire-breathing managers will back off if key employees tell them results will only come if they butt out. That takes gumption, but it is worth a try.

Gerald Gontarz, a sixth-grade science and social studies teacher in Plymouth, NH., drops raw chicken eggs from airplanes and sends up hot air balloons to involve kids in his lessons. ''Much of the time I spend on this stuff will not help my students take the test,'' he said. But ''it really turns them on, and honestly, there is no state test that measures students' motivation.''

Kenneth Bernstein, a ninth-grade social studies teacher in Prince George's County, stated what should be the teacher's creed: ''I will not object to testing if you will allow me to get my kids ready the best way I can, and not also mandate the specific steps of instruction, for then I cannot teach the individual child.''

I sensed some teachers are having second thoughts about groveling before the testing gods. Graney, for instance, told me in a follow-up e-mail that he plans to return to his reverse approach to U.S. history.

The results are still important. A teacher should be able to raise his class's overall achievement level a significant amount from September to April or May. Some students will falter because of unhappy home lives or test anxiety or other factors beyond a teacher's control, but on average there should be progress. If there isn't, I don't think the teacher can blame the test.

Many educators will object to this. They say the tests are too narrow and their own assessments of each child should be enough. In many cases, they are right, but parents cannot stay in the classroom all year making certain of this. I don't think I will ever be comfortable without an independent measure of how my child and her school are doing, and I think the vast majority of parents feel the same way.

I think we can agree on one thing: Principals and superintendents should not force good teachers to turn themselves into drill sergeants if there are better ways to teach the material. Administrators should set the goals and let their teachers decide how to meet them, then find ways to help those teachers who do not measure up.

Most principals already do that, but since so many of them are portrayed as clumsy villains by my e-mail correspondents, they deserve a chance to defend themselves. My e-mail address is mathewsj@washpost.com. How many of you administrators are telling your teachers to fill their class time with practice tests? Are you sure that is the best way to go?

Mr. WELLSTONE. This is a piece Jay Mathews wrote. I want to give some examples from this article. There is one thing he mentions that is really important:

I have watched hundreds of teachers over the last two decades and am sure of one thing: I couldn't last two days in their jobs. After the first day, my throat would be sore, my legs wobbly and my energy level needle pointing below empty. That night I would fall asleep trying to make a new lesson plan. The next morning I would call in sick, making it clear that I had an incurable, terminal disease.

Then the article gets much more serious. Part of the insulting assumption of this legislation is that the teachers in this country don't want to be held accountable, that we now have to do the tests to show that they really are not doing their job.

There are, of course, teachers you will find who subtract from children, but many of them are saints. And I doubt that there is one Senator who condemns these teachers who could last an hour in the classrooms they condemn. If you go and visit schools, teachers are talking about other issues: What happens to children before they get to school; the whole question of kids who come to kindergarten way behind. They are talking about the lack of affordable housing, children who are coming to school hungry today in America, class size and all of the rest of it. That is what they are talking about. But our response is to go to these tests and to assume that somehow, once children are tested, everything will become better.

I want to give some examples Jay Mathews gives today, about the effect that an over-reliance on testing can have on the classroom. He writes:

Lisa Donmoyer, a kindergarten to eighth grade science specialist in Easton, Md., said ''a rich, interesting classroom is more likely to produce students who do well on the test than a classroom where the teacher employs the 'drill and kill' method.''

But in many cases, teachers said, administrators make it difficult to do the right thing.

Hewitt, Tex., high school teacher Donna Garner resigned in protest when her popular program for teaching the lost art of grammar was banned because it conflicted with the step-by-step schedule for preparing for the Texas Assessment of Academic Skill (TAAS) tests.

A third grade teacher in Fort Worth said her principal asked her if she had designated as many students as possible for special education classes so they would be exempt from the tests and make the school average higher.

Raymond Larrabee was told his son's eighth grade honors English class would not have the time to read all of Charles Dickens' ''David Copperfield'' because there were too many topics to cover for the Massachusetts Comprehensive Assessment System (MCAS) test.

A Florida principal told a novice teacher that her wide-ranging discussion of the possible answers to sample test questions was a waste of time. Just tell them which answers are correct, she was told.

Doug Graney, a history teacher at Herndon High School in Fairfax, and a recently retired Arlington teacher who asked not to be identified, dropped their engaging approach to U.S. history because of the [Virginia standard of learning test]. They had been starting with post World War II history, stimulating family discussions about events their students' parents and grandparents had witnessed. Then they went back to colonial days to show how it all started.

So I just want to issue this warning, about where I am afraid we are heading: I think in the absence of the resources and with the overreliance on tests that is emerging, what we are going to have is, as one teacher put it so well to Jonathan Kozol, you are going to have great teachers living in ''examination hell.'' A lot of the really good teachers are going to get out. In fact, they are now. Some of the really great teachers are just refusing to be drill instructors, teaching to tests, tests, tests. They are leaving. This is the opposite direction from where we should be going.

It is very much the case that the best teachers are the ones who are not going to want to be teaching to these tests. And frankly, some of the worst teachers can do it.

When I am in schools, and I have been in a school about every 2 weeks for the last 10 and a half years I ask the students, when we get into a discussion of education: What do you think makes for a good education? You are the experts. Before class size, before technology, before anything else, they say: Good teachers.

Then I say: What makes for a good teacher? I never hear students say: Well, the really good teachers are the teachers who teach to worksheets. The really good teachers are the teachers who basically have us memorizing all the time and then regurgitating that

back on tests. They talk about teachers who spend time with them, teachers who fire their imagination, teachers who don't just transmit knowledge but basically empower them to figure out how to live their lives. They talk about teachers who get the students to connect personally to the books that are being discussed, to the ideas that are being discussed, to how those ideas affect their lives. That is what they talk about.

That is not the direction we are going, not with what we are bringing down from the Federal Government, top-down to school districts all across our land. Again, that is why this amendment is so important.

I thank my colleague for the amendment. I am proud to support him.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1 on Wednesday, June 13, at 9 a.m. with 40 minutes for closing debate on the Santorum amendment No. 799 and the Hollings amendment No. 798 concurrently, with 20 minutes each prior to votes in relation to the amendments, with no second-degree amendments in order prior to the votes, and that the Santorum amendment be voted on first. Further, I ask that following disposition of the Santorum and Hollings amendments, Senator LANDRIEU be recognized to call up her amendment No. 474, with 30 minutes for debate in the usual form prior to a vote in relation to her amendment, with no second-degree amendments in order; further, following disposition of the Landrieu amendment, Senator DODD be recognized to call up his amendment No. 382 regarding 21st century afterschool programs, with 2 hours for debate prior to a vote on a motion to table the amendment, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we are moving along very well. This has been a difficult day. We have a number of other amendments to which we think we can go quite rapidly. I think with luck we can finish this bill on Thursday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 519, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the previously agreed to Bingaman amendment No. 519 be modified to reflect a correction in a numerical error in the amendment.

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

The amendment, as modified, is as follows:

On page 577, line 2, strike the double quote and period.

On page 577, between lines 2 and 3, insert the following:

"SEC. 4304. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.

''(a) CENTER.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the 'School Security Technology and Resource Center'.

''(b) ADMINISTRATION.—The center established under subsection (a) shall be administered by the Attorney General.

''(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $4,750,000 for each of the fiscal years 2002, 2003, and 2004, of which $2,000,000 shall be for Sandia National Laboratories in each fiscal year, $2,000,000 shall be for the National Center for Rural Law Enforcement in each fiscal year, and $750,000 shall be for the National Law Enforcement and Corrections Technology Center Southeast in each fiscal year.

"SEC. 4305. LOCAL SCHOOL SECURITY PROGRAMS.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology and Resource Center.

''(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

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

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of''.

NATIONAL AIRBORNE DAY

Mr. DOMENICI. Mr. President, I rise in support of Senate Resolution 16 designating August 16, 2001, as National Airborne Day. It is only too appropriate that Senator THURMOND lead the charge for designating one day annually on which we recognize the contributions of our airborne divisions in the military.

The greatest amphibious invasion in military history was at Normandy. On June 6, 1944, under the leadership of General Eisenhower, an invasion force of over 2.8 million military members, including 1,627,000 Americans gathered in Southern England. These forty-five divisions included Americans, Brits, Canadians, French and Poles fighting alongside one another.

Among those forty-five divisions were 13,000 paratroopers from the 82nd and 101st Airborne Divisions. These paratroopers and glider troops began their assault at 1:00 a.m. on June 6. They were spread out over 50 miles between the Cotentin Peninsula and the Orne River. Met with ferocious and lethal German resistance, by the end of the day the 101st had suffered 1,240 casualties, and the 82nd lost 1,259 men. Then 41-year-old STROM THURMOND survived and went on to win five battle stars.

We suffered heavy casualties in those first hours of fighting on the coasts of Northern France. U.S. casualties alone totaled 6,603 men. However, D Day marked the first step in our push toward victory in Europe. Not only does D Day mark the beginning of the end of the tyrannical forces unleashed on the Western European continent in the 1930s, it represents the beginning of many decades of struggle to reconstruct democratic and free Nations from the rubble of World War II.

This week we celebrate the 57th Anniversary of D-Day. I stand to recognize the valor of that greatest generation who persevered to protect our freedom. Undeniably, the airborne forces played a vital role in achieving victory. The Airborne divisions that fought on D-Day are still represented in today's Army, with the 82nd in Fort Bragg, NC, and the 101st in Fort Campbell, KY.

In the last sixty years, our airborne forces have performed in important

military and peace-keeping operations in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia. On August 16, 2001, the 61st anniversary of the first official parachute jump by the Parachute Test Platoon, we will recognize the role of part and current patriots in our airborne forces.

I thank Senator THURMOND for his unyielding courage as a paratrooper and his vision as a leader. I strongly support this resolution.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a horrific crime that occurred February 19, 1999 in Sylacauga, AL. Billy Jack Gaither, 39, was abducted and brutally murdered in a remote area. Two men, who later claimed to be angry over an alleged sexual advance by Gaither, went to a secluded boat ramp to find him. They beat Gaither and threw him in the trunk of his own car. Gaither was then taken to the banks of Peckerwood Creek, where many area churches used to hold baptisms. The two men then beat the 39-year-old man to death with an ax handle, and later burned his body on a pyre of old tires.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 11, 2001, the Federal debt stood at $5,680,526,114,067.39, five trillion, six hundred eighty billion, five hundred twenty-six million, one hundred fourteen thousand, sixty-seven dollars and thirty-nine cents.

Five years ago, June 11, 1996, the Federal debt stood at $5,136,928,000,000, five trillion, one hundred thirty-six billion, nine hundred twenty-eight million.

Ten years ago, June 11, 1991, the Federal debt stood at $3,489,108,000,000, three trillion, four hundred eighty-nine billion, one hundred eight million.

Fifteen years ago, June 11, 1986, the Federal debt stood at $2,045,760,000,000, two trillion, forty-five billion, seven hundred sixty million.

Twenty-five years ago, June 11, 1976, the Federal debt stood at $611,628,000,000, six hundred eleven billion, six hundred twenty-eight million, which reflects a debt increase of more than $5 trillion, $5,068,898,114,067.39, five trillion, sixty-eight billion, eight hundred ninety-eight million, one hundred fourteen thousand, sixty-seven dollars and thirty-nine cents during the past 25 years.

ADDITIONAL STATEMENTS

A TRIBUTE TO WELLMONT BRISTOL REGIONAL MEDICAL CENTER

• Mr. WARNER. Mr. President, it is with great pleasure that I rise today to pay tribute to Wellmont Bristol Regional Medical Center, in Bristol, VA, for being named one of the Top 100 Intensive Care Units (ICUs) in the United States. This award is based on a study conducted by Solucient Leadership Institute, the Nation's largest healthcare clearinghouse.

In deciding which hospitals received this outstanding award, Solucient compared intensive care units throughout the country on four measures: death rates; complications; how long patients stayed in units; and cost of care. By being named one of the Nation's Top 100 ICUs, Bristol Regional Medical Center has proven that it can be considered among the best in its field in providing top quality care in its ICU, with shorter stays, lower costs, and fewer deaths and complications. We can truly realize how fortunate we are in this region to have such a wonderful hospital providing top-notch care for Virginians in the Commonwealth.

To the doctors, nurses, administrators, and all the other employees at the Medical Center, I want to extend the highest commendation and congratulations for receiving this award, and I salute you on the floor of the U.S. Senate. I commend you all for your efforts and for providing the highest quality of care.•

TRIBUTE TO DR. KENNETH MORTIMER, UNIVERSITY OF HAWAII PRESIDENT

• Mr. INOUYE. Mr. President, I rise to pay tribute to Kenneth P. Mortimer, the 11th President of the University of Hawaii. He served Hawaii's premier institution of higher learning for 8 years with integrity and distinction.

Dr. Mortimer has led the University of Hawaii forward during one of the longest and most severe economic downturns in our State's history. With massive cutbacks to the University's budget, President Mortimer instituted difficult, oftentimes painful cost-saving measures, to allow the University to provide a quality education for all students with a renewed focus on its core mission.

In addition, during this difficult economic period, President Mortimer launched an ambitious 4-year $100 million capital campaign to raise private funds for endowments, improvements, and scholarships. The campaign concluded ahead of schedule on May 31, 2001, having exceeded their goal by $16 million. The campaign raised needed funds during a critical period in the school's history. It also established a strong foundation for continued large giving.

But, most importantly I believe the capital campaign demonstrated to one and all—students, alumni, community—that the University of Hawaii is good enough, worthy enough, to request and secure such large giving. I was proud to serve as an honorary co-chair of the campaign. It took leadership and guts to launch such a campaign. It took perseverance and commitment to ensure its success. President Mortimer can be proud of this legacy he leaves behind.

There is another very important mark Dr. Mortimer will leave behind for the university. It is carved into Hawaii's most sacred legal document—our State Constitution. No president had ever tried to do what President Mortimer set out to do, namely to secure constitutional autonomy for the University of Hawaii, giving the institution a greater say in its own affairs, fiscal, legal and otherwise. First, landmark legislation was passed by the Hawaii State Legislature to allow the issue of constitutional autonomy to be placed on the Hawaii ballot in November of 2000. Second, Dr. Mortimer mounted an aggressive ''vote yes'' campaign which received a resounding approval of the people. Another milestone achieved, another foundation laid to help assure the University's future success.

There are many more accomplishments, too many to name, that can be attributed to Dr. Mortimer. He led my alma mater forward during a most difficult time in our State's history. He did so with a quiet dignity and a steadfast resolve. He listened and then acted.

The University of Hawaii is stronger as a direct result of his leadership. He never lost sight of what I have known all along—the University of Hawaii is a great institution of higher learning, not just a good institution, but a great one. Dr. Mortimer believed it in his heart and represented us as such to all he came in contact with. He gave of himself—with his time, skill and aloha—and the University is richer and wiser for it.

On behalf of the people of Hawaii, I would like to express my personal appreciation to Ken and Lorie for their years of service and commitment to academic excellence. My heartfelt wishes are with them as they embark on a new journey together.•

TRIBUTE TO JAMES P. LEDDY

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to James P. Leddy, an outstanding Vermonter and humanitarian. In recognition of his retirement as Executive Director of The Howard Center for Human Services in Burlington, VT, it is important to reflect on how much one person can accomplish in serving others.

From the beginning of his career, Jim was drawn to serving the most needy, most isolated, and often the most misunderstood and underserved people in our society. His work took him to individuals who were incarcerated, living with illness or disability, and to those recovering from addiction.

Jim began his 30-year history of compassionate service to Vermonters as a direct-service provider and quickly rose to leadership positions. His vision for improving the lives of individuals with disabilities put him at the helm of The Howard Center for Human Services. Under his direction ''community inclusion'' and ''self-determination'' became the guiding principles for serving individuals and their families. Those who had historically been sheltered from society began to live, work and recreate in their communities.

Not only has The Howard Center for Human Services been recognized for developing new and innovative programs, but Vermont also gained recognition for showing the way to other States in the country. Jim is to be commended for the part he played in national movement to provide community-based services to people with disabilities.

Under Jim's leadership, The Howard Center grew from a budget of $1.6 million with a staff of 55 to a budget of $30 million and a staff of over 550 individuals. While Jim was growing a mental health service, he also advocated for relationships and wrap-around services with other providers. In this, as in every other capacity, his mark has been felt far beyond the boundaries of Chittenden County, VT.

Vermont has much to be grateful for, in view of Jim's steadfast commitment to improving the quality of life in our State. He was a founding member of programs such as the Champlain Valley Crime Stoppers and Dismas House, a residential program for ex-offenders. He has served on boards, such as the Mayor's Council on Human Services for the City of Burlington, the Governor's Council on Alcohol and Drug Abuse Problems, and the National Association of State Alcohol and Drug Abuse Directors, to name a few. Jim is a true public servant, and in 1999, he became a member of the Vermont State Legislature and brought his knowledge, experience and deep commitment to Vermont to all its citizens. It is reassuring to know that his legacy will lead The Howard Center for Human Services and the greater community of Vermont itself for years to come.

Jim's unwavering commitment toward improving the status of Vermont and its citizens serves as a testament to us all. Vermont is truly indebted to him. His deep commitment to the citizens of the Green Mountain State has endeared him to us. He has our sincerest good wishes for the future.•

HONORING ANNE M. GLATT

• Mr. TORRICELLI. Mr. President, I rise today to recognize Anne M. Glatt's years of devotion and commitment to the Highland Park Conservative Temple and Center in Highland Park, NJ. Mrs. Glatt will soon receive the prestigious ''Chaver Award,'' the Temple's highest award for exemplary service to the Jewish community.

Devoted to her three daughters and to the Jewish faith, Mrs. Glatt decided on the Highland Park Conservative Temple and Center to further her children's knowledge of their faith and culture. However, her involvement with the Temple did not end there. Mrs. Glatt offered her services as a bookkeeper for the Temple, and for the past thirty-seven years it has been an experience of great benefit to the Temple. She has shared her wisdom, generosity and love with the 900 members of the congregation, considering them all as a part of her extended family. I have no doubt that as the community grows, Mrs. Glatt will be there to tend to the needs of future generations.

Therefore, I join with the Highland Park Conservative Temple and Center today in recognizing Anne M. Glatt, saluting her service to the community, her countless acts of compassion, and her constant attention to the needs of those around her. May her spirit of service be a model for all of us to admire and emulate.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO PROPERTY OF THE RUSSIAN FEDERATION RELATING TO THE DISPOSITION OF HIGHLY ENRICHED URANIUM EXTRACTED FROM NUCLEAR WEAPONS—MESSAGE FROM THE PRESIDENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2001.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond June 12, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 11, 2001.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 11, 2001.*

REPORT ON THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the provisions of section 504(h) of Public Law 98–164, as amended (11 U.S.C. 4413(i)), I transmit herewith the Annual Report of the National Endowment for Democracy for fiscal year 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 11, 2001.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2292. A communication from the Acting Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''PRIME Act Grants'' (RIN3245–AE52) received on June 8, 2001; to the Committee on Small Business.

EC–2293. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling—Determination of Interest Rates, Quarter Beginning July 1, 2001'' (Rev. Rul. 2001–32) received on June 11, 2001; to the Committee on Finance.

EC–2294. A communication from the Acting Administrator of the Foreign Agriculture Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2001 Tariff-Rate Quota Year'' (7 CFR Part 6) received on June 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2295. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Noxious Weeds; Permits and Interstate Movement'' (Doc. No. 98–091–2) received on June 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2296. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report relative to the status of the United States Parole Commission; to the Committee on the Judiciary.

EC–2297. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Tax Division, received on June 8, 2001; to the Committee on the Judiciary.

EC–2298. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director of the National Institute of Justice, received on June 8, 2001; to the Committee on the Judiciary.

EC–2299. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Orthopedic Devices: Classification and Reclassification of Pedicle Screw Spinal Systems; Technical Amendment'' (Doc. No. 95N–0176) received on June 8, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2300. A communication from the Assistant Director for Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Federal Sector Report on EEO Complaints and Appeals for Fiscal Year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2301. A communication from the Acting Commissioner for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, a report entitled ''The Condition of Education'' for 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2302. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, transmitting, pursuant to law, a report concerning the single-function cost comparison of the Communications activity at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

EC–2303. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of Defense, Personnel and Readiness, received on June 8, 2001; to the Committee on Armed Services.

EC–2304. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Director, Operational Test and Evaluation, received on June 8, 2001; to the Committee on Armed Services.

EC–2305. A communication from the Assistant Director for Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Air Force, received on June 8, 2001; to the Committee on Armed Services.

EC–2306. A communication from the Director for Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Army, received on June 8, 2001; to the Committee on Armed Services.

EC–2307. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of the proposed obligation of funds provided for the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–2308. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Military Health System; to the Committee on Armed Services.

EC–2309. A communication from the General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Exception Payment Standards to Offset Increase in Utility Costs in the Housing Choice Voucher Program'' (RIN2577–AC29) received on June 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2310. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Transit Administration, received on June 8, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2311. A communication from the Attorney-Advisor of the Office of General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Resolution Funding Corporation Operations'' (RIN1505–AA79) received on June 8, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2312. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Call for Large Position Reports'' received on June 8, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2313. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report concerning the Authorization of Appropriations for Fiscal Years 2002 and 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2314. A communication from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Community Bank-Focused Regulation Review: Lending Limits Pilot Program'' (12 CFR Part 32) received on June 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2315. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled ''To authorize appropriations for the United States contribution to the Heavily Indebted Poor Countries Trust Fund administered by the International Bank for Reconstruction and Development''; to the Committee on Foreign Relations.

EC–2316. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled ''To authorize the United States participation in and appropriations for the United States contribution to the fifth replenishment of the resources of the International Fund for Agricultural Development''; to the Committee on Foreign Relations.

EC–2317. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled ''To authorize the United States participation in and appropriations for the

United States contribution to the seventh replenishment of the resources of the Asian Development Fund''; to the Committee on Foreign Relations.

EC–2318. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended: Aliens Ineligible to Transit Without Visas (TWOV)—Russia'' (22 CFR Part 41) received on June 8, 2001; to the Committee on Foreign Relations.

EC–2319. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the text and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–2320. A communication from the Trial Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''List of Nonconforming Vehicles Decided to be Eligible for Importation'' ((RIN2127–AI17)(2000–0001)) received on June 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2321. A communication from the Trail Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees Authorized by 49 USC 30141'' ((RIN2127–AI11)(2000–0001)) received on June 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2322. A communication from the Attorney for the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Adoption of Industry Standards for Liquefied Natural Gas Facilities'' (RIN2137–AD11) received on June 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2323. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a Closure (opens shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska)'' received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2324. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustment to the 2000 Summer Flounder, Scup and Black Sea Bass Commercial Quotas'' received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2325. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Summer Period'' received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2326. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Prohibition of directed fishing for Pacific Cod by vessels catching Pacific Cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska (GOA)'' received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2327. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid'' received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2328. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Prohibition of directed fishing for species that comprise the deep-water species by vessels using trawl gear in the Gulf of Alaska'' received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2329. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Prohibition of directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska'' received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2330. A communication from the Acting General Counsel of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the Northwest Atlantic Fisheries Organization for 2000; to the Committee on Commerce, Science, and Transportation.

EC–2331. A communication from the Senior Management Analyst, Division of Policy and Directives Management, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C'' (RIN1018–AD68) received on June 7, 2001; to the Committee on Energy and Natural Resources.

EC–2332. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Montana Regulatory Program'' (MT–020–FOR) received on June 7, 2001; to the Committee on Energy and Natural Resources.

EC–2333. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of a Program Update 2000 for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC–2334. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the financial and social impacts of the Compacts of Free Association on United States insular areas and the State of Hawaii; to the Committee on Energy and Natural Resources.

EC–2335. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Conversion of the Conditional Approval of the NO_X RACT Regulation to a Full Approval and Approval of NO_X RACT Determinations for Three Sources'' (FRL6996–5) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2336. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''North Carolina; Final Approval of State Underground Storage Tank Program'' (FRL6976–4) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2337. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Underground Storage Tank Program: Approved State Program for North Carolina'' (FRL6976-5) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2338. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Application of 40 CFR 93.104(e) to Houston Attainment SIP''; to the Committee on Environment and Public Works.

EC–2339. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Implementation of Section 303(d) Until the New TMDL Rule Becomes Effective''; to the Committee on Environment and Public Works.

EC–2340. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Application of 40 CFR 93.104(e) to Houston Attainment SIP''; to the Committee on Environment and Public Works.

EC–2341. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Streamlined Water-Effect Ratio Procedure for Discharges of Copper''; to the Committee on Environment and Public Works.

EC–2342. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Clarifications Regarding Toxicity Reduction and Identification Evaluations in the National Pollutant Discharge Elimination System Program''; to the Committee on Environment and Public Works.

EC–2343. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices; The Manual on Uniform Traffic Control Devices for Streets and Highways; Standards for Center Line and Edge Markings'' (RIN2125–AD68) received on June 7, 2001; to the Committee on Environment and Public Works.

EC–2344. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population for 16 Freshwater Mussels and One Freshwater Snail, Alabama'' (RIN1018–AE00) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2345. A communication from the Deputy Assistant Secretary of the Army, Management and Budget, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule entitled ''Public Use of Water Resources Development Projects Administered by the Chief of Engineers'' (36 CFR Part 327) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2346. A communication from the Deputy Assistant Secretary of the Army, Management and Budget, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule entitled ''Navigation Locks and Approach Channels, Columbia and Snake Rivers, Oregon and Washington'' (33 CFR Part 207.718) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2347. A communication from the Acting Director of the Office of Personnel Management, Employment Service; Workforce Restructuring Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Career Transition Assistance for Surplus and Displaced Employees'' (RIN3206–AJ32) received on June 8, 2001; to the Committee on Governmental Affairs.

EC–2348. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2349. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2350. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2351. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on June 8, 2001; to the Committee on Governmental Affairs.

EC–2352. A communication from the Acting Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2353. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2354. A communication from the Acting Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1 , 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2355. A communication from the Attorney General of the United States, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2356. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report relative to the Federal Equal Opportunity Recruitment Program for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–2357. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2358. A communication from the Chief Operating Officer/President of the Resolution Funding Corporation, transmitting, pursuant to law, a report relative to the System of Internal Controls and the Audited Financial Statements for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–2359. A communication from the Chairwoman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2360. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2361. A communication from the Acting Administrator of the General Service Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2362. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2363. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2364. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of the Inspector General and the Treasury Inspector General for Tax Administration for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2365. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of the Inspector General for period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2366. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–94. A resolution adopted by the City Commission of Fort Lauderdale, Florida relative to beach erosion control projects; to the Committee on Environment and Public Works

POM–95. A resolution adopted by the Board of County Commissioners of Broward County, Florida relative to beach erosion control projects; to the Committee on Environment and Public Works.

POM–96. A petition of proposed legislation presented by the Council on Administrative Rights entitled ''Unifies Voting Rights Act''; to the Committee on Rules and Administration.

POM–97. A petition of proposed legislation presented by the Council on Administrative Rights entitled ''Rapid Response''; to the Committee on the Judiciary.

POM–98. A petition of proposed legislation presented by the Council on Administrative Rights entitled ''Education 3000''; to the Committee on Health, Education, Labor and Pensions.

POM–99. A petition of proposed legislation presented by the Council on Administrative Rights entitled ''Health America''; to the Committee on Health, Education, Labor, and Pensions.

POM–100. A petition of proposed legislation presented by the Council on Administrative Rights entitled ''American Equality''; to the Committee on the Judiciary.

POM–101. A resolution adopted by the legislature of the State of Minnesota relative to special education costs; to the Committee on Appropriations.

RESOLUTION NO. 2

Whereas, in 1975 the Congress passed Public Law Number 94–142, the Individuals with Disabilities Education Act, and provided a national framework for providing free, appropriate public education to all students regardless of the level or severity of disability; and

Whereas, Congress in its initial passage of the Individuals with Disabilities Education Act declared its intent to fund 40 percent of special education costs; and

Whereas, the federal government's share of funding for special education costs in Minnesota has never exceeded 15 percent of total special education costs; and

Whereas, since the passage of the Individuals with Disabilities Education Act, the states have been primarily responsible for providing funding for special education services; and

Whereas, special education services are being provided to all eligible children in the state of Minnesota; and

Whereas, many states, including Minnesota, must provide substantial state funding to fill the gaps left by Congress's unfunded promise; and

Whereas, the recent increases in federal funds for schools, including the increases in special education funding, have come with substantial mandates and limitations on the use of funds; and

Whereas, Congress is now currently debating the most effective ways to improve education among the states; and

Whereas, the federal government is now estimating a surplus of $5,600,000,000,000 over the next ten years; Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That Congress should speedily adhere to the goal set forth in the Individuals with Disabilities Education Act and appropriate to the states significant, genuine assistance to meet the needs of students with disabilities and to relieve schools from the necessity of cross-subsidizing special education revenue with general education revenue. Be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and Secretary of the Senate, the

Speaker and Clerk of the House of Representatives, and Minnesota's Senators and Representatives in Congress.

POM–102. A resolution adopted by the Legislature of the State of Minnesota relative to funding for the improvement and rehabilitation of waterways; to the Committee on Environment and Public Works.

RESOLUTION NO. 4

Whereas, waterway transportation is the most efficient means of transporting bulk commodities, transports more tons per gallon of fuel than either rail or truck while causing fewer accidents, less noise pollution, and fewer fatalities and traffic delays, provides a positive quality of life to the citizens of Minnesota, and is the most environmentally sound mode of transportation available; and

Whereas, because of its geographic location, Minnesota is disadvantaged by the distance commodities must travel when transported between Minnesota and domestic and international markets; and

Whereas, farm products, petroleum, coal, aggregates, fertilizer, salt, iron ore, metal products, and other bulk commodities needed by agriculture, industry, and the public sector are essential components of commerce and vital to the continued health of our national, local, and state economies; and

Whereas, the inland waterway lock and dam system provides recreational and ecotourism opportunities to Minnesota, a reliable water source of 25 billion gallons per year for residential and industrial use in the Twin Cities area, and a cooling source for power plants which provide over 4,800 Minnesota jobs; and

Whereas, our transportation infrastructure enables agricultural products and other exported commodities to compete successfully in international markets and leads toward a favorable balance of trade for our national economy; and

Whereas, our waterway transportation infrastructure shares the public waters with the natural environment; and

Whereas, the natural environment provides public benefits such as recreation, tourism, domestic and industrial water supply, and scientific and educational opportunities which are also important elements to Minnesota's economy; and

Whereas, the Upper Mississippi River is a natural resource of statewide, regional, national, and international importance due to its status as one of the largest floodplain areas in the world, its importance as a migratory corridor for 40 percent of all North American Waterfowl and the sanctuary it provides to more than 200 species of threatened, endangered, or rare plants and animals; and

Whereas, the Great Lakes Seaway serves Minnesota by moving its bulk products to domestic and foreign destinations, amounting to over 65 million tons annually, including 43 million tons of Minnesota iron ore to steel mills in Michigan, Indiana, Ohio, and Pennsylvania; and

Whereas, although dredging and maintenance of the seaway system is financed by the users, financing of the new Sault Ste. Marie Lock (owned and operated by United States Army Corps of Engineers) will be shared by the federal government and the eight seaway states on a prorated tonnage basis, requiring an estimated $18 million from the state to be paid over a 50-year period; and

Whereas, the inland waterway system moves 17 million tons of bulk commodities annually between Minnesota and the eastern seaboard and Gulf states, including approximately 10 million tons of agricultural products exported through gulf ports; and

Whereas, dredging and maintenance costs of the inland waterway are paid out of federal funds, and financing of capital improvements to the inland waterway system is 50 percent from federal funds and 50 percent from the Inland Waterways Trust Fund, funded by a 20 cent per gallon fuel tax paid by waterway shippers; and

Whereas, the river industry has been taxed on fuel since 1980, and since the Inland Waterways Trust Fund was instituted in 1986, the Upper Mississippi River basin has contributed 40 percent of the funds and received only 15 percent return for capital improvements, making the Upper Midwest a tax donor region to the Ohio River valley and others; and

Whereas, the Port Development Assistance Program is the vehicle to rehabilitate Minnesota's public ports on the Mississippi River and Lake Superior; and

Whereas, this program updates and improves the operation and efficiency of the ports to keep them viable and competitive; and

Whereas, the 1996, 1998, and 2000 Minnesota legislatures appropriated funds for this program, and the 2001 legislature will be requested to appropriate an additional $3 million to this program; Now, therefore, be it

Resolved that the Minnesota Legislature, Supports Minnesota's pro rata participation in financing new construction at the Sault Ste. Marie Lock, Be it further

Resolved, That the Legislature formally recognizes the Upper Mississippi River as a river of statewide significance for natural, navigational, and recreational benefits. Be it further

Resolved, That the Legislature recognizes the critical habitat restoration and rehabilitation needs on the Upper Mississippi River. Be it further

Resolved, That the Legislature recognizes the importance of inland waterway transportation to Minnesota agriculture and to the economy of the state, the region, and the nation and urges Congress to authorize funding to improve transportation efficiency and restore the ecological values of the Upper Mississippi River System. Be it further

Resolved, That the Legislature supports the continued funding of the Port Development Assistance Program in recognition of the essential and fundamental contribution the Great Lakes and inland waterway transportation systems make to Minnesota's economy and to sustainable environmental programs. Be it further

Resolved, That the Secretary of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the chair of the Senate Committee on Commerce, Science, and Transportation, the chair of the House Committee on Transportation and Infrastructure, and Minnesota's Senators and Representatives in Congress.

POM–103. A resolution adopted by the Legislature of the State of Minnesota relative to the Railroad Unemployment Insurance Act; to the Committee on Health, Education, Labor, and Pensions.

RESOLUTION NO. 5

Whereas, numerous railroad employees have served their country honorably and well in various branches of the armed forces for periods in excess of 20 years; and

Whereas, these military veterans receive military retirement pay as partial compensation for their long military service; and

Whereas, if these veterans work for nonmilitary employers they can become eligible for state unemployment benefits in case of layoff and for workers' compensation in case of injury; and

Whereas, the Railroad Unemployment Insurance Act (United States Code, title 45, section 354(a–1)(ii)) prohibits payment of railroad unemployment benefits or railroad sickness benefits to otherwise eligible railroad employees who are receiving military retirement pay for 20 years or more of military service; Now, therefore, be it

Resolved, by the Legislature of the State of Minnesota, That it petitions the United States Congress to promptly amend the Railroad Unemployment Insurance Act to allow railroad employees collecting military retirement pay to also be eligible for railroad unemployment and sickness benefits if they otherwise meet the qualifications of these benefit programs. Be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress.

POM–104. An assembly resolution adopted by the Legislature of the State of New Jersey relative to enacting the ''Great Falls Historic District Study Act of 2001''; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, Legislation entitled the ''Great Falls Historic District Study Act of 2001'' has been introduced, respectfully, in the United States Senate as S. 386 and in the United States House of Representatives as H.R. 146; and

Whereas, The ''Great Falls Historic District Study Act of 2001,'' if enacted into law, would authorize the Secretary of the United States Department of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the City of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes; and

Whereas, Congressional findings proposed in the Senate legislation (S. 386) note that the Great Falls Historic District is an area of historical significance as an early site of planned industrial development, and it has remained largely intact through architecturally significant structures; that the district is listed on the National Register of Historic Places and has been designated a National Historic Landmark; that the district is situated within a one-half hour's drive from New York City and a two hour's drive from Philadelphia, Hartford, New Haven, and Wilmington; that the district was developed by the Society of Useful Manufacturers, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton; and that the district has been the subject of a number of studies that have shown that it possesses a combination of historic significance and natural beauty worthy of an uniquely situated for preservation and redevelopment; and

Whereas, The Great Falls Historic District was established as a historic district under federal law pursuant to section 510 of the

''Omnibus Parks and Public Lands Management Act of 1996'' (Pub. L. 104–333; 16 U.S.C. s. 461 note); and

Whereas, The citizens of New Jersey have long demonstrated a keen interest in and strong commitment to supporting the efforts of federal, State, local, and private entities to preserve and interpret the history and culture of the people that form this great Nation, especially as manifested in this great State; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The Congress of the United States is respectfully memorialized to enact into law as soon as possible the ''Great Falls Historic District Study Act of 2001'' (S. 386/H.R. 146).

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate, the majority and minority leaders of the United States House of Representatives, every member of Congress elected from this State, the Secretary of the United States Department of the Interior, the Commissioner of the New Jersey Department of Environmental Protection, the Secretary of the New Jersey Department of State, and the Chairman and the Executive Director of the New Jersey Historic Trust.

STATEMENT

This resolution would respectfully memorialize the Congress of the United States to enact into law as soon as possible the ''Great Falls Historic District Study Act of 2001'' (S. 386/H.R. 146).

The federal legislation, if enacted into law, would authorize the Secretary of the United States Department of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the City of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes.

As noted in the federal legislation (S. 386), the Great Falls Historic District is an area of historical significance as an early site of planned industrial development, and it has remained largely intact through architecturally significant structures. The district is listed on the National Register of Historic Places and has been designated a National Historic Landmark, and is situated within a one-half hour's drive from New York City and a two hour's drive from Philadelphia, Hartford, New Haven, and Wilmington. The district was developed by the Society of Useful Manufactures, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton. The Great Falls Historic District has been the subject of a number of studies that have shown that it possesses a combination of historic significance and natural beauty worthy of and uniquely situated for preservation and redevelopment.

The Great Falls Historic District was established as a historic district under federal law pursuant to the ''Omnibus Parks and Public Lands Management Act of 1996.''

POM–105. An assembly resolution adopted by the Legislature of the State of New Jersey relative to the repeal of the federal death tax; to the Committee on Finance.

RESOLUTION

An Assembly Resolution memorializing the Congress of the United States to enact the repeal of the federal death tax.

Whereas, Women and minorities are very often owners of small and medium-sized businesses, and the federal estate tax, or the death tax, prevents their children from reaping the rewards of a lifetime of trying to make a better life; and

Whereas, Farmers often face losing their farms because the federal government heavily taxes the estates of people who invested most of their earnings back into their farms and had only a small amount of liquid savings; and

Whereas, Employees suffer when they lose their jobs because many small and medium-sized businesses are liquidated to pay death taxes and because many high capital costs depress the number of new businesses that could offer them a job; and

Whereas, If the estate tax had been repealed in 1996, over the next nine years the United States economy would have averaged as much as $11 billion per year in extra output, and an average of 145,000 additional new jobs would have been created; and

Whereas, Having during 2000 passed the United States House of Representatives by a vote of 279–36, and having passed the United States Senate by a vote of 59–39, elimination of the death tax has wide bipartisan support; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey

1. The General Assembly of the State of New Jersey memorializes the Congress of the United States to enact legislation, currently pending in Congress, which eliminates the federal estate tax into law.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from the State of New Jersey.

STATEMENT

This resolution memorializes Congress to enact the repeal of the federal estate tax or ''death tax.''

POM–106. A resolution adopted by the Legislature of the State of Missouri relative to the St. Joseph community; to the Committee on Agriculture, Nutrition, and Forestry.

RESOLUTION

Whereas, Agramarke Quality Grains, Inc., a Missouri cooperative association, will provide economic development for the St. Joseph area; and

Whereas, the United States Department of Agriculture emphasizes the importance of guiding agriculture toward value-added opportunities; and

Whereas, agricultural producers will own 100% of the facility, provide over 110 jobs in the area, and realize between three and five millions dollars per year in profits and premiums; and

Whereas, the facility purchase price is far below the price of new construction and will provide a new purpose for the Quaker Oats facility which has been in existence since 1926; and

Whereas, the United States Department of Agriculture provides many beneficial programs which will be crucial to the success of the projects; and

Whereas, without the assistance of the United States Department of Agriculture programs, this young company may never develop; and

Whereas, the United States Department of Agriculture maintains a community population requirement of 50,000 for use of rural development economic inventive programs; and

Whereas, the city of St. Joseph remains not far above the threshold with a population of approximately 75,000; Now therefore, be it

Resolved, that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Department of Agriculture to grant a waiver for Agramarke Quality Grains, Inc., for development in St. Joseph, Missouri, to allow Agramarke to qualify for rural development economic incentive programs; and be it further

Resolved, that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, Secretary Ann M. Veneman of the United States Department of Agriculture and each member of the Missouri congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 1013. A bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans' Affairs.

By Mr. BUNNING (for himself and Mr. HARKIN):

S. 1014. A bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. DURBIN):

S. 1015. A bill to require the Secretary of Transportation to issue regulations to address safety concerns and to minimize delays for motorists at railroad grade crossings; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. MCCAIN, Mr. CORZINE, and Mrs. LINCOLN):

S. 1016. A bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. LUGAR, Mr. ROBERTS, Mr. BAUCUS, Mr. LEVIN, Mrs. BOXER, Mr. JEFFORDS, Mr. KENNEDY, Mr. AKAKA, Mr. WELLSTONE, Mr. DORGAN, Mr. BINGAMAN, Mr. DURBIN, and Mr. HAGEL):

S. 1017. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself, Ms. SNOWE, Mrs. MURRAY, Mr. SCHUMER, Ms. STABENOW, and Ms. CANTWELL):

S. 1018. A bill to provide market loss assistance for apple producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 1019. A bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. BINGAMAN, Mrs. MURRAY, Mr. FEINGOLD, Mr. KOHL, and Mr. LEAHY):

S. 1020. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CHAFEE, Mr. CRAIG, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. REED, and Mr. ROBERTS):

S. 1021. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; to the Committee on Foreign Relations.

By Mr. WARNER:

S. 1022. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1023. A bill to modify the land conveyance authority with respect to the Naval Computer and Telecommunications Station, Cutler, Maine; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID (for himself, Mr. EDWARDS, Mrs. MURRAY, and Mr. CLELAND):

S. Res. 109. A resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 37, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 128

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 281

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 283

At the request of Mr. MCCAIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 318

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 375

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 375, a bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes.

S. 434

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 434, a bill to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands.

S. 500

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 582

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 613

At the request of Mr. FITZGERALD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 613, a bill to amend the Internal Revenue Code of 1986 to enhance the use of the small ethanol producer credit.

S. 638

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 697

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 718

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 742, a bill to provide for pension reform, and for other purposes.

S. 783

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 783, a bill to enhance the rights of victims in the criminal justice system, and for other purposes.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 847

At the request of Mr. DAYTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 862

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 862, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

S. 880

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 880, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant, and for other purposes.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 887

At the request of Mr. WELLSTONE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 887, a bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

S. 952

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 984

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 984, a bill to improve the Veterans Beneficiary Travel Program of the Department of Veterans Affairs.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 991

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 991, a bill to authorize the President to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 992

At the request of Mr. CONRAD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. DURBIN), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 461

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 461.

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 461, supra.

AMENDMENT NO. 518

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 518.

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 518, supra.

At the request of Mr. BREAUX, his name was added as a cosponsor of amendment No. 518, supra.

AMENDMENT NO. 630

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 630.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself and Mr. HARKIN):

S. 1014. A bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to re-introduce legislation that is designed to protect the privacy of all Americans from identity theft caused by theft or abuse of an individual's Social Security number, SSN.

Identity theft is the fastest growing financial crime in the Nation, affecting an estimated 500,000 to 700,000 people annually. Allegations of fraudulent Social Security number use for identity theft increased from 62,000 in 1999 to over 90,000 in 2000—this is a 50 percent increase in just one year.

It's no wonder why, in Wall Street Journal poll last year, respondents ranked privacy as their number one concern in the 21st century, ahead of wars, terrorism, and environmental disasters.

All to often, the first clue someone has that their identity has been stolen comes when retail stores, banks, or credit card companies send letters wanting payment on bad checks or overdue bills that the individual hadn't written or knew nothing about.

More than 75 percent of the time identity theft cases that take place are ''true name'' fraud. That is when someone uses your social security number to open new accounts in your name. The common criminal can apply for credit cards, buy a car, obtain personal, business, auto, or real estate loans, do just about anything in your name and you may not even know about it for months or even years. Across the country there are people who can tell you about losing their life savings or having their credit history damaged, simply because someone had obtained their Social Security number and fraudulently assumed their identity.

This bill prohibits the sale of Social Security numbers by the private sector, Federal, State and local government agencies. This bill strengthens

existing criminal penalties for enforcement of Social Security number violations to include those by government employees. It amends the Fair Credit Reporting Act to include Social Security number as part of the information protected under the law, enhances law enforcement authority of the Office of Inspector General, and allows Federal courts to order defendants to make restitution to the Social Security trust funds.

This bill would also prohibit the display of Social Security numbers on drivers licenses, motor vehicles registration, and other related identification records, like the official Senate ID Card.

This new legislation reflects a small number of fair and appropriate modifications, including the following: Since the Federal Trade Commission does not have jurisdiction over financial institutions, our bill would now authorize the U.S. Attorney General to issue regulations restricting the sale and purchase of Social Security numbers in the private sector; similar to our provisions affecting the public sector, we make explicit our intent that the prohibition of sale, purchase, or display of Social Security numbers in the private sector would not apply if Social Security numbers are needed to enforce child support obligations; to help prevent other individuals from suffering the same tragic fate as Amy Boyer, we include a new provision that prohibits a person from obtaining or using another person's Social Security number in order to locate that individual with the intent to physically injure or harm the individual or use their identity for an illegal purpose; and we have clarified the provision that would prohibit businesses from denying services to individuals an exception for those businesses that are required by Federal law to submit the individual's Social Security number to the Federal Government.

I think that it is high time that we get back to the original purpose of the social security number. Social Security numbers were designed to be used to track workers and their earnings so that their benefits could be accurately calculated when a worker retires—nothing else.

I urge my colleagues to cosponsor this very important piece of legislation.

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. DURBIN):

S. 1015. A bill to require the Secretary of Transportation to issue regulations to address safety concerns and to minimize delays for motorists at railroad grade crossings; to the Committee on Commerce, Science, and Transportation.

Mr. LEVIN. Mr. President, today I am pleased to introduce the Railroad Crossing Delay Reduction Act with Senator STABENOW and Senator DURBIN. This legislation requires the Secretary of Transportation to issue regulations within one year to address the safety concerns that arise when trains block traffic at railroad crossings.

Sixteen States and many more municipalities have passed statutes and ordinances limiting the amount of time a train is allowed to stop at and thus block a railroad grade crossing. There are specific safety reasons for limiting the time roadways can be blocked by trains. However, the U.S. District Court for the Eastern District of Michigan struck down a Michigan statute regulating the length of time that a train may block a roadway, opening up the safety issues that my bill will address. The ordinance in question prohibited trains from obstructing free passage of any street for longer than five minutes in order to minimize safety problems within communities.

The court concluded that the ordinance was preempted by the Federal Railway Safety Act, FRSA. Unfortunately, there is no Federal regulation addressing the length of time a train may block a grade crossing. That means the State of Michigan and all of its political subdivisions are now without the authority to provide this regulation and have no other remedy. They are urging the passage of Federal legislation to regulate the length of time a train may block a roadway in the interest of public health and safety. They are calling for Federal action to give them relief from the 45 minutes or more that trains are currently sitting in railway crossings and blocking their roadways.

Believe it or not, trains actually stop in the middle of intersections for 45 minutes or longer at a time. I have been given examples of trains in Michigan that have sat for hours at crossings. You can imagine the ramifications of major intersections being completely blocked for so long.

This nationwide problem is amplified in Southeast Michigan because of the number of rail lines in the region. For example, this lack of regulation is causing a lot of problems for some of the older municipalities in Michigan as train tracks literally cris-cross their cities. For instance, in Trenton, MI, there is an entire neighborhood that is bordered on one side by water on two sides by train tracks, forming a triangle. If two trains block the tracks at the same time, which has happened, the residents are literally trapped. Worse than the residents being trapped is the fact that ambulances, police and fire trucks are trapped out of town, or delayed in getting to their emergency destinations.

Unless we take action and require the FRA to act, communities with rail crossings are vulnerable. The problems range from the problem of traffic congestion and delays to the literal inability of emergency vehicles to get in or out of a community. Many Michigan cities have railroad crossings at a number of important intersections that, when closed by trains, severely limits their ability to provide emergency service to its residents. Medical emergency crews in Michigan have specifically complained to me that they face the daily problem of trains blocking road traffic. They tell me this has the potential to put in jeopardy their patients best chance of recovery. As we all understand, time is of the essence in emergency situations.

Trains blocking railroad crossings also pose a threat for pedestrians and children who may be tempted to crawl under or between rail cars during long waits in order get to or from school. Vehicles may also be tempted to speed around a train before it gets to the crossing in order to avoid long delays. Both situations unnecessarily put lives in danger.

Michigan businesses have also complained to me that trains have blocked important roads for extensive periods of time during plant shift changes. This has resulted in unnecessary lost wages and lost production when employees cannot get to work.

Dozens of Michigan's towns and cities have pleaded for Federal action to resolve this intolerable situation and have even passed resolutions in support of this legislation. They include: Charter Township of Huron, City of Lincoln Park, City of Plymouth, City of Riverview, City of Rockwood, City of Southgate, City of Trenton, City of Westland, to name only a few. Our community leaders believe it is essential to the public health, safety and welfare of the residents of their cities that blocked crossings be kept to a reasonable minimum, so that emergency vehicles may have ready access to their citizens.

The legislation I am introducing today will give the Federal Railroad Administration the push it needs to enact much needed regulations to address this safety problem.

My bill would simply require the Secretary of Transportation to issue regulations addressing these safety concerns. It is a reasonable approach with nothing controversial or complicated about it. Congressman DINGELL has sponsored an identical bill in the House.

We need to stop the delays and remove potentially dangerous situations by minimizing how long trains can stop at grade crossings. Its time to address this lingering safety concern and reduce the risk to motorists, pedestrians, and citizens at large. This is a very simple bill that aims to stop the abuse of trains unnecessarily blocking railroad crossings. It simply directs the FRA, the agency tasked with overseeing railroad safety, to take action

in this area. I hope this legislation will be enacted quickly.

The Railroad Crossing Delay Reduction Act has the support of local mayors, fire and police departments and emergency organizations. There is currently no Federal limit to how long trains can sit and block railroad crossings. This bill would require that one be instituted, in the name of the public's safety.

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. 1015

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 ''Railroad Crossing Delay Reduction Act''.

SEC. 2. REGULATIONS.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations regarding trains that block traffic at railroad grade crossings to address safety concerns and to minimize delays encountered by motorists that are caused by such trains.

Ms. STABENOW. Mr. President, I am proud to join my colleague from Michigan, Senator LEVIN, in introducing the ''Railroad Crossing Delay Reduction Act of 2001.''

Trains needlessly blocking traffic at railroad grade crossings is a longstanding nationwide problem, that puts lives and property at grave risk. When trains unnecessarily block vital intersections, it can cost police, firefighters and emergency medical workers, critical minutes when responding to an emergency situation. They also increase train-automobile accidents, because many motorists dangerously speed through railroad crossing intersections, in an attempt to avoid being delayed for an extended period by an oncoming train. Train blockage also prevents pedestrians, often young children on the way to and from neighborhood schools, from crossing a railroad intersection resulting in pedestrians climbing through trains to reach the other side.

Across the country, there are reports that fire trucks, ambulances, and police vehicles have been unnecessarily delayed at train crossings. The loss of a few minutes in an emergency situation can mean the difference between life and death. A fire in a home or business can double in size every 20 seconds, and a person suffering from a heart attack can die after only six minutes without oxygen. In my home State of Michigan, fire and EMS units in Delta Township were blocked by a train for a few extra minutes as a boy burned to death on the other side of the railroad crossing.

Last year, a Federal judge in Michigan struck down a State law limiting the amount of time a train can block a crossing on the grounds that it was a Federal issue and involved interstate commerce under the Commerce Clause of the U.S. Constitution. Over 30 communities in Michigan alone have passed resolutions asking for Congress to act on this important safety issue.

The ''Railroad Crossing Delay Reduction Act of 2001'' addresses this important national problem by requiring the Department of Transportation to issue regulations to address these serious safety concerns with respect to trains blocking traffic at railroad grade crossings, and to minimize delays to automobile traffic resulting from these blockages. I urge my Senate colleagues to support this legislation and help address this critical railroad safety issue.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. MCCAIN, Mr. CORZINE, and Mrs. LINCOLN):

S. 1016. A bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation with Senators LUGAR, MCCAIN, CORZINE, and LINCOLN. This legislation is entitled the ''Start Healthy, Stay Healthy Act of 2001.'' The purpose of the legislation is to significantly reduce the number of uninsured children and pregnant women by improving outreach to and enrollment of children and by expanding coverage to pregnant women through Medicaid and CHIP.

An estimated 11 million children under age 19 were without health insurance in 1999, including 129,000 in New Mexico, representing 15 percent of all children in the United States and 22 percent of children in New Mexico. Unfortunately, due to variety of factors, including the lack of knowledge by families about CHIP and bureaucratic barriers to coverage such as lengthy and complex applications, an estimated 6.7 million of our Nation's uninsured children are eligible for but unenrolled in either Medicaid or CHIP.

In addition, an estimated 4.3 million, or 32 percent, of mothers below 200 percent of poverty are uninsured. According to the March of Dimes, ''Over 95 percent of all uninsured pregnant women could be covered through a combination of aggressive Medicaid outreach, maximizing coverage for young women through [CHIP], and expanding CHIP to cover income-eligible pregnant women regardless of age.''

It is a travesty that our Nation ranks 25th in infant mortality and 21st in maternal mortality in the world, which is the worst among developed nations. Our legislation would address the problems related to these issues.

Giving children a healthy start: The legislation provides States with an enhanced Medicaid matching rate to ensure that children eligible for Medicaid or CHIP leave the hospital insured and remain so through the first year of life. The legislation provides States with the option to further extend coverage to pregnant women through Medicaid and CHIP to reduce infant and maternal mortality and low birthweight babies.

Helping children stay healthy: The legislation provides States with an enhanced Medicaid matching rate to reduce the barriers to care for children to keep them healthy throughout their childhood. And, the legislation provides States with the option to increase CHIP eligibility from 200 percent of federal poverty level to 250 percent and to extend coverage to children through age 20.

As an example of an imposed barrier to health coverage, as of March of this year, eight States continued to impose an asset test on children and their families prior to receiving Medicaid coverage. This results in a rather burdensome and complicated application in each of these States. For example, in Colorado, the Denver Department of Human Services received 15,330 application for Medicaid and 3,700 were denied for having an asset, such as a car, in 1999. As the Denver Post pointed out, ''Acquire an asset more than $1,500, such as a car, and you've traded in health insurance for your children.''

In addition to creating a high percentage of denials, the imposition of an assets test significantly complicates the Medicaid or CHIP enrollment applications. For example, some States require reporting on everything from whether anyone in the household has any resource such as a checking account, life insurance, burial insurance, a saving account, or any personal items above a certain amount to documenting things such as work income, alimony, child support, interest from savings, CD's, etc. over a period of time, including several months in the past.

This can be a nightmare for some families. In Colorado, of the families that do attempt to fill out the Medicaid or CHIP application, it is estimated that 37 percent of all families are denied coverage because the application is incomplete. In Texas, Medicaid applicants can face a 17-page application, up to 14 forms and up to 20 verifications of those forms.

As a story in last Friday's Washington Post entitled ''Health Coverage for Kids Low-Cost but Little Used,'' it was noted that about 100 students from Yale Medical School, likely some of our Nation's best and brightest, filled out applications forms as part of their training to enroll families and that not one was able to complete the form adequately. If Yale Medical School students cannot fill out the forms properly, is it any wonder that families

across the country are having a difficult time with the bureaucratic paperwork?

Fortunately, New Mexico eliminated its assets test a few years ago in an effort to simplify its Medicaid application and make it easier for families to apply. According to a recent report by the Kaiser Family Foundation, States that have eliminated the asset test from Medicaid have been able to streamline the eligibility determination process, adopt automated eligibility determination systems, improve the productivity of eligibility workers, establish Medicaid's identity as a health insurance program distinct from welfare, make the enrollment process for families friendlier and more accessible, and achieve Medicaid administrative cost savings.

In addition, the State of Texas has enacted legislation in recent days that seeks to simplify its enrollment process.

And yet, there are also reports from other States such as Kentucky and Idaho that are moving to impose additional bureaucratic barriers to coverage.

As the Denver Rocky Mountain News writes, ''The logic of erecting such paperwork obstacles escapes us. Government doesn't have to offer insurance to the children of the working poor, but having made the decision to do so, it's hardly fair then to smother the program beneath layers of red tape.''

There are also problems related to the poor coordination between government agencies that are supposed to serve low-income families.

My good friend, Senator LUGAR, recognized this very point and successfully passed language in the ''Agricultural Risk Protection Act of 2000'' to improve the coordination between the school lunch program and both Medicaid and CHIP. His language makes it easier to disclose information from the school lunch program application to Medicaid and CHIP agencies. Since children that qualify for the school lunch program are almost certainly eligible for either Medicaid or CHIP, this simple but important language is already having an important impact on the enrollment of children into Medicaid or CHIP.

According to a report by Covering Kids, the Albuquerque Public Schools have successfully worked to improve coordination between Medicaid and the school lunch program. As the report reads, ''The team's record of success shows that a well-designed process and dedicated staff can make [Medicaid enrollment] work. In August and September of 2000, Albuquerque Public Schools determined 386 children to be presumptively eligible for health coverage. Of these, 371 were enrolled and only 15 were denied. That's a 96 percent acceptance rate. And the numbers are growing.''

This coordination between Medicaid and the school lunch program is being replicated across the country as a result of Senator LUGAR's language. However, we still have a number of problems with regard to coordination between Medicaid and CHIP across the states that this bill seeks to address.

Why is this important? Why should we make additional efforts to reduce the number of uninsured children? According to the American College of Physicians—American Society of Internal Medicine, uninsured children, compared to the insured, are: up to 6 times more likely to have gone without needed medical, dental or other health care; 2 times more likely to have gone without a physician visit during the previous year; up to 4 times more likely to have delayed seeking medical care; up to 10 times less likely to have a regular source of medical care; 1.7 times less likely to receive medical treatment for asthma; and, up to 30 percent less likely to receive medical attention for any injury.

This is equally true of expanded coverage to children and pregnant women in government health programs. In fact, one study has ''estimated that the 15 percent rise in the number of children eligible for Medicaid between 1984 and 1992 decreased child mortality by 5 percent.'' This expansion of coverage for children occurred, I would add, during the Reagan and Bush Administrations, so this is clearly a bipartisan issue that deserves further bipartisan action.

We, as a Nation, should be doing much better by our children. It should be unacceptable to all of us that the United States ranks 25th in infant mortality and 21st in maternal mortality in the world.

Therefore, in addition to seeking to improve health insurance coverage among children, the bill builds off legislation sponsored in the last Congress by Senator LINCOLN entitled the ''Improved Maternal and Children's Health Coverage Act'' and makes an important change to CHIP to allow pregnant women to be covered. Thus, the first two words of our bill, ''Start Healthy.''

Throughout our Nation's history, there has been long-standing Federal policy linking programs for pregnant women and infants, including Medicaid, WIC, and the Maternal Child Health Block Grant. CHIP, unfortunately, failed to provide coverage to pregnant women beyond the age of 18. As a result, it is more likely that children eligible for CHIP are not covered from the moment of birth, and therefore, miss those first critical months of life until their CHIP application is processed. They are also more likely not to have had prenatal care.

By expanding coverage to pregnant women in the Children's Health Insurance Program, this legislation recognizes the importance of prenatal care to the health and development of a child. As Dr. Alan Waxman of the University of New Mexico School of Medicine notes, ''Prenatal care is an important factor in the prevention of birth defects and the prevention of prematurity, the most common causes of infant death and disability. Babies born to women with no prenatal care or late prenatal care are nearly twice as likely to [be] low birthweight or very low birthweight as infants born to women who received early prenatal care.''

Unfortunately, according to a recent report by the Centers for Disease Control and Prevention, New Mexico ranked worst in the nation in the percentage of mothers receiving late or no prenatal care last year. The result is often quite costly, both in terms of the health of the mother and child but also in terms of long-term expenses since the result can be chronic, lifelong health problems.

In fact, according to the Agency for Healthcare Research and Quality, ''four of the top 10 most expensive conditions in the hospital are related to care of infants with complications (respiratory distress, prematurity, heart defects, and lack of oxygen).'' As a result, in addition to reduced infant mortality and morbidity, the provision to expand coverage of pregnant women and prenatal care can be cost effective.

The Start Healthy, Stay Healthy Act also eliminates the unintended Federal incentives through CHIP that covers pregnant women only through the age of 18 and cut off that coverage once the women turn 19 years of age. Should the government tell women that they are more likely to receive prenatal care coverage only if they become pregnant as a teenager?

I certainly think not, and certainly it is unlikely there is a single Senator that would think it wise to send such a message. This legislation corrects this unfortunate and unintentional policy by allowing pregnant women to be covered through CHIP regardless of age.

And finally, this legislation imposes no Federal mandates on States to achieve these goals. Rather, through financial incentives, States that adopt ''best practices'' and less cumbersome enrollment processes for children would be rewarded.

The budget resolution contains $28 billion over 10 years to reduce the number of uninsured in this country. Although the Congress passed CHIP in 1997, 11 million children remain uninsured. It is time we finish the job of ensuring that we, as the President says, ''leave no child behind.''

This bipartisan legislation has already received the endorsement of the following organizations: the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians,

the American Academy of Pediatric Dentistry, the American Academy of Child and Adolescent Psychiatry, the National Association of Community Health Centers, the American Hospital Association, the National Association of Children's Hospitals, the Federation of American Health Systems, the National Association of Public Hospitals and Health Systems, Catholic Health Association, Premier, Family Voices, the Association of Maternal and Child Health Programs, the National Health Law Program, the National Association of Social Workers, Every Child By Two, and the United Cerebral Palsy Associations. I urge its passage as soon as possible.

I ask unanimous consent that the text of the bill and a fact sheet be printed in the RECORD.

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

S. 1016

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Start Healthy, Stay Healthy Act of 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—START HEALTHY

Sec. 101. Enhanced Federal medicaid match for States that opt to continuously enroll infants during the first year of life without regard to the mother's eligibility status.

Sec. 102. Optional coverage of low-income, uninsured pregnant women under a State child health plan.

Sec. 103. Increase in SCHIP income eligibility.

TITLE II—STAY HEALTHY

Sec. 201. Enhanced Federal medicaid match for increased expenditures for medical assistance for children.

Sec. 202. Increase in SCHIP appropriations.

Sec. 203. Optional coverage of children through age 20 under the medicaid program and SCHIP.

TITLE I—START HEALTHY

SEC. 101. ENHANCED FEDERAL MEDICAID MATCH FOR STATES THAT OPT TO CONTINUOUSLY ENROLL INFANTS DURING THE FIRST YEAR OF LIFE WITHOUT REGARD TO THE MOTHER'S ELIGIBILITY STATUS.

(a) STATE OPTION.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: ''A State may elect (through a State plan amendment) to apply the first sentence of this paragraph without regard to the requirements that the child remain a member of the woman's household and the woman remains (or would remain if pregnant) eligible for medical assistance.''.

(b) ENHANCED FMAP.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by inserting ''(A)'' after ''only''; and

(2) by inserting '', or (B) on the basis of a State election made under the third sentence of section 1902(e)(4)'' before the period.

(c) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance provided on or after October 1, 2001.

SEC. 102. OPTIONAL COVERAGE OF LOW-INCOME, UNINSURED PREGNANT WOMEN UNDER A STATE CHILD HEALTH PLAN.

(a) IN GENERAL.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

''SEC. 2111. OPTIONAL COVERAGE OF LOW-INCOME, UNINSURED PREGNANT WOMEN.

''(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State child health plan (whether implemented under this title or title XIX) may provide for coverage of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if the State has established an income eligibility level under section 1902(l)(2)(A) for women described in section 1902(l)(1)(A) that is 185 percent of the income official poverty line.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services) and to other conditions that may complicate pregnancy.

''(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' has the meaning given the term targeted low-income child in section 2110(b) as if any reference to a child were deemed a reference to a woman during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends.

''(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

''(1) Any reference in this title (other than subsection (b)) to a targeted low income child is deemed to include a reference to a targeted low-income pregnant woman.

''(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

''(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2).

''(4) The medicaid applicable income level is deemed a reference to the income level established under section 1902(l)(2)(A).

''(5) Subsection (a) of section 2103 (relating to required scope of health insurance coverage) shall not apply insofar as a State limits its coverage to services described in subsection (b)(1) and the reference to such section in section 2105(a)(1) is deemed not to require, in such case, compliance with the requirements of section 2103(a).

''(6) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any pre-existing condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

''(d) NO IMPACT ON ALLOTMENTS.—Nothing in this section shall be construed as affecting the amount of any initial allotment provided to a State under section 2104(b).

''(e) APPLICATION OF FUNDING RESTRICTIONS.—The coverage under this section (and the funding of such coverage) is subject to the restrictions of section 2105(c).

''(f) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—Notwithstanding any other provision of this title or title XIX, if a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the children's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan (or, in the case of a State that provides such assistance through the provision of medical assistance under a plan under title XIX, to have applied for medical assistance under such title and to have been found eligible for such assistance under such title) on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).''.

(b) STATE OPTION TO USE ENHANCED FMAP AND SCHIP ALLOTMENT FOR COVERAGE OF ADDITIONAL PREGNANT WOMEN UNDER THE MEDICAID PROGRAM.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by inserting ''and in the case of a State plan that meets the condition described in subsections (u)(1) and (u)(4)(A), with respect to expenditures described in subsection (u)(4)(B) for the State for a fiscal year'' after ''for a fiscal year,''; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

''(4)(A) The condition described in this subparagraph for a State plan is that the plan has established an income level under section 1902(l)(2)(A) with respect to individuals described in section 1902(l)(1)(A) that is 185 percent of the income official poverty line.

''(B) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for medical assistance for women described in section 1902(l)(1)(A) whose income exceeds the income level established for such women under section 1902(l)(2)(A)(i) as of the date of the enactment of this paragraph but does not exceed 185 percent of the income official poverty line.''.

(c) NO WAITING PERIODS OR COST-SHARING.—

(1) NO WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) by striking '', and'' at the end of clause (i) and inserting a semicolon;

(B) by striking the period at the end of clause (ii) and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman, if the State provides

for coverage of pregnancy-related assistance for such women in accordance with section 2111.''.

(2) NO COST-SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) of such Act (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting ''AND PREGNANCY-RELATED SERVICES'' after ''PREVENTIVE SERVICES''; and

(B) by inserting before the period at the end the following: ''or for pregnancy-related services, if the State provides for coverage of pregnancy-related assistance for targeted low-income pregnant women in accordance section 2111''.

(d) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Section 1920A(b)(3)(A)(i)(III) of the Social Security Act (42 U.S.C. 1396r–1a(b)(3)(A)(i)(III)) is amended by inserting ''a child care resource and referral agency,'' after ''a State or tribal child support enforcement agency,''.

(2) APPLICATION TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding at the end after and below paragraph (2) the following flush sentence:

''The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).''.

(3) APPLICATION UNDER TITLE XXI.—

(A) IN GENERAL.—Section 2107(e)(1)(D) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

''(D) Sections 1920 and 1920A (relating to presumptive eligibility).''.

(B) EXCEPTION FROM LIMITATION ON ADMINISTRATIVE EXPENSES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PRESUMPTIVE ELIGIBILITY EXPENDITURES.—The limitation under subparagraph (A) on expenditures shall not apply to expenditures attributable to the application of section 1920 or 1920A (pursuant to section 2107(e)(1)(D)), regardless of whether the child or pregnant woman is determined to be ineligible for the program under this title or title XIX.''.

(e) PROGRAM COORDINATION WITH THE MATERNAL AND CHILD HEALTH PROGRAM (TITLE V).—

(1) IN GENERAL.—Section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) is amended—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(F) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.''.

(2) CONFORMING MEDICAID AMENDMENT.—Section 1902(a)(11) of such Act (42 U.S.C. 1396a(a)(11)) is amended—

(A) by striking ''and'' before ''(C)''; and

(B) by inserting before the semicolon at the end the following: '', and (D) provide that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on January 1, 2002.

(f) APPLICATION OF ANNUAL AGGREGATE COST-SHARING LIMIT.—Section 2103(e)(3)(B) of the Social Security Act (42 U.S.C. 1397cc(e)(3)(B)) is amended by adding at the end the following new sentence: ''In the case of a targeted low-income pregnant woman provided coverage under section 2111, or the parents of a targeted low-income child provided coverage under this title under an 1115 waiver or otherwise, the limitation on total annual aggregate cost-sharing described in the preceding sentence shall be applied to the entire family of such woman or parents.''.

(g) EFFECTIVE DATE.—Except as provided in subsection (e), the amendments made by this section take effect on the date of the enactment of this Act and apply to expenditures incurred on or after that date.

SEC. 103. INCREASE IN SCHIP INCOME ELIGIBILITY.

(a) DEFINITION OF LOW-INCOME CHILD.—Section 2110(c)(4) of the Social Security Act (42 U.S.C. 42 U.S.C. 1397jj(c)(4)) is amended by striking ''200'' and inserting ''250''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to child health assistance provided, and allotments determined under section 2104 of the Social Security Act (42 U.S.C. 1397dd), for fiscal years beginning with fiscal year 2002.

TITLE II—STAY HEALTHY

SEC. 201. ENHANCED FEDERAL MEDICAID MATCH FOR INCREASED EXPENDITURES FOR MEDICAL ASSISTANCE FOR CHILDREN.

(a) ENHANCED FMAP.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence of this subsection, in the case of a State plan that meets at least 7 of the conditions described in subsection (x)(1) (as determined by the Secretary in consultation with States (including the State agencies responsible for the administration of this title and title V), beneficiaries under this title, providers of services under this title, and advocates for children), with respect to expenditures described in subsection (x)(2) for the State for a fiscal year, the Federal medical assistance percentage is equal to the percentage determined for the State under subsection (x)(3).''.

(b) CONDITIONS AND EXPENDITURES DESCRIBED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

''(x)(1) For purposes of subsection (b), the conditions described in this subsection are the following:

''(A) HIGHEST SCHIP INCOME ELIGIBILITY.—The State has a State child health plan under title XXI which (whether implemented under such title or under this title) has the highest income eligibility standard permitted under title XXI as of January 1, 2001, does not limit the acceptance of applications, and provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children under age 19 (or such higher age as the State has elected under section 1902(l)(1)(D)) who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under this title and also under title XXI.

''(C) COORDINATED ENROLLMENT PROCESS.—The State has an enrollment process that is coordinated with that under title XXI so that a family need only interact with a single agency in order to determine whether a child is eligible for benefits under this title or title XXI, and that allows for the transfer of enrollment, without a gap in coverage, for a child whose income eligibility status changes but who remains eligible for benefits under either title.

''(D) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children under age 19 (or such higher age as the State has elected under section 1902(l)(1)(D)) who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under title XXI, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under this title and title XXI.

''(E) NO ASSET TEST.—The State does not impose an asset test for eligibility under section 1902(l) or title XXI with respect to children.

''(F) 12-MONTH CONTINUOUS ENROLLMENT.—The State has elected the option of continuing enrollment under section 1902(e)(12) and has elected a 12-month period under subparagraph (A) of such section.

''(G) COMPLIANCE WITH OUTSTATIONING REQUIREMENT.—The State is providing for the receipt and initial processing of applications of children for medical assistance under this title at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in subsection (l)(2)(B) of this section consistent with the requirements of section 1902(a)(55).

''(H) NO WAITING PERIOD LONGER THAN 6 MONTHS.—The State does not impose a waiting period for children who meet eligibility standards to qualify for assistance under such plan that exceeds 6 months (and may impose a shorter period or no period) for purposes of complying with regulations promulgated under title XXI to ensure that the insurance provided under the State child health plan under such title does not substitute for coverage under group health plans.

''(I) SUFFICIENT PROVIDER PAYMENT RATES.—The State demonstrates that it is meeting the requirements of section 1902(a)(30)(A) through payment rates sufficient to enlist enough providers so that care and pediatric, obstetrical, gynecologic, and dental services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area.

''(2)(A) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for medical assistance for children described in subparagraph (B) for a fiscal year, but only to the extent that such expenditures exceed the base expenditure amount, as defined in subparagraph (C).

''(B) For purposes of subparagraph (A), the children described in this subparagraph are—

''(i) individuals who are under 19 years of age (or such higher age as the State may have elected under section 1902(l)(1)(D)) who

are eligible and enrolled for medical assistance under this title; and

''(ii) individuals who—

''(I) would be described in clause (i) but for having family income that exceeds the highest income eligibility level applicable to such individuals under the State plan; and

''(II) would be considered disabled under section 1614(a)(3)(C) (determined without regard to the reference to age in that section but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits.

''(C) For purposes of subparagraph (A), the term 'base expenditure amount' means the total expenditures for medical assistance for children described in subparagraph (B) for fiscal year 1996.

''(3) For purposes of subsection (b), the Federal medical assistance percentage with respect to expenditures described in paragraph (2) for a fiscal year is equal to the following:

''(A) In the case of a State that meets 7 of the conditions described in paragraph (1), the Federal medical assistance percentage (as defined in the first sentence of subsection (b)) for the State increased by a number of percentage points equal to 50 percent of the number of percentage points by which (1) such Federal medical assistance percentage for the State is less than (2) the enhanced FMAP for the State described in section 2105(b).

''(B) In the case of a State that meets 8 of the conditions described in paragraph (1), the Federal medical assistance percentage (as so defined) for the State increased by a number of percentage points equal to 75 percent of the number of percentage points by which (1) such Federal medical assistance percentage for the State is less than (2) the enhanced FMAP for the State (as so described).

''(C) In the case of a State that meets all of the conditions described in paragraph (1), the enhanced FMAP (as so described).''.

(c) COLLECTION OF DATA.—The Secretary of Health and Human Services shall modify such data collection and reporting requirements under title XIX of the Social Security Act as are necessary to determine the expenditures and base expenditure amount described in section 1905(x)(2) of that Act (as added by subsection (b)), particularly with respect to expenditures and the base expenditure amount related to children described in section 1905(x)(2)(B)(ii) of that Act.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply to medical assistance provided on or after October 1, 2001.

SEC. 202. INCREASE IN SCHIP APPROPRIATIONS.

Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended by striking paragraphs (5) through (9) and inserting the following:

''(5) for fiscal year 2002, $3,500,000,000;

''(6) for fiscal year 2003, $4,000,000,000;

''(7) for fiscal year 2004, $4,300,000,000;

''(8) for fiscal year 2005, $4,500,000,000;

''(9) for fiscal year 2006, $4,500,000,000; and''.

SEC. 203. OPTIONAL COVERAGE OF CHILDREN THROUGH AGE 20 UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902(l)(1)(D) of the Social Security Act (42 U.S.C. 1396a(l)(1)(D)) is amended by inserting ''(or, at the election of a State, 20 or 21 years of age)'' after ''19 years of age''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(e)(3)(A) of such Act (42 U.S.C. 1396a(e)(3)(A)) is amended by inserting ''(or 1 year less than the age the State has elected under subsection (l)(1)(D))'' after ''18 years of age''.

(B) Section 1902(e)(12) of such Act (42 U.S.C. 1396a(e)(12)) is amended by inserting ''or such higher age as the State has elected under subsection (l)(1)(D)'' after ''19 years of age''.

(C) Section 1920A(b)(1) of such Act (42 U.S.C. 1396r–1a(b)(1)) is amended by inserting ''or such higher age as the State has elected under section 1902(l)(1)(D)'' after ''19 years of age''.

(D) Section 1928(h)(1) of such Act (42 U.S.C. 1396s(h)(1)) is amended by inserting ''or 1 year less than the age the State has elected under section 1902(l)(1)(D)'' before the period at the end.

(E) Section 1932(a)(2)(A) of such Act (42 U.S.C. 1396u–2(a)(2)(A)) is amended by inserting ''(or such higher age as the State has elected under section 1902(l)(1)(D))'' after ''19 years of age''.

(b) TITLE XXI.—Section 2110(c)(1) of such Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting ''(or such higher age as the State has elected under section 1902(l)(1)(D))''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2001, and apply to medical assistance and child health assistance provided on or after such date.

FACT SHEET—START HEALTHY, STAY HEALTHY ACT OF 2001

Sens. Jeff Bingaman (D–NM), Richard Lugar (R–IN), John McCain (R–AZ), Jon Corzine (D–NJ), and Blanche Lincoln (D–AR) introduced the ''Start Healthy, Stay Healthy Act of 2001'' on June 12, 2001. The legislation would significantly reduce the number of uninsured children and pregnant women by improving outreach to and enrollment of children and by expanding coverage to pregnant women through Medicaid and the State Children's Health Insurance Program (CHIP).

An estimated 11 million children under age 19 were without health insurance in 1999, representing 15% of all children in the United States. Due to a variety of factors, including governmental barriers to coverage, such as bureaucratic ''red tape,'' and the lack of knowledge of families about CHIP, an estimated 6.7 million of our nation's uninsured children are eligible for but are unenrolled in either Medicaid or CHIP.

In addition, an estimated 4.3 million, or 32%, of mothers below 200% of poverty are uninsured. According to the March of Dimes, ''Over 95 percent of all uninsured pregnant women could be covered through a combination of aggressive Medicaid outreach, maximizing coverage for young women through [CHIP], and expanding CHIP to cover income-eligible pregnant women regardless of age.''

The legislation would reduce the number of uninsured children and pregnant women by:

Start healthy

Providing states with an enhanced Medicaid matching rate to ensure that children eligible for Medicaid or CHIP leave the hospital insured and remain so through the first year of life.

Providing states with the option to further extend coverage to pregnant women through Medicaid and CHIP to reduce infant and maternal mortality and low birthweight babies.

Stay healthy

Providing states with an enhanced Medicaid matching rate to reduce the barriers to care for children to keep them healthy throughout their childhood.

Providing states with the option to increase CHIP eligibility from 200% of federal poverty level to 250% and to extend coverage to children through age 20.

As a result of these provisions, the legislation would achieve the following additional objectives:

Reduces Infant and Maternal Mortality: The United States ranks 25th in infant mortality and 21st in maternal mortality, the worst among developed nations. Studies with respect to the previous expansions of Medicaid coverage to pregnant women and children during the Reagan and Bush Administrations indicate those expansions reduced infant mortality and improved child health (GAO, ''Insurance and Health Care Access,'' November 1997). By reducing the number of uninsured children and pregnant women in this country, the legislation would also reduce infant and maternal mortality as well.

Eliminates Bureaucratic Barriers to Coverage and Promotes Best Practices by States: Building on the successful enactment of Senator LUGAR's amendment to the ''Agricultural Risk Protection Act of 2000'' to make it easier to disclose information from the school lunch program application to Medicaid and CHIP agencies, this legislation seeks to further improve coordination between Medicaid, CHIP, and the Maternal and Child Health (MCH) Block Grant in order to expand health insurance coverage to eligible but unenrolled children. The bill also provides states financial incentives to remove bureaucratic barriers to health insurance coverage in Medicaid and CHIP for children. These provisions reward states for ''best practices'' and also eliminates the negative incentive for states to enroll children improperly in CHIP (with the higher matching rate, higher cost sharing, and reduced benefits) rather than Medicaid (with a lower matching rate, reduced cost sharing, and increased benefits).

Addresses the ''CHIP Dip'': There is a ''dip'' in federal funding, known as the ''CHIP dip'' in fiscal years 2002 through 2006 that states have complained will cause them to limit their CHIP programs out of fear of not having enough funding in those years. The bill addresses that problem by raising CHIP funding levels in fiscal years FY 2002 through 2006.

Eliminates Unintended Federal Incentives Regarding Teenage Pregnant Women: Current federal law allows pregnant women to receive coverage through CHIP through age 18—creating a perverse federal incentive of covering only teenage pregnant women and cutting off that coverage once they turn 19 years of age. This legislation would eliminate this problem by allowing states to cover pregnant women through CHIP, regardless of age. This also eliminates the unfortunate separation between pregnant women and infants that has been created through CHIP, which has been contrary to long-standing federal policy through programs such as Medicaid, WIC, MCH, etc.

Imposes No Mandates on States: This legislation imposes no mandates on states. However, states would, just as we have done in the Temporary Assistance for Needy Families (TANF), be provided financial incentives and accountability for the additional money this legislation provides in return for reducing governmental barriers to coverage for children and pregnant women.

Remains Within the Budget Framework: The budget provides for $28 billion over 10 yeas for the purpose of reducing the number of uninsured. This proposal will meet those budgetary limits.

This bipartisan legislation has received the endorsement of the following organizations: the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Academy of the Family Physicians, the American Academy of Pediatric Dentistry, the American Academy of Child and Adolescent Psychiatry, the National Association of Community Health Centers, the American Hospital Association, the National Association of Children's Hospitals, the Federation of American Health Systems, the National Association of Public Hospitals and Health Systems, Catholic Health Association, Premier, Family Voices, the Association of Maternal and Child Health Programs, the National Health Law Program, the National Association of Social Workers, Every Child by Two, and the United Cerebral Palsy Associations.

LEGISLATIVE SUMMARY

This legislation is split into two titles:

Title I: Start healthy

Provides states through Medicaid with the CHIP enhanced matching rate if they choose the option to continuously enroll infants from birth through the first year of life, as allowed under current law, regardless of the woman's status during that year.

Provides states with an option to further cover pregnant women through Medicaid and CHIP (above 185% of poverty up to the full CHIP eligibility levels) in order to reduce infant mortality and the delivery of low birthweight babies.

Title II: Stay healthy

Provides states through Medicaid with the CHIP enhanced matching rate for children above a certain base expenditure level such as a state's spending on children in 1996) if they choose to meet the following conditions: States must expand coverage to children up to the full extent that is allowed under CHIP (to 200% of poverty or 50 percentage points above where the coverage levels were prior to passage of Title XXI); adoption of a simplified, joint mail-in application; adoption of application procedures (e.g., verification and face-to-face interview requirements) that are no more extensive, onerous, or burdensome in Medicaid than in CHIP, elimination of assets test; adoption of 12-month continuous enrollment; adoption of procedures that simplify the redetermination/coverage renewal process by allowing families to establish their child's continuing eligibility by mail and, in states with separate CHIP programs, by establishing effective procedures that allow children to be transferred between Medicaid and the separate program without a new application a gap in coverage when a child's eligibility status changes; compliance with the OBRA–89 outstationed workers requirement, which provide for outstationed eligibility workers in Medicaid DSH hospitals and community health centers, impose waiting periods no longer than 6 months for children seeking to enroll in CHIP (ensure flexibility for states to impose shorter periods, if at all); and demonstrate that the State has adopted payments rates sufficient to enlist enough providers so that care and pediatric, obstetrical/gynecologic and dental services are available at least to the extent such care and services are available to the general population in the geographic area.

States meeting these conditions would receive the full enhanced CHIP matching rate. If a state meets 8 of these conditions, it would receive 75% of the difference between the regular Medicaid matching rate and the CHIP enhanced matching rate. If a state meets 7 of the conditions, it would receive 50% of the difference.

Expand CHIP eligibility to 250% of poverty for children and pregnant women.

Expand CHIP eligibility up to age 21 (adding 19 and 20 year-olds).

The legislation also increases the CHIP allotments in FY 2002 to $3.5 billion, in FY 2003 to $4 billion, in FY 2004 to $4.3 billion in FY 2005 to $4.5 billion, and in FY 2006 to $4.5 billion.

By Mr. DODD (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. LUGAR, Mr. ROBERTS, Mr. BAUCUS, Mr. LEVIN, Mrs. BOXER, Mr. JEFFORDS, Mr. KENNEDY, Mr. AKAKA, Mr. WELLSTONE, Mr. DORGAN, Mr. BINGAMAN, Mr. DURBIN and Mr. HAGEL):

S. 1017. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, last year 26 Senators cosponsored legislation to help the Cuban people and American farmers and businesses by allowing sales of food and medicine to Cuba. Later, with passage of the FY2001 Agriculture Appropriations Bill, the 106th Congress approved the issuance one year licenses for the sale of food and medicine to Cuba, but placed restrictions on the financing of these sales. This was a beginning, and now we need to expand on this small success by continuing to move forward in constructing bridges to the Cuban people.

Toward that end, I am today joined by a bipartisan group of my colleagues in introducing the Bridges to the Cuban People Act, an expanded version of the legislation that was passed last year. Among those joining as original cosponsors are Senators CHAFEE, LEAHY, LUGAR, ROBERTS, BAUCUS, LEVIN, BOXER, JEFFORDS, KENNEDY, AKAKA, WELLSTONE, DORGAN, BINGAMAN, and DURBIN. This bill comprehensively updates U.S. policy toward Cuba by increasing humanitarian trade between Cuba and the United States, increasing our people-to-people contacts, and enhancing the flexibility of the President with respect to our foreign policy towards Cuba. I would like to take a few moments to outline the various sections of this bill, and to explain to my colleagues the reasons why enactment of this legislation is so vital.

First, let me be clear. This new legislation will not end the embargo on Cuba. Rather, this bill creates specific exceptions to the embargo that will allow American farmers and businesses to sell food, medicine, and agricultural equipment to Cuba without the burden of securing annual licenses and will allow our farmers and businesses to use American banks and American financing to conduct these sales. Both of these changes, along with the lifting of shipping restrictions, are designed to allow sales to move forward in a way that is less burdensome to American farmers and businesses. Additionally, this bill would mandate that the President submit a report to Congress each year describing the number and types of sales to Cuba so that we will have some official record of these sales.

The Building Bridges to the Cuban People Act would also lift the embargo on the exports of goods or services intended for the exclusive use of children. No embargo should include children as its victims, and this provision would allow us to give special attention to children in Cuba.

This bill also modernizes our approach to Cuba's medical exports. Cuba is currently involved in the development of some medicines that are not available in the United States, such as the Meningitis B vaccine, but that could save American lives. This legislation would allow Cuba, with the approval of the Secretary of Health and Human Services, to export to the United States medicines for which there is a medical need in the United States, provided the medicine is not currently being manufactured in our country. In this way we can build on the strong tradition of medical research in Cuba and encourage the free exchange of ideas and experiments between scholars.

In addition, this bill will lift restrictions on travel to Cuba. Cuba does not now pose a threat to individual Americans, and it is time to permit our citizens to exercise their constitutional right to travel to Cuba. Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit the island Nation. Today Americans are free to travel to Iran, the Sudan, Burma, Yugoslavia, and North Korea, but not to Cuba. This is a mistake. American influence, through person-to-person and cultural exchanges, was one of the prime factors in the evolution of our hemisphere from a hemisphere ruled predominantly by authoritarian and military regimes to one where democracy is the rule. Our current policy toward Cuba limits the United States from using our most potent weapon in our effort to combat totalitarianism, and that is our own people. They are some of the best ambassadors we have ever sent anywhere, and the free exchange of ideas between Americans and the Cuban people is one of the best ways to encourage democracy and build bridges between the American and Cuban people.

Another provision in this new legislation would allow us to reach out to Cuban students. Under this legislation, scholarships would be provided for Cubans who would like to pursue graduate study in the United States in the areas of public health, public policy, economics, law, or other fields of social science. Throughout our history, educational and cultural exchanges have

proven to be valuable tools that lead to understanding and friendship. This scholarship program is a concrete example of the true people-to-people dialogue we should be trying to foster with Cuba.

Nor does this legislation ignore the struggle of the Cuban-American population in the United States. Cuban-Americans here have always had the ability to send money to their families in Cuba, but the government imposes restrictions on the total amount of money that can be sent. This legislation would lift these limitations so that Americans would be free to provide whatever assistance they wished to their loved ones.

And, finally, this bill would modernize the way our policies toward Cuba are codified. At the present time, the President has the authority to waive Title III of the Helms/Burton Act. This legislation would extend the President's authority so that he could also waive Title I, Title II, and Title IV of the Helms/Burton Act, at his discretion. When Helms/Burton was enacted it contained a provision that codified all existing Cuban embargo Executive Orders and regulations, but did not provide for presidential waivers. This lack of waivers severely ties the hands of the Administration if a decision is made to make changes in our policy towards Cuba. The President should have the tools he needs to conduct and modify our foreign policy, and this legislation would give the President the flexibility to shape our relationship with Cuba in a more positive way.

In conclusion, I believe that this bill will streamline our Cuban policy so that it deals with the realities of the modern age, addresses the needs of our American farmers, patients, and children, while imposing the fewest restrictions on American citizens who wish to have contact with the people of Cuba. The people of Cuba are not our enemy. Our government's quarrel is with Fidel Castro, and our policies should reflect that reality. Without doubt, the Castro regime has denied rights to its citizens, but in our efforts to isolate him, we have built walls that are hampering our goal of bringing democracy to the Cuban people. As a measure that tears down those walls and replaces them with bridges, this legislation is a good starting point for a serious debate about how we can change U.S. policy in order to foster a peaceful transition to democracy on the island of Cuba while alleviating the hardship that our current policy has caused for the 11 million people who reside there. I hope to hold hearings in the near future and will be discussing with the committee leadership dates for the markup of this important legislation. Congressmen SERRANO, LEACH and more than eighty of their House colleagues have introduced a companion bill in the House today as well. I urge the rest of my colleagues to join us in this endeavor.

Mr. BINGAMAN. Mr. President, I rise today in support of the Bridges to Cuban People Act of 2001. As many of my colleagues know, I have been vocal in my support of legislation that removes sanctions against the Cuban people. I have supported such legislation for several reasons. First, sanctions ultimately hurt the very people we proclaim we are trying to help. It is obvious by now that barriers that either hinder or prohibit the flow of food and medicine to Cuba do not impact the Castro regime, but rather harms innocent men, women, and children. Second, sanctions are counterproductive to our goal of bringing about change in Cuba. There is no empirical evidence whatsoever that our continued efforts to isolate Cuba has brought about any transformation in the way the Castro regime sees or reacts to the world. Finally, sanctions prevent U.S. firms from exporting to Cuba, allow their counterparts in other countries to make sales our firms cannot, and thus harm the U.S. economic interest.

I am convinced engagement on all fronts—social, economic, and political—will make a substantial difference in Cuba, and it is way past time that we begin that process. The bill today represents another dramatic step forward in our policy in this regard. After considerable debate over the years, we are now seeing consensus emerge among my colleagues on this issue, as indicated by the bi-partisan support for this bill. The components of this legislation—the unrestricted sales of food, farm equipment, agricultural commodities and medicine, the removal of restrictions on travel, the authorization of scholarships for Cuban students to study in the United States, among others—are in fact the humanitarian, responsible, and appropriate way to approach Cuba at this time.

Let me emphasize today, as I have in the past, that the elimination of sanctions on Cuba and the creation of new opportunities for the Cuban people does not imply that I, or the Senate as a whole, agree with the policies and politics of the Castro regime. Quite the contrary. I believe the Castro regime to be distinctly out of touch with current trends in the international system and their own people. I personally deplore the Castro regime's oppressive tactics. The lack of freedom and opportunity in that country stands in direct contrast to most of the countries in the Western Hemisphere and throughout the world. Cuba now stands alone in its inability to allow the growth of democracy, to establish the protection of individual rights, and create a semblance of economic security. It is a political system that should be condemned at every opportunity.

But as a practical matter this legislation suggests that we cannot effectively punish authoritarian regimes through their own people. Cuba is ripe for change, and the best way to achieve positive change is to allow Americans to communicate and associate with the Cuban people on an intensive and ongoing basis, to re-establish cultural activities, and to rebuild economic relations. To allow the Cuban system to remain closed does little to assert United States influence over policy in that country and it does absolutely nothing in terms of creating the foundation for much-needed political economic transformation. The spread of democracy comes from interaction, not isolation.

So, I strongly support this bill, and I urge my colleagues to do so as well.

By Mr. LEVIN (for himself, Ms. SNOWE, Mrs. MURRAY, Mr. SCHUMER, Ms. STABENOW, and Ms. CANTWELL):

S. 1018. A bill to provide market loss assistance for apple producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEVIN. Mr. President, I am today introducing a bill that seeks to provide much needed assistance to our Nation's apple farmers. In the past four years, due to weather related disasters, disease and the dumping of Chinese apple juice concentrate, our Nation's apple producers have lost over $1.4 billion in revenue. This has left many growers on the brink of financial disaster.

In the past three years, Congress has assisted America's farmers by providing substantial assistance to agricultural producers. The U.S. apple industry boasts a long history of self-sufficiency and has long operated without relying upon federally funded farm programs. Last year, Congress, recognized the problems facing apple growers and for the first time ever, provided direct market loss assistance to apple growers.

Even with this aid, a significant percentage of apply growers are expected to go out of the business this year. Without some type of financial relief, the numbers could indeed be staggering. Studies by economists at Michigan State University estimated U.S. apple growers will lose nearly $500 million this year alone. Such losses threaten to devastate the entire U.S. apple industry. The Michigan Farm Bureau states that the number of those leaving the business in some States is running as high as 30 percent. Assistance is desperately needed to help stabilize not only the production sector but entire communities and subsidiary businesses that are dependent on the apple industry, not only in Michigan, but nationwide.

The $250 million in assistance we are proposing will help those who depend on the apple industry for their livelihood, and ensure that American apple growers will be able to provide the United States and the world with a quality product that is second to none.

Mrs. MURRAY. Mr. President, I rise today to express my strong support for legislation to provide $250 million in emergency payments to apple growers. I would like to thank Senators LEVIN and SNOWE for their leadership on this issue.

Rural communities and agricultural producers have not enjoyed America's recent economic prosperity. Around the Nation, nearly all commodity producers are enduring low prices and trade challenges. In Washington State, these problems are compounded by a severe drought, an energy crisis, and fish listings under the Endangered Species Act.

The combined impact is devastating. Apple growers in my State, from Okanogan County to Walla Walla County, are going bankrupt. Many family farmers have given up hope. On land that has produced high quality fruit for generations, farmers are tearing out orchards. Farmer cooperatives and other businesses that have been a part of rural communities for decades have closed up shop. Local governments have seen tax revenue decline. And non-farm businesses have struggled as consumers no longer have the cash to buy their goods and services.

In the 106th Congress, we responded. Last year, I worked with my colleagues to pass a $100 million emergency package for apple growers. In 1999, I worked with the Clinton Administration to end the dumping by Chinese companies of non-frozen apple juice concentrate. And on a host of smaller issues, from fighting pests in abandoned orchards, to securing research funding, to breaking down trade barriers, I worked with the industry and other stakeholders to build a stronger foundation for the future.

We can be proud of what we accomplished. But we still have more to do in the 107th Congress.

If signed into law, this new legislation will provide $250 million in emergency payments to apple growers nation-wide. This emergency legislation will not save every producer. It will give the industry the financial support it needs to get through another year of disastrous prices. It will also give us the time we need to develop long-term solutions as part of the next farm bill for apple and other specialty crop growers.

I urge my colleagues to support this legislation. And I urge the Senate Agriculture Committee and the Senate Appropriations Committee to work with the sponsors of this bill to provide meaningful assistance to all apple growers.

By Mrs. FEINSTEIN:

S. 1019. A bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, today I am proud to introduce the Aircraft Clean Air Act of 2001. The bill is designed to encourage airlines to keep records of airplane cabin air quality complaints, as well as complaints of illnesses that may be a result of poor air quality.

Airlines are not required to maintain records of passenger and crewmember complaints regarding cabin air quality, even if the passenger or crewmember reports an illness as a result of poor air quality.

As a result, potentially valuable information is lost to researchers studying cabin air quality.

The Aircraft Clean Air Act allows passengers and crewmembers to submit their complaints directly to the Federal Aviation Administration and requires that the Administration record the complaint and pass it on to the appropriate airline.

The bill requires airlines to maintain records of complaints for ten years.

If a passenger or crewmember requests mechanical or maintenance records with regard to their complaint, and the passenger or crewmember has had a health care professional verify their symptoms, this legislation requires that the airline provide the requested information within 15 days. If the airline does not comply with the request, it is subject to a civil penalty of $1,000 for each day it does not produce the records.

Airlines must be ready to provide maintenance records of all chemicals used in or on the plan, from cleaning solvents to hydraulic fluids.

The traveling public should have access to any chemicals to which they may be exposed.

The Aircraft Clean Air Act addresses another issue, as well: aircraft pressurization.

Planes are currently pressurized to 8,000 feet while in the air. That means that even though the plane is flying at 30,000 feet, the cabin has the same air pressure as it would at 8,000 feet.

Airplane manufacturers arrived at the 8,000 figure in the 1960s when commercial air travel was booming. They agreed on the figure after testing the effects of different pressurizations on young, healthy pilots.

Because oxygen is absorbed into the blood at a much lower rate in high altitudes, there is speculation that some illnesses experienced during flight are a result of the 8,000 feet pressurization. Commonly reported symptoms such as shortness of breath and numbness in the limbs may be a direct result of the high altitude.

The Aircraft Clean Air Act directs the Federal Aviation Administration to sponsor an aeromedical research project to determine what cabin altitude limit should provide enough oxygen to passengers and crew.

The bill allows universities to compete to conduct the study, and the National Academy of Sciences' Committee on Air Quality in Passenger Cabins of Commercial Aircraft to select the winner.

Researchers will examine the oxygen saturation in people of different ages, weights, and body types at 5,000 feet through 8,000 feet. The bill directs researchers to determine which altitude provides enough oxygen to ensure that individuals' health is not adversely affected either in the short-term or long-term.

It is unacceptable that airlines do not maintain records of air quality complaints on their commercial flights. I hope my colleagues will join me in this effort to protect the traveling public and the hardworking men and women who make air travel possible.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. BINGAMAN, Mrs. MURRAY, Mr. FEINGOLD, Mr. KOHL, and Mr. LEAHY):

S. 1020. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Finance.

Mr. HARKIN. Mr. President, I am pleased to be joined today by my colleagues, Senator CRAIG, Senator BINGAMAN, Senator MURRAY, Senator FEINGOLD, and Senator KOHL to introduce the Medicare Fairness in Reimbursement Act of 2001. This legislation addresses the terrible unfairness that exists today in Medicare payment policy.

According to the latest Medicare figures, Medicare payments per beneficiary by State of residence ranged from slightly less than $3,000 to well in excess of $7,000. For example, in Iowa, the average Medicare payment was $2,985, nearly 45 percent less than the national average of $5,364. In Idaho, the average payment is $3,592, only 66 percent of the national average.

This payment inequity is unfair to seniors in Iowa and Idaho, and it is unfair to rural beneficiaries everywhere. The citizens of my home State pay the same Medicare payroll taxes required of every American taxpayer. Yet they get dramatically less in return.

Ironically, rural citizens are not penalized by the Medicare program because they practice inefficient, high cost medicine. The opposite is true. The low payment rates received in rural areas are in large part a result of their historic conservative practice of health care. In the early 1980's rural States' lower-than-average cost were used to justify lower payment rate, and Medicare's payment policies since that time have only widened the gap between low- and high-cost States.

Two years ago I wrote to the Health Care Financing Administration (HCFA)

and I asked them a simple question. I asked their actuaries to estimate for me the impact on Medicare's Trust Funds, which at that time were scheduled to go bankrupt in 2015, if average Medicare payments to all states were the same as Iowa's.

I've always thought Iowa's reimbursement level was low. But HCFA's answer surprised even me. The actuaries found that if all States were reimbursed at the same rate as Iowa, Medicare would be solvent for at least 75 years, 60 years beyond their projections.

I'm not suggesting that all States should be brought down to Iowa's level. But there is no question that the long-term solvency of the Medicare program is of serious national concern. And as Congress considers ways to strengthen and modernize the Medicare program, the issue of unfair payment rates needs to be on the table.

The bill we are introducing today, the Medicare Fairness in Reimbursement Act of 2001 sends a clear signal. These historic wrongs must be righted. Before any Medicare reform bill passes Congress, I intend to make sure that rural beneficiaries are guaranteed access to the same quality health care services of their urban counterparts.

Our legislation does the following: requires HCFA to improve the fairness of payments under the original Medicare fee-for-services system by adjusting payments for items and services so that no State is greater than 105 percent above the national average, and no State is below 95 percent of the national average. An estimated 31 States would benefit under these adjustments, based on the Health Care Financing Administration's projections of the 1999 payment data.

Requires HCFA to improve the fairness of payments to rural practitioners who bill under Medicare Part B by narrowing the range of the Geographic Payment Classification Indices, GPCIs. Currently, there are dramatic geographic differences in payments for physician services with little scientific data to support the disparity. Providers in rural areas are under-compensated. This act would restrict the range for each GPCI so that no GPCI is greater than 1.05 or less than .95 of the standard index of 1.00. Practitioners who work in rural areas will benefit from this change in geographic adjusters.

It ensures that beneficiaries are held harmless in both payments and services, ensures budget neutrality, and automatically results in adjustment of Medicare managed care payments to reflect increased equity between rural and urban areas.

This legislation simply ensures basic fairness in our Medicare payment policy. I urge my Senate colleagues, no matter what State you're from, to consider our bill and join us in supporting this commonsense Medicare reform.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CHAFEE, Mr. CRAIG, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. REED, and Mr. ROBERTS):

S. 1021. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, Senator BIDEN and I are today introducing a bill to reauthorize appropriations for the Tropical Forest Conservation Act of 1998 for the Fiscal Years 2002, 2003 and 2004. We are joined in this effort by Senators CHAFEE, CRAIG, KERRY, LEAHY, LIEBERMAN, MURKOWSKI, REED and ROBERTS.

The United States has a significant national interest in protecting tropical forests in developing countries. Tropical forests regulate the hydrological cycle on which world agriculture depends. The genetic diversity contained in tropical forests is important for plant breeding. Twenty-five percent of prescription drugs come from tropical forests. Tropical forests also serve as carbon sinks, storing carbon to mitigate the potential effects of the increase in greenhouse gases on the world's climate. Avoiding tropical deforestation is essential to mitigating the threat of climate change.

Worldwide, there is a net loss of thirty million acres of forests every year. The heavy debt burden of many developing countries encourages them to engage in unsustainable exploitation of natural resources in order to generate revenue to service external debt. At the same time, these poor governments tend to have few resources available to set aside and protect key areas.

The Tropical Forest Conservation Act addresses the economic pressures on developing countries through ''debt for nature'' mechanisms that reduce foreign debt while leveraging scarce funds available for international conservation. Specifically, the Act authorizes the President to reduce certain bilateral government debt owed to the United States through three distinct mechanisms: debt buybacks; debt restructuring and reduction; or debt swaps. In return, eligible developing countries with significant tropical forests must establish and place local currencies in tropical forest funds. These funds are managed primarily by local, non-governmental organizations and make grants for projects that are designed to protect or restore tropical forests or to promote their sustainable economic use.

The debt for nature mechanisms in the Act effectively leverage the limited funds available for international conservation. Under the Tropical Forest Conservation Act, the host country places currencies in its tropical forest fund, the value of which typically exceeds the cost to the U.S. Treasury of the debt reduction agreement. Furthermore, because these tropical forest funds have integrity and are broadly supported within the host country, conservation organizations are interested in contributing their own money to them, producing an additional leverage of federal conservation dollars.

Our bill would reauthorize appropriations for the Act for three years, with funding levels of $50 million in Fiscal Year 2002, $75 million in Fiscal year 2003 and $100 million in Fiscal Year 2002.

President Bush has indicated his strong support for the Tropical Forest Conservation Act, which is modeled upon President George Herbert Walker Bush's Enterprise for the Americas program as well as upon the Biden-Lugar Global Environmental Protection Assistance Act of 1989. These programs have helped to foster the development of responsible, community-based conservation organizations that are capable of addressing environmental problems at the local level and ensuring successful program implementation.

The Tropical Forest Conservation Act encourages the repayment of debt owed to the United States government, addresses the cash flow problems of poorer nations, promotes cooperation between governmental and local conservation organizations and helps to save the world's outstanding tropical forests, which are disappearing at an alarming rate.

It is my understanding that Congressmen ROB PORTMAN and TOM LANTOS are introducing identical legislation in the House of Representatives. Senator BIDEN and I plan to work with our colleagues in the House and Senate toward speedy passage of this three year reauthorization bill.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 1021

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS TO SUPPORT REDUCTION OF DEBT UNDER THE FOREIGN ASSISTANCE ACT OF 1961 AND TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

(a) REAUTHORIZATION.—Section 806 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d) is amended by adding at the end the following new subsection:

''(d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS AFTER FISCAL YEAR 2001.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section or section 807, there are authorized to be appropriated to the President the following:

''(1) $50,000,000 for fiscal year 2002.

''(2) $75,000,000 for fiscal year 2003.

''(3) $100,000,000 for fiscal year 2004.''.

(b) CONFORMING AMENDMENT.—Section 808(a)(1)(D) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431f(a)(1)(D)) is amended by striking ''to appropriated under sections 806(a)(2) and 807(a)(2)'' and inserting ''to be appropriated under sections 806(a)(2), 807(a)(2), and 806(d)''.

SUMMARY OF THE TROPICAL FOREST CONSERVATION ACT

The Tropical Forest Conservation Act of 1998 (Public Law 105–214) helps to protect the world's dwindling tropical forests through ''debt for nature swaps.''

The TFCA focuses on tropical forest conservation, using the same principles as the 1989 Global Environmental Protection Act, Biden-Lugar, and former President Bush's Enterprise for the Americas Initiative (EAI). The bill extends eligibility for ''Debt for Nature'' swaps under the EAI to lower and middle income countries in Africa and Asia with globally or regionally outstanding tropical forests. It authorizes appropriations to compensate the Treasury Department for revenues foregone when debts with poorer developing nations are restructured at less than their asset value.

The Tropical Forest Conservation Act of 1998 authorizes the President to reduce certain bilateral government debt owed to the United States under the Foreign Assistance Act of 1981 or Title 1 of the Agricultural Trade Development and Assistance Act of 1954. In exchange, the eligible developing country would place local currencies in a tropical forest fund, which would be used for projects to preserve, restore or maintain its tropical forests. In some instances, debt swaps would occur at no cost to the Federal Treasury since sovereign debt would simply be reduced to its asset value under the Federal Credit Reform Act of 1990. In other instances, poorer nations will be allowed to restructure their debt at an amount somewhat lower than its asset value and Federal appropriations would have to be used to compensate the Treasury for reductions in its anticipated revenue stream. The law also allows private organizations to contribute their funds to help facilitate a debt swap under the terms of the bill.

To qualify for assistance, eligible countries must meet the criteria established by Congress under EAI: the government must be democratically elected, must not support acts of international terrorism, must cooperate on international narcotics control matters, must not violate internationally recognized human rights, and must institute any needed investment reforms.

To ensure accountability, an administrative body is established in the beneficiary country. This body will consist of one or more U.S. Government officials, one or more individuals appointed by the recipient country's government, and representatives of environmental, community development, scientific, academic and forestry organizations of the beneficiary country. It is authorized to make grants for projects which would conserve its outstanding tropical forests. Additionally, the existing Enterprise for Americas Initiative Board is expanded by four new members and oversees both the EAI and the Tropical Forest Conservation Act.

The authorization of appropriations for the 1998 Tropical Forest Conservation Act expires at the end of fiscal year 2002. Legislation will be introduced to extend the authorization of appropriations through fiscal years 2002 at a level of $50,000,000 in FY 2002, $75,000,000 in FY 2003 and $100,000,000 in FY 2004.

Mr. BIDEN. Mr. President, I am pleased to once again join my distinguished colleague from Indiana, Senator LUGAR, in introducing legislation to protect the world's significant tropical forests through ''debt-for-nature'' mechanisms. We have shared a long and fruitful bipartisan relationship on this important issue. I am gratified that we have the bipartisan support of our original cosponsors noted by Senator LUGAR.

Tropical forests are a cornerstone of the global environment. Figuratively speaking, they are the ''lungs'' of our planet, and they can help to regulate and mitigate the process of climate change. They guide global patterns of rainfall on which agriculture and fisheries depend. They harbor pharmaceutical treasures that we are just beginning to explore. They are home our planet's widest diversity of plants and animals.

We have a responsibility, a duty, to be good stewards of these essential resources, and it is in our direct economic interest to see that they flourish.

In 1989, Senator LUGAR and I coauthored the Global Environmental Protection Assistance Act, which was enacted into law as title VII A of the International Finance and Development Act of 1989 (Public Law 101–240, December 19, 1989). That Act authorized US AID to use its funds for Debt for Nature swaps. Under the authority of this Act, US AID has used $95 million of its funds to establish environmental endowments totaling $146 million in Costa Rica, Honduras, Indonesia, Jamaica, Madagascar, Mexico, Panama and the Philippines.

President Bush's Enterprise for the Americas Initiative (EAI), carried forward this linkage between debt reduction and the generation of local funds to protect the environment. The EAI provided $876 million in debt relief and $154 million in local endowments at a federal cost of $90 million in seven countries in Latin America and the Caribbean: Argentina, Bolivia, Chile, Columbia, El Salvador, Jamaica and Uruguay.

The Tropical Forest Conservation Act of 1998 extended the debt for nature mechanism of the EAI to the protection of significant tropical forests in lower and middle income developing countries throughout the world, not just those in Latin America and the Caribbean. Furthermore, the Tropical Forest Conservation Act (TFCA), authorizes the use of two new, no cost ''debt-for-nature'' models, the Buy Back option and Debt Swap option.

The basic premise behind this series of programs has not changed over the years. Many of the world's important tropical forests are found in countries that do not have the resources to protect them. Their own patterns of economic development and their participation in the international economy place irresistible pressures on them to turn these irreplaceable global resources into quick local cash. One of the important contributors to those pressures is too often the debt those countries owe to us. That is one thing we can do something about.

The mechanisms in this bill will allow us to multiply the small dollar cost of writing the debt of those countries off of our books, leveraging substantially more resources to the cause of preserving tropical forests around the world.

I look forward to taking this bill up in the Foreign Relations Committee as soon as possible, and I fully expect it will continue to enjoy the strong support it has had in the past. I also look forward to working with the Administration to provide the funding that the President has called for to implement this program.

By Mr. WARNER:

S. 1022. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

Mr. WARNER. Mr. President, today I am pleased to join my colleague in the House of Representatives, Congressman TOM DAVIS, in introducing legislation that will enable Federal and military retirees to take advantage of premium conversion. Premium conversion allows individuals to pay their health insurance premiums with pre-tax dollars.

This tax benefit was extended last year under a Presidential directive to current Federal employees who participate in the Federal Employees Health Benefits Program, saving an average of over $400 per year on their Federal income taxes. It is a benefit already available to many private sector employees, and State and local government employees.

Although extending this benefit to Federal annuitants has broad support, it requires a legislative change in the tax laws. The legislation I am introducing today will do just that.

The Federal Employees Health Insurance Premium Conversion Act will provide that the same health insurance premium conversion arrangement afforded to employees in the Executive and Judicial branches of the Federal government, be made available to Federal annuitants.

This year, retirees under the Civil Service Retirement System received a 3.5 percent cost of living adjustment, and those who receive an annuity under the Federal Employees Retirement System received a 2.5 percent adjustment.

This increase in benefits is nearly offset by severe increases in FEHB premiums. In 2000, health premiums increased by an average of 9.3 percent. The Office of Personnel Management

reports that a similar increase is expected again this year.

I am deeply concerned about increases in Federal Employee Health Benefit premiums in recent years. Health care coverage is provided to over 9 million Federal employees, retirees and their families under FEHBP. Ensuring affordable health care coverage for all Federal employees and their dependents must remain a priority for Congress.

In addition, I am pleased that this bill will also allow uniformed services retiree beneficiaries, their family members and survivors to pay their TRICARE Prime enrollment fees and TRICARE Standard supplemental insurance premiums with pre-tax dollars. TRICARE Standard supplemental insurance premiums paid by active duty personnel are also covered by the legislation which allows for an above the line deduction to benefit active duty personnel and their families.

This is a critical issue to many retirees, especially those living on a fixed income. Extending premium conversion will provide much needed relief from the increasing cost of health care insurance. It will help to ensure that more Federal retirees are able to afford continued coverage under the Federal Employees Health Benefits program.

I encourage my colleagues to support this critical legislation and show their support of these Federal civilian and military retirees for their dedicated service. 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. 1022

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

SECTION 1. PRETAX PAYMENT OF HEALTH INSURANCE PREMIUMS BY FEDERAL CIVILIAN AND MILITARY RETIREES.

(a) IN GENERAL.—Subsection (g) of section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by adding at the end the following new paragraph:

''(5) HEALTH INSURANCE PREMIUMS OF FEDERAL CIVILIAN AND MILITARY RETIREES.—

''(A) FEHBP PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an annuitant, as defined in paragraph (3) of section 8901, title 5, United States Code, with respect to a choice between the annuity or compensation referred to such paragraph and benefits under the health benefits program established by chapter 89 of such title 5.

''(B) TRICARE PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an individual receiving retired or retainer pay by reason of being a member or former member of the uniformed services of the United States with respect to a choice between such pay and benefits under the health benefits program established by chapter 55 of title 10, United States Code.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. DEDUCTION FOR TRICARE SUPPLEMENTAL PREMIUMS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

''SEC. 223. TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.

''(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amounts paid during the taxable year by the taxpayer for insurance purchased as supplemental coverage to the health benefits programs established by chapter 55 of title 10, United States Code, for the taxpayer and the taxpayer's spouse and dependents.

''(b) COORDINATION WITH MEDICAL DEDUCTION.—Any amount allowed as a deduction under subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).''

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting after paragraph (18) the following new paragraph:

''(19) TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.—The deduction allowed by section 223.''

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

''Sec. 223. TRICARE supplemental premiums or enrollment fees.

''Sec. 224. Cross reference.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 109—DESIGNATING THE SECOND SUNDAY IN THE MONTH OF DECEMBER AS ''NATIONAL CHILDREN'S MEMORIAL DAY'' AND THE LAST FRIDAY IN THE MONTH OF APRIL AS ''CHILDREN'S MEMORIAL FLAG DAY''

Mr. REID (for himself, Mr. EDWARDS, Mrs. MURRAY, and Mr. CLELAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 109

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one; and

Whereas April is National Child Abuse Prevention month: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY AND CHILDREN'S MEMORIAL FLAG DAY.

The Senate—

(1) designates the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe ''National Children's Memorial Day'' with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died; and

(B) fly the Children's Memorial Flag on ''Children's Memorial Flag Day''.

Mr. REID. Mr. President, I rise today to submit a resolution which would designate the second Sunday in December as ''National Children's Memorial Day.'' The resolution would set aside this day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

The Senate has passed a resolution for each of the past three years to designate the second Sunday in December as ''National Children's Memorial Day.'' This year, the resolution I am introducing would establish this day as an annual observance. The parents and family members of the children who have died deserve the comfort of knowing that they will always have a special day set aside to honor the memory of their loved ones.

The death of a child at any age is a shattering experience for a family. I have had many constituents share their heart-wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings. Each of these families has had their own experience, but they must all continue with their lives and deal with the incredible pain of losing a child. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in working through their grief. It is important to families who have suffered such loss to know that they are not alone.

In addition, this year, I have added a provision to designate the fourth Friday in April as ''National Children's Memorial Flag Day'' in recognition of children who have died as a result of violence. April has been designated as National Child Abuse Prevention Month, an annual tradition started by President Jimmy Carter in 1979. Many State and local governmental agencies and private organizations already fly

the Children's Memorial Flag on the fourth Friday in April to remember children lost to violence. Recognizing this day is another way we can commemorate the lives of children.

AMENDMENTS SUBMITTED AND PROPOSED

SA 797. Mr. HAGEL (for himself, Mr. CAMPBELL, and Mr. KYL) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 798. Mr. HOLLINGS proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

SA 799. Mr. GREGG (for Mr. SANTORUM) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

TEXT OF AMENDMENTS

SA 797. Mr. HAGEL (for himself, Mr. CAMPBELL, and Mr. KYL) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

"5—FEDERAL PRIORITIES FOR SCHOOL REPAIR AND RENOVATION.

"SEC. 5351. REQUIREMENT RELATING TO SCHOOL CONSTRUCTION ASSISTANCE.

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

''(1) The Federal Government's unique and continuing trust relationship with and responsibility to the Indian people includes the education of Indian Children.

''(2) Since 1950, the Federal Government has also recognized an obligation to support the education of children whose parents serve our Nation in the military and with other Federal agencies.

''(3) The Federal Government has responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that the Federal Government has established on or near reservations and Indian trust lands throughout the Nation for Indian children.

''(4) The Federal Government has responsibility for providing financial support for Federally Impacted schools throughout the Nation.

''(5) The Federal Government is the sole funding source of 185 elementary and secondary schools operated by the Bureau of Indian Affairs for the education of American Indian children on reservations throughout the United States.

''(6) The Federal Government is a significant source of funding for the elementary and secondary schools that receive Impact Aid.

''(7) Over several decades, Bureau of Indian Affairs and Impact Aid schools have suffered from neglect and disrepair, which has had a direct impact on student learning and safety.

''(8) As of January 2001, the repair, rehabilitation, and renovation backlog for Bureau of Indian Affairs and heavily impacted Impact Aid education facilities and quarters was over $2,000,000,000.

''(b) REQUIREMENT.—Notwithstanding any other provision of law (including the provisions of this Act), in administering any Federal program to provide assistance for school construction or renovation, the Secretary of Education shall ensure that assistance under such program is provided to meet the construction or renovation needs of schools receiving Impact Aid, schools under the jurisdiction of the Department of Defense, and Indian and Bureau of Indian Affairs funded schools prior to making any such assistance available under such program to other schools.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to—

''(1) school construction bond programs or school renovation bond programs; or

''(2) amounts provided for school construction or renovation under—

''(A) title VIII of the Elementary and Secondary Education Act of 1965;

''(B) any program administered by the Bureau of Indian Affairs, or the Secretary of the Interior for the benefit of Indians; or

''(C) any program administered by the Secretary of Defense with respect to schools within the jurisdiction of the Department of Defense.''.

SA 798. Mr. HOLLINGS proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 47, after line 12, insert the following: ''(i)(I) a State may elect, in accordance with this clause, to waive the application of the requirements of this subparagraph if—

''(aa) the State determines that alternative public elementary and secondary educational investments will produce a greater increase in student achievement; or

''(bb) the State can demonstrate the presence of a comparable assessment system;

''(II) a waiver under subclause (I) shall be for a period of 1 year;

''(III) a State with a waiver in effect under this clause may utilize Federal funds appropriated to carry out activities in schools that fail to make yearly progress, as defined in the plan of the State under section 1111(b)(2)(B), to—

''(aa) increase teacher pay;

''(bb) implement teacher recruitment and retention programs;

''(cc) reduce class size;

''(dd) hire additional teachers to reduce class sizes;

''(ee) improve school facilities;

''(ff) provide afterschool programs;

''(gg) tutor students;

''(hh) increase the access of students to technology;

''(ii) improve school safety; or

''(jj) carry out any other activity that the State educational agency determines necessary to improve the education of public elementary and secondary school students; and

''(IV) a State shall ensure that funds to which this clause applies will not be used to pay the cost of tuition, room, or board at a private school or a charter school;''.

SA 799. Mr. GREGG (for Mr. SANTORUM) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following: ''SEC.

SEC. 72 SENSE OF THE SENATE.

''It is the sense of the Senate that—

''(1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and

''(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled for Thursday, June 14, at 9:30 a.m., in SD–106, has been postponed. The purpose of the hearing was to receive testimony on potential problems in the gasoline markets this summer. The hearing has not been rescheduled at this time.

For further information, please call Shirley Neff at 202/224–4103.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 12, 2001, to hear testimony on Preserving and Protecting our Natural Resources.

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

PRIVILEGE OF THE FLOOR

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that Jonathan McIllwain and Brittni Aldridge, summer interns in my office, be granted the privilege of the floor for the remainder of today's debate on S. 1.

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

ORDERS FOR WEDNESDAY, JUNE 13, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m., Wednesday, June 13. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two

leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1, the education authorization bill.

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

PROGRAM

Mr. REID. Mr. President, on Wednesday the Senate will convene at 9 a.m. and resume consideration of the education authorization bill. There will be 40 minutes of debate on the Santorum and Hollings amendments concurrently. Therefore, there will be two rollcall votes beginning at approximately 9:40 a.m. Additional rollcall votes are expected as the Senate works to complete action on the education bill this week.

I further state, as I did a short time ago, that we are working to complete this bill on Thursday. If we do, there will be no votes, I am told by Leader DASCHLE, on Friday. If we are not able to complete this bill on Thursday, we will complete work on it when we do; that is, it may be Friday or Saturday.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate tonight, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:54 p.m., adjourned until Wednesday, June 13, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 12, 2001:

DEPARTMENT OF DEFENSE

MICHAEL MONTELONGO, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE ROBERT F. HALE.

REGINALD JUDE BROWN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE PATRICK T. HENRY.

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE HERBERT LEE BUCHANAN III.

ALBERTO JOSE MORA, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY, VICE STEPHEN W. PRESTON.

STEPHEN A. CAMBONE, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE JAMES M. BODNER.

MICHAEL W. WYNNE, OF FLORIDA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE DAVID R. OLIVER.

DIONEL M. AVILES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE DEBORAH P. CHRISTIE, RESIGNED.

DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE NANCY E. MCFADDEN.

DEPARTMENT OF STATE

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

DONALD J. MCCONNELL, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

DOUGLAS ALAN HARTWICK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH: FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

STEPHEN K. MORRISON, OF CALIFORNIA

AGENCY OF INTERNATIONAL DEVELOPMENT

WILLIAM MICHAEL CARTER, OF MAINE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

NASIR ABBASI, OF MARYLAND
JOHN T. LANCIA, OF PENNSYLVANIA
ELLEN D. LENNY-PESSAGNO, OF TEXAS
JOHN M. MCCASLIN, OF OHIO
DAVID R. MCNEILL, OF TENNESSEE
DAVID B. PONSAR, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

CHRISTOPHER B. ADAMS, OF CALIFORNIA
REBECCA K.P. ARMAND, OF FLORIDA
SCOTT A. SHAW, OF ILLINOIS

DEPARTMENT OF STATE

JILL AHEARN SYKES, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

KELLY ADAMS-SMITH, OF NEW JERSEY
STEVEN P. ADAMS-SMITH, OF NEW JERSEY
STEPHEN J. AKARD, OF INDIANA
SALVATORE ANTONIO AMODEO, OF VIRGINIA
ROXANNE CABRAL, OF VIRGINIA
MARK MINGE CAMERON, OF ALABAMA
ANGELA COLYVAS, OF PENNSYLVANIA
R. SEAN COOPER, OF CALIFORNIA
SUSANNAH E. COOPER, OF MAINE
COLIN THOMAS ROBERT CROSBY, OF OHIO
CYNTHIA C. ECHEVERRIA, OF ILLINOIS
ALAN EYRE, OF VIRGINIA
ANTHONY C. FERNANDES, OF MASSACHUSETTS
ERIC A. FICHTE, OF VIRGINIA
KATHRYN LAURA FLACHSBART, OF CALIFORNIA
KIM M. GENDIN, OF FLORIDA
ALI JALILI, OF VIRGINIA
DANIEL P. JASSEM, OF COLORADO
THOMAS TAN JUNG, OF WASHINGTON
DAVID JOSEPH JURAS, OF KENTUCKY
KIMBERLY A. KARSIAN, OF COLORADO
ALEXANDER I. KASANOF, OF NEW YORK
RIMA KOYLER, OF PENNSYLVANIA
MICHAEL J. MA, OF VIRGINIA
LAURA A. MALENAS, OF MARYLAND
PETER G. MARTIN, OF MASSACHUSETTS
DANA CHRISTIAN MURRAY, OF FLORIDA
KIRBY D. NELSON, OF IDAHO
MAI-THAO T. NGUYEN, OF TEXAS
QUI NGUYEN, OF CALIFORNIA
GEORGE ARTHUR NOLL, OF RHODE ISLAND
BRIAN JAY O'ROURKE, OF NEW MEXICO
BARTON J. PUTNEY, OF WISCONSIN
LYNGRID SMITH RAWLINGS, OF THE DISTRICT OF COLUMBIA
MITCHELL R. SCOGGINS, OF NORTH CAROLINA
KIRK G. SMITH, OF WASHINGTON
WILLIAM A. TARVER, OF LOUISIANA
MARC HERVERT WILLIAMS, OF NEVADA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

NANCY ELIZABETH ABELLA, OF VIRGINIA
LANE DARNELL BAHL, OF WASHINGTON
KAY GILBRECH BARTON, OF TEXAS
KRISTIN BONGIOVANNI, OF WASHINGTON
DENA D. BROWNLOW, OF CALIFORNIA
ERIN M. BUTLER, OF WASHINGTON
CAROL-ANNE CHANG, OF VIRGINIA
DARYL L. CHERNOFF, OF MARYLAND
DWAYNE L. CLINE, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER M. CUMMINGS, OF VIRGINIA
PETER N. D'AMICO, OF MAINE
JAMES G. DAVIDSON, OF MARYLAND
JACK DOUTRICH, OF WASHINGTON
LAWRENCE E. DUCKETT, OF MARYLAND
DIANA J. ELLIOTT, OF NEVADA
AARON P. FORSBERG, OF OREGON
STEPHEN J. GEE, OF OHIO
KAREN ELIZABETH GRISSETTE, OF CALIFORNIA
KEVIN A. HAINES, OF VIRGINIA
BRYCE A. ISHAM, OF WASHINGTON
MANAV JAIN, OF CALIFORNIA
OMID KHONSARI, OF VIRGINIA
MICHELLE KRAMER, OF VIRGINIA
PAUL WILLIAM KREUTZER, OF MARYLAND
CYNTHIA Z. LAO, OF THE DISTRICT OF COLUMBIA
GONG LI, OF VIRGINIA
MATTHEW WILLIAM LONG, OF MASSACHUSETTS
STELLA C. LUTTER, OF FLORIDA
KATHERINE M. MCGOWEN, OF ALASKA
MARLENE MARIE MENARD, OF TEXAS
MATTHEW CHRISTIAN MILLER, OF VIRGINIA
HECTOR NAVA, OF TEXAS
TODD NICHOLSON, OF VIRGINIA
HEATHER L. NOSS, OF CALIFORNIA
MATTHEW O'CONNOR, OF VIRGINIA
CRAIG OLSON, OF VIRGINIA
SAPNA J. PATEL, OF CALIFORNIA
DEBORAH A. PLUNKETT, OF MASSACHUSETTS
FRANCES J. PULEO, OF VIRGINIA
ANNELIESE LOUISE REINEMEYER, OF TEXAS
HUGO F. RODRIGUEZ JR., OF TEXAS
CLAUDIA RODRIGUEZ-HALL, OF VIRGINIA
KAMANA MATHUR ROMERO, OF TEXAS
LORIE A. ROULE, OF THE DISTRICT OF COLUMBIA
AMY B. SCANLON, OF VERMONT
LORELEI G. SCHWEICKERT, OF CALIFORNIA
NOMI E. SELTZER, OF NEW YORK
JANINE SHORS, OF CALIFORNIA
BRIAN LEROY SIMMONS, OF NEVADA
SCOTT ANDREW STEPIEN, OF NEW YORK
JULIE A. STINEHART, OF WYOMING
DOUGLAS LEE SUN, OF MASSACHUSETTS
MICHAEL D. SWEENEY, OF CALIFORNIA
CATHERINE ELIZABETH SWEET, OF CALIFORNIA
LAWRENCE A. THOMAS, OF VIRGINIA
MICHAEL DAVID TOYRYLA, OF CALIFORNIA
LUCIA CLELIA VERRIER, OF NEW HAMPSHIRE
ELIZABETH ELLEN WILSON, OF NEW JERSEY
DONNA LURLINE WOOLF, OF THE DISTRICT OF COLUMBIA
JOSEPH LAURENCE WRIGHT II, OF FLORIDA

GENERAL SERVICES ADMINISTRATION

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION, VICE WILLIAM R. BARTON, RESIGNED.

DEPARTMENT OF LABOR

JOHN LESTER HENSHAW, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE CHARLES N. JEFFRESS.

DEPARTMENT OF EDUCATION

LAURIE RICH, OF TEXAS, TO BE ASSISTANT SECRETARY FOR INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS, DEPARTMENT OF EDUCATION, VICE G. MARIO MORENO, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES W. ZIGLAR, OF MISSISSIPPI, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION, VICE DORIS MEISSNER, RESIGNED.

ASA HUTCHINSON, OF ARKANSAS, TO BE ADMINISTRATIOR OF DRUG ENFORCEMENT, VICE DONNIE R. MARSHALL, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EDWARD L. CORREA JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. PATRICIA A. TRACEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DAVID ARCHITZEL, 0000
REAR ADM. (LH) JOSE L. BETANCOURT, 0000
REAR ADM. (LH) ANNETTE E. BROWN, 0000
REAR ADM. (LH) JOSEPH D. BURNS, 0000
REAR ADM. (LH) BRIAN M. CALHOUN, 0000
REAR ADM. (LH) KEVIN J. COSGRIFF, 0000
REAR ADM. (LH) LEWIS W. CRENSHAW JR., 0000
REAR ADM. (LH) TERRANCE T. ETNYRE, 0000
REAR ADM. (LH) MARK P. FITZGERALD, 0000
REAR ADM. (LH) JONATHAN W. GREENERT, 0000
REAR ADM. (LH) CURTIS A. KEMP, 0000
REAR ADM. (LH) ANTHONY W. LENGERICH, 0000
REAR ADM. (LH) WALTER B. MASSENBURG, 0000
REAR ADM. (LH) JAMES K. MORAN, 0000

REAR ADM. (LH) CHARLES L. MUNNS, 0000
REAR ADM. (LH) RICHARD B. PORTERFIELD, 0000
REAR ADM. (LH) JAMES A. ROBB, 0000
REAR ADM. (LH) JOSEPH A. SESTAK JR., 0000
REAR ADM. (LH) STEVEN J. TOMASZESKI, 0000
REAR ADM. (LH) JOHN W. TOWNES III, 0000
REAR ADM. (LH) CHRISTOPHER E. WEAVER, 0000
REAR ADM. (LH) CHARLES B. YOUNG, 0000
REAR ADM. (LH) THOMAS E. ZELIBOR, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES E. GELETA, 0000
SCOTT H. MCCRAE, 0000
GARY S. OWENS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

FLOYD E. BELL JR., 0000
JAMES R. CALLAHAN, 0000
MICHAEL E. CHILSON, 0000
LINDA P. HIGGINS, 0000
THOMAS E. SCHUURMANS, 0000
STEVEN N. WICKSTROM, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DONALD E. GRAY JR., 0000

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 531:

To be first lieutenant

JESSICA L ACOSTA, 0000
MICHAEL J ACOSTA, 0000
CHANCE J ADAM, 0000
OLUFUNMIKE F ADEYEMI, 0000
CHRISTOPHER W ADKINS, 0000
ALISON L AKE, 0000
BARIMA K AKOASARE, 0000
PAUL C ALANIZ, 0000
ARCELIO ALBIZO, 0000
IAN F ALLEN, 0000
ROBERT J ALLEN, 0000
BRETT A ALLISON, 0000
JOSE E ALMAZAN, 0000
BRIAN J AMEND, 0000
BRETT D AMERSON, 0000
BRADLEY W ANDERSON, 0000
JOSHUA D ANDERSON, 0000
KAREN A ANDERSON, 0000
SETH E ANDERSON, 0000
STEVEN S ANDREWS, 0000
ROBERT G ANTOLINO, 0000
AARON P ANTRIM, 0000
ANTHONY D APISA, 0000
ANTHONY J ARAGON, 0000
STEPHANIE R ARNDT, 0000
JAMIE S ARNOLD, 0000
MICHAEL F ARNONE, 0000
JUAN I ARRATIA, 0000
ERIC M ASCHENBRENNER, 0000
JENNIFER L ASH, 0000
RICHARD B ASHFORD, 0000
IOANIS S ATHANASIADIS, 0000
CHARLES T ATWOOD, 0000
DAVID L ATWOOD, 0000
PAUL D AVELLINO, 0000
TYSON M AVERY, 0000
TERESA L AYERS, 0000
REBECCA M BAAS, 0000
VICTOR G BACA, 0000
BRIAN A BAGWAN, 0000
JAMES R BAILEY, 0000
CHARLES T BAISLEY, 0000
ANGIE L BAKER, 0000
MICHAEL T BAKER, 0000
SAMUEL BAKION, 0000
MATTHEW A BALDASSIN, 0000
MATTHEW A BALDWIN, 0000
THOMAS N BALL, 0000
DUSTIN K BALLARD, 0000
GEORGE A BANCROFT, 0000
BROOK W BARBOUR, 0000
MARTIN T BARCO, 0000
JAMES T BARDO, 0000
CARLOS M BARELA, 0000
REBECCA D BARGER, 0000
TYRRELL L BARGER, 0000
ERIN M BARKER, 0000
FRANCIS G BARKER JR., 0000
JEFFERY D BARKER, 0000
JEFFREY V BARNETT, 0000
STEFAN R BARR, 0000
RAYMOND J BARRIOS JR., 0000
MICHAEL J BARTHLOW, 0000
GENE D BARTON, 0000
ROBLEY D BATES IV, 0000
DAX C BATTAGLIA, 0000
JEFFREY D BAUER, 0000
MICHAEL T BAUMGARDNER, 0000
JOHN S BAXTER, 0000
MATTHEW H BAZARIAN, 0000
JAMES C BEARDSLEY, 0000
CHARLES Q BEATTY, 0000
JAMES J BEAUREGARD, 0000
JEREMY W BEAVEN, 0000
JAMES M BECHTEL, 0000
HASSEN C BECKFORD, 0000
JAY P BENSON, 0000
JASON T BERG, 0000
JOHN T BERGER, 0000
DAVID M BERNARD, 0000
PIERRE R BERTRAND, 0000
AMY S BEVAN, 0000
JOSEPH T BEVAN, 0000
ELIZABETH A BIBLE, 0000
JOSHUA P BIDDLE, 0000
JAMES S BIRGL, 0000
MATTHEW R BLACK, 0000
CINDIEMARI BLAIR, 0000
EDWARD Y BLAKISTON, 0000
JAMES A BLANFORD, 0000
TOM R BLANKENHORN, 0000
JERRY W BLOOMQUIST, 0000
CHARLES J BLUME, 0000
SPENCER O BODISON, 0000
CHRISTOPHER J BOESE, 0000
DAVID A BOGLE, 0000
JAMES A BOHLMAN, 0000
GABRIELL A BOLTON, 0000
ANDREW C BONE, 0000
JENNIFER M BONE, 0000
VINCENT K BONG, 0000
DEBORAH L BORNHORST, 0000
JASON A BOROVIES, 0000
MARK D BORTNEM, 0000
JON P BOURDON, 0000
JOSEPH D BOUSHELLE, 0000
JOHN C BOWES, 0000
SCOTT M BOWMAN, 0000
RYAN F BOYLE, 0000
SEAN C BOYNTON, 0000
NAOMI A BOYUM, 0000
JAMES H BRADY, 0000
TIMOTHY S BRADY JR., 0000
MICHAEL A BRAGG, 0000
THOMAS M BRAIN, 0000
CLARK J BRAMANTE, 0000
CHRISTOPHER W BRANCH, 0000
RONALD BRAND, 0000
STEVEN R BRAND, 0000
CHRISTOPHER M BRANNEN, 0000
ANDREW J BRASOSKY, 0000
KEVIN H BRIGHT, 0000
LEONEL O BRITO JR., 0000
TRAVIS K BRITTAIN, 0000
MARK J BROEKHUIZEN, 0000
IAN P BROOKS, 0000
JEFFREY T BROOKS, 0000
MICHAEL L BROOKS, 0000
JOSEPH D BROOME, 0000
CHRISTOPHER L BROWN, 0000
JEFFREY D BROWN, 0000
JERRY BROWN JR., 0000
JONATHAN F BROWN, 0000
MARK C BROWN, 0000
MATTHEW A BROWN, 0000
MAURICE A BROWN, 0000
DESMOND F BROWNE JR., 0000
THOMAS A BROWNE JR., 0000
GILDA M BUCHAN, 0000
MATHEW J BUCHER, 0000
MARK D BUCZEK, 0000
ARMANDO C BUDOMO JR., 0000
ROBERT M BUENO, 0000
BENEDICT G BUERKE, 0000
JEFFREY H BUFFA, 0000
ALEXANDER D BURCH, 0000
ASHLEY K BURCH, 0000
MARCO A BURGOS, 0000
DOUGLAS R BURKE JR., 0000
JOSEPH P BURKE, 0000
JOSEPH P BURKE, 0000
EDWARD L BURNS V, 0000
WILLIAM J BURRACK, 0000
DAMON K BURROWS, 0000
ROBERT L BURTON, 0000
MICHAEL D BUTLER, 0000
DUSTIN J BYRUM, 0000
MICHAEL T CABLE, 0000
ANDRES H CACERESSOLARI, 0000
DAVID F CALDWELL II, 0000
JOHN O CALDWELL, 0000
STEPHEN R CALDWELL, 0000
SEAN M CALLAHAN, 0000
ERNEST F CALVILLO, 0000
STEPHEN T CAMPBELL, 0000
ROBERT L CANNEY, 0000
CHRISTOPHER K CANNON, 0000
CHRISTIAN M CAPECE, 0000
MATTHEW P CAPODANNO, 0000
GREGORY S CARL, 0000
ROBERT E CARLSON JR., 0000
SCOTT V CARPENTER, 0000
BRADFORD R CARR, 0000
JOHN S CARRICO, 0000
BERT W CARRIER JR., 0000
JEFFREY F CARROLL, 0000
MICHAEL G CARTER, 0000
NICOLA J CARUSO, 0000
RICHARD A CARY, 0000
ANDREW A CASTIGLIONE, 0000
JOHN C CATANZARITO, 0000
ROBERT E CATO II, 0000
PETER J CAZAMIAS, 0000
ANTONIO O CENTENO, 0000
MICHAEL E CERES, 0000
KAREN M CERINO, 0000
ANTONIO CERVANTES JR., 0000
JOSHUA P CHADWICK, 0000
PAUL K CHAMBERLAIN, 0000
CONAN H CHANG, 0000
JOSHUA B CHARTIER, 0000
JOE D CHATMAN, 0000
JOHN CHAU, 0000
SIU K CHENG, 0000
DARREL L CHOAT, 0000
LISA M CHRISTENSON, 0000
DANNY S CHUNG, 0000
THOMAS CHUNG, 0000
CHARLES S CISNEROS, 0000
JON W CLANTON JR., 0000
LEE K CLARE, 0000
EARL R CLARK, 0000
SAM A CLARK, 0000
STACY W CLARK, 0000
BRETT B CLARKE, 0000
THOMAS J CLEAVER, 0000
ROBERT T CLEMENS, 0000
BRYAN S CLIFTON, 0000
ADAM B CLOSE, 0000
DENNIS F COBB JR., 0000
EMMETT S COLLAZO, 0000
ADAM L COLLIER, 0000
MATTHEW E COLLINS, 0000
ARNALDO L COLON, 0000
LOUIS COLTER, 0000
LEAH L CONLEY, 0000
MICHAEL J CONLEY, 0000
CRAIG C CONNELL II, 0000
STEPHEN L CONTEAGUERO, 0000
AARON J CONTRERAS, 0000
MATTHEW W COOK, 0000
WARREN C COOK JR., 0000
BRIAN J COOKE, 0000
EDWARD C COOPER, 0000
TIMOTHY J COOPER, 0000
SCOTT A CORMIER, 0000
BRYAN E CORNELIUS, 0000
EDUARDO CORREA, 0000
EMILIO CORTES III, 0000
THOMAS C CORZINE, 0000
LEONARD J COULMAN, 0000
FRED G COURTNEY III, 0000
MARK E COVER, 0000
DAVID C COX, 0000
JASON R COX, 0000
CLAYTON A CRAIG, 0000
JOSEPH W CRANDALL, 0000
ANTHONY B CRAWFORD, 0000
ROBERT J CRAWFORD JR., 0000
WILLIAM R CREAMER, 0000
MICHAEL J CRITCHLEY, 0000
MATTHEW W CROCKER, 0000
MATTHEW A CROCKETT, 0000
MELISSA L CROSSON, 0000
DEREK M CROUSORE, 0000
ROBERTO CUEVAS, 0000
STEVEN R CUNNINGHAM, 0000
BRUCE A CUPIT JR., 0000
GREGORY D CURTIS, 0000
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JONATHAN E CURTIS, 0000
NATHAN S CUTLER, 0000
JEANNE K DAFFRON, 0000
DARYL A DALTON, 0000
TERRY L DALTON JR., 0000
WILLIAM C DALTON, 0000
SEAN P DALY, 0000
DAVID J DANELO, 0000
MICHAEL P DARLING, 0000
GLENN R DAVIS III, 0000
KEVIN O DAVIS, 0000
LANCE C DAVIS, 0000
ROBERT N DAVY, 0000
MICHAEL J DEARDORFF, 0000
JOHN S DEFOREST, 0000
ERICH O DELAVEGA, 0000
BRIETTA L DELMANZO, 0000
MICHAEL P DELPALAZZO, 0000
JEREMY S DEMOTT, 0000
BRIAN P DENNIS, 0000
DAVID J DESY, 0000
PAUL J DETAR, 0000
THOMAS E DETRIQUET, 0000
MICHAEL A DETTORE, 0000
JEREMY G DEVEAU, 0000
KEVIN B DEWITT, 0000
MICHAEL S DIAMOND, 0000
BRIAN M DIBB, 0000
DIRK R DIENER, 0000
JOHN M DIETZ, 0000
JOHN L DILLON, 0000
JEFFREY A DINGMAN, 0000
JEFFREY S DINSMORE, 0000
DEREK J DIORIO, 0000
ANDREW C DIRKES, 0000
BRIAN A DIXON, 0000
MEREDITH R DIXON, 0000
KENNETH P DOLAN, 0000

ERIC P DOMINIJANNI, 0000
CHRISTOPHER P DONNELLY, 0000
JASON E DONOVAN, 0000
JAMES S DORLON, 0000
JONATHAN A DOUDNA, 0000
CHARLES B DOUGHTY, 0000
THOMAS A DOUGLAS, 0000
BRIAN D DOWDEN, 0000
HAROLD E DOWLING JR., 0000
JAMES L DRUERY, 0000
JARED R DUFF, 0000
FRANCIS J DUFRAYNE, 0000
MELISSA A DUNLAP, 0000
CHAD R DUPILL, 0000
CRAIG P DUPILL, 0000
PAUL J DUTCH, 0000
JOHN P DUVALL JR., 0000
JEFFREY L DYAL, 0000
SEAN P DYNAN, 0000
JULIE R EASTLAND, 0000
KELLEY A EBY, 0000
GREGORY M ECKHART, 0000
RANDOLPH EDWARDS, 0000
KYLE J EGGERT, 0000
CASEY D ELAM, 0000
JOHN L ELCOCK, 0000
THOMAS E ELDERS, 0000
SEAN M ELWARD, 0000
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JASON E ENGSTROM, 0000
PHILIP B ERDIE, 0000
TY J ERICKSEN, 0000
MICHAEL R ERICKSON, 0000
THOMAS ESPINOSA, 0000
BRYCE D ESSARY, 0000
JACOB O EVANS, 0000
MARK W EVANS, 0000
MICHAEL C EVANS, 0000
WADE E EVANS, 0000
MATTHEW R EWING, 0000
ROY H EZELL III, 0000
PETER F FAETH, 0000
BRIAN L FANCHER, 0000
JENNIFER M FARINA, 0000
SHAWN A FAULKNER, 0000
PATRICK T FAYE, 0000
RORY M FEELY, 0000
TIMOTHY P FEIST, 0000
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JASON R FENTON, 0000
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LISA M FERNANDEZ, 0000
ANN P FERRIS, 0000
DAIL T FIELDS, 0000
ANDREW W FIER, 0000
JOSE R FIERRO, 0000
AMY S FILIPOVICH, 0000
DALE E FINCKE JR., 0000
RYAN M FINN, 0000
NEAL V FISHER, 0000
BRADLEY R FITZPATRICK, 0000
ROBERT E FLANNERY, 0000
CHRISTOPHER M FLOOM, 0000
JEFFREY D FLYNN, 0000
JIMMY C FORBES, 0000
TIMOTHY A FOSTER, 0000
TODD C FOWLER, 0000
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CHRISTIAN V FRANCO, 0000
DENNIS A FRANTSVE, 0000
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JASON S FREEBY, 0000
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JAMES E FRIDDELL, 0000
LEROY K FRIESEN, 0000
ANTHONY D FROST, 0000
KELLY FRUSHOUR, 0000
NATHAN H FRYE, 0000
STUART J FUGLER, 0000
DAVID A FUNKHOUSER, 0000
STEPHEN A FUSCO, 0000
MICHAEL G GAFFNEY JR., 0000
DOUGLAS E GAINER, 0000
MICHAEL J GAINES, 0000
GERARDO D GAJE JR., 0000
JERMAINE A GAMBRELL, 0000
KEVIN R GARBE, 0000
RICHARD D GARCIA, 0000
TASHANNA N GARCIA, 0000
JOHN L GARDNER, 0000
ROBERT B GARRISON, 0000
TODD C GATES, 0000
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JIMMY R GLOVER JR., 0000
MAXX GODSEY, 0000
JUSTIN E GOERING, 0000
DAVID R GOLDSTEIN, 0000
CARLOS V GOMEZ, 0000
JESSICA L GOMMEL, 0000
MARK A GONSOULIN, 0000
JEFFREY A GOODWIN, 0000
JOHN T GORDON, 0000
WILLIAM T GORDON JR., 0000
WILLIAM J GOSSEN, 0000
LUTHER A GOVE, 0000
ERNEST GOVEA, 0000
RICHARD E GRAHAM III, 0000
WILLIAM E GRANT, 0000
CHRISTOPHER M GRASSO, 0000
ARTHUR N GREEN III, 0000
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LAWRENCE B GREEN II, 0000
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ANDREW W GREGG, 0000
LEO S GREGORY, 0000
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JASON C GROGAN, 0000
BRIAN T GRONLUND, 0000
ADAM T GROSS, 0000
SHAWN P GRZYBOWSKI, 0000
KITTRIC A GUEST, 0000
VINCENT M GUIDA, 0000
JOHN M GURIS, 0000
THOMAS G GUTHRIE, 0000
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CHRISTOPHER A HADSALL, 0000
SETH T HAGERTY, 0000
JOHN W HAHN IV, 0000
MICHAEL A HALEY, 0000
GEOFFREY M HALL, 0000
MATTHEW C HALL, 0000
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CARL M HALLEN, 0000
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CHAE J HAN, 0000
MARGARET E HANCOCK, 0000
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RICHARD T HAZEWINKEL, 0000
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JOEL C HEFFERNAN, 0000
FRANKLIN D HEISLER, 0000
MICHAEL F HELT, 0000
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BRETT R HENDERSON, 0000
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DELANEY M HENRETTY, 0000
TERRANCE P HENRY, 0000
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ALEJANDRO HERNANDEZ, 0000
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DONALD J HEROD, 0000
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TOREY S HINKSON, 0000
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TREVOR W HOAGLAND, 0000
SEAN P HOEWING, 0000
MATTHEW P HOH, 0000
JONATHAN C HOLDER, 0000
JOHN J HOLLOWAY, 0000
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TRACEY L HOLTSHIRLEY, 0000
ANDREW T HORNE, 0000
ERIK P HOVEY, 0000
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MARC C HUTCHESON, 0000
JACQUELYN K HUTSON, 0000
DAVID C HYMAN, 0000
ROBERTO L IBARRA, 0000
LEON R INGLERIGHT IV, 0000
RAQUEL M INMAN, 0000
LOUIS E ISABELLE, 0000
KHIEEM JACKSON, 0000
TRAVIS D JACKSON, 0000
GREGORY S JACOB, 0000
GEORGE B JACOBS, 0000
JOHN J JAMES, 0000
JAMES L JANAY, 0000
GRANT J JANCSICS, 0000
ALLAN G JASTER, 0000
JASON A JELOVICH, 0000
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ALONZO J JONES III, 0000
GREGORY L JONES, 0000
JOHNNIE D JONES JR., 0000
QUINTIN D JONES, 0000
RANDALL K JONES, 0000
STEPHEN T JONES, 0000
YVONNE M JONES, 0000
GREGORY K JOSEPH, 0000
JOEL D JOWERS, 0000
SEAN P JOYCE, 0000
BRIAN P JUAIRE, 0000
COLLEEN M JUDD, 0000
MICHAEL JYLKKA, 0000
BRIAN M KACZOROWSKI, 0000
ALLEN A KAGEN, 0000
JAY J KAJS, 0000
HEATH M KALLAM, 0000
IVAN D KASANOF, 0000
DENNIS J KASKOVICH JR., 0000
RYAN A KASPAR, 0000
JOSEPH A KATZ, 0000
BRIAN E KAVENEY, 0000
HENRY H KAYSER, 0000
JANEK C KAZMIERSKI, 0000
JONATHAN R KEHR, 0000
JAMES D KEITH, 0000
ANDREW M KELLEY, 0000
JASON A KELLEY, 0000
AMY A KELLSTRAND, 0000
SCOTT J KELLY, 0000
SETH J KELLY, 0000
JASON L KENDALL, 0000
WESLEY J KENYON, 0000
ANTHONY A KERCH, 0000
JAROD A KESSELRING, 0000
MATTHEW J KESSLER, 0000
WAHEED U KHAN, 0000
JOSHUA M KIIHNE, 0000
JADEN J KIM, 0000
KENNETH S KIM, 0000
ROGER J KIMMEL, 0000
BEN E KING, 0000
ROBERT P KINNEY III, 0000
GARY R KIPE, 0000
BENJAMIN K KIRBY, 0000
JOHN P KIRBY, 0000
WILLIAM C KIRBY, 0000
ALBERT T KIRTON, 0000
JERRY M KLEBER, 0000
VINCENT A KNAPP, 0000
JONATHAN D KNOTTS, 0000
JAMES M KOEHLER, 0000
BRADLEY J KOOPMEINERS, 0000
MICHAEL W KOSTIW, 0000
CHRISTOPHER R KOTLINSKI, 0000
SARAH F KOWALSKI, 0000
ROBERT P KOZLOSKI, 0000
PAMELLA J KOZLOWSKI, 0000
JOSEPH P KREIT JR., 0000
NATHAN S KRICK, 0000
BENJAMIN S KRIPPENDORF, 0000
ANTHONY G KROCKEL, 0000
KEITH H KRONOVETER, 0000
CORRINE S KRUEGER, 0000
ERICH W KRUMREI JR., 0000
KEVIN K KUGINSKIE, 0000
DENNIS M KUHL, 0000
TIMOTHY A KULL, 0000

TRAVIS R KUNDEL, 0000
MICHAEL F KUTSOR, 0000
JAMES V KYKER, 0000
JOSEPH D LABARBERA, 0000
MABEL A LAI, 0000
JOHN C LAMIRAND, 0000
GREGORY H LANCASTER, 0000
JEFFREY A LANDIS, 0000
PETER J LANG II, 0000
ALEJANDRO M LANGA, 0000
KEVIN S LANGLEY, 0000
NATHAN C LANGMACK, 0000
MATTHEW W LANKENAU, 0000
CHADCLAY LANKFORD, 0000
ANDREW K LARSEN, 0000
RICHARD E LAWLER, 0000
TAI D LE, 0000
RYAN C LEAMAN, 0000
BRIAN E LEARY, 0000
KARA L LECKER, 0000
BRADLEY M LEDBETTER, 0000
ISAAC G LEE, 0000
JAMES E LEE, 0000
LAWRENCE C LEE, 0000
CHRISTOPHER D LEGERE, 0000
JAMES R LENARD, 0000
WILLIAM J LENNON JR., 0000
JESUS N LEON JR., 0000
WILLIAM C LEONHARDT, 0000
JAMES A LESTER, 0000
BENOIT M LETENDRE, 0000
ADAM LEVINE, 0000
CARL A LEWANDOWSKI, 0000
MARTIN R LEWIS, 0000
ANTHONY D LICARI, 0000
GREGORY J LILLY, 0000
DANIEL E LINDBLOM, 0000
KEITH J LININGTON, 0000
KEVIN A LIPSKI, 0000
MICHAEL A LITTLE, 0000
MICHAEL A LIVELY, 0000
MICHAEL P LIVINGSTON, 0000
ROBERT J LIVINGSTON JR., 0000
ROBERT E LODER, 0000
PETER M LOERA, 0000
DANIEL A LOFTIN, 0000
JOHN K LOFTIN IV, 0000
CHRISTIAN W LOFTIS, 0000
CHARLES J LOLLAR, 0000
KEVIN J LOLLMANN, 0000
JENNIFER A LOMBARD, 0000
CHRISTOPH W LONGSTAFF, 0000
IRMA LOPEZ, 0000
MICHAEL S LORENCE, 0000
DARRYL R LORICK, 0000
BRUNO M LOURENCO, 0000
DAVID S LOWERY, 0000
BRIAN M LUCERO, 0000
THOMAS E LUKE, 0000
WILLIAM N LUKESH, 0000
CHARLES A LUMPKIN, 0000
JOHN M LUND, 0000
JONATHAN R LUNDY, 0000
CUONG Q LUONG, 0000
ROBERT P LYNCH, 0000
SCOTT C MACINTIRE, 0000
JONATHAN R MACKIN, 0000
RUBEN P MADRID, 0000
RAYMOND W MAGNESS, 0000
TODD E MAHAR, 0000
JOHN P MAHER, 0000
TIMOTHY D MAHONEY, 0000
DANA J MAKIEWICZ, 0000
ANTHONY M MALDONADO, 0000
WILLIAM E MALSCH, 0000
BRIAN R MANIFOR, 0000
DAVID L MANKA, 0000
AMILLITA P MARAYAG, 0000
KJELL D MARCUSSEN, 0000
TRENT M MARECZ, 0000
PHILIP M MARGASON, 0000
JENNIFER L MARINO, 0000
HOWARD G MARIOTT II, 0000
SCOTT I MARKER, 0000
JODI T MARONEY, 0000
NOAH G MARQUARDT, 0000
JOHN E MARSHALL, 0000
CHARECE D MARTIN, 0000
CORNELIOUS A MARTIN, 0000
DANIEL J MARTIN, 0000
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RHONDA C MARTIN, 0000
RICHARD C MARTIN JR., 0000
STEVEN E MARTIN, 0000
DAVID M MARTINEZ, 0000
IRVING MARTINEZ, 0000
ROBERT A MARTINEZ, 0000
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ALBERTO MARTINEZDIAZ, 0000
NATHAN S MARVEL, 0000
SHANNON J MASSIE, 0000
MICHAEL F MASTRIA, 0000
ARTHUR W MATSON IV, 0000
JEFFREY S MATTOON, 0000
RICARDO MATUS, 0000
CORY J MAUKONEN, 0000
TIMOTHY R MAYER, 0000
SCOTT D MCARTHUR, 0000
JOHN S MCCALMONT, 0000
ZACHARY A MCCARLEY, 0000
REGINALD J MCCLAM, 0000
EAMON E MCCLEERY, 0000
BRENT H MCCLELLAN, 0000
RAND L MCCLELLAN, 0000
STEPHEN N MCCLUNE, 0000
IAN MCCONNELL, 0000
MATTHEW N MCCONNELL, 0000
JEFFREY S MCCORMACK, 0000
MICHAEL P MCCREADY, 0000
MICHAEL P MCDANIEL, 0000
THOMAS M MCDERMOTT, 0000
FREDERICK J MCELMAN, 0000
MARK J MCGRATH, 0000
ERIN K MCHALE, 0000
MATTHEW C MCHORRIS, 0000
JASON A MCHUEN, 0000
JOHN J MCKENNA IV, 0000
PHILIP G MCKENZIE, 0000
NOWELL C MCKNIGHT, 0000
TIMOTHY A MCLEAN, 0000
DARREN J MCMAHON, 0000
PATRICK F MCMONIGLE, 0000
ANTHONY F MCNAIR, 0000
BLAINE A MCSHALL JR., 0000
JIM A MCSHEA, 0000
JOHN G MEDLIN, 0000
RICHARD S MEIKLEJOHN, 0000
ALVARO J MELENDEZ, 0000
ROBERT K MERHIGE II, 0000
MATTHEW J MERRILL, 0000
TOBY E MERRILL, 0000
BRADLEY E MEYER, 0000
CHRISTOPHER J MEYER, 0000
JANET R MEYER, 0000
DERYL D MICHAEL, 0000
SETH R MICHAUD, 0000
ANTHONY D MICHEL, 0000
BRIAN S MIDDLETON, 0000
JASON Z MILLER, 0000
SHAWN D MILLER, 0000
WILLIAM B MILLETT III, 0000
CONRAD MILNE, 0000
MAREK MIROWICZ, 0000
ANDREW S MISENHEIMER, 0000
MARIE MITCHAM, 0000
ANTHONY R MITCHELL II, 0000
JASON B MITCHELL, 0000
KEITH R MITCHELL, 0000
JASON A MITZEL, 0000
JOSEPH A MLAKAR, 0000
JOHN A MODER, 0000
AMRO MOHAMMED, 0000
RICHARD M MOHR, 0000
GREGORY R MOHRMAN, 0000
BOOZ M MOISE, 0000
ANDREW M MOLLO, 0000
DAVID J MONAREK, 0000
KEVIN B MOODY, 0000
BRIAN K MOORE, 0000
ROY W MOORE, 0000
BALTAZAR MORA JR., 0000
EDWARD J MORALES, 0000
JOHN A MORETTI, 0000
DANIEL J MORFITT, 0000
RYAN M MORNING, 0000
HANS W MORRIS, 0000
KEVIN E MORRIS, 0000
PHILLIP W MORRIS, 0000
ABRAHAM R MORRISON, 0000
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BENJAMIN T MORROW, 0000
ERIK J MORTON, 0000
TIMOTHY A MOUW, 0000
JESSICA J MULLEN, 0000
JAMES D MULLIN, 0000
MATTHEW J MUNGOVAN, 0000
PETER J MUNSON, 0000
GEORGE S MURPHY, 0000
MICHAEL P MURPHY, 0000
SHANE E MURPHY, 0000
JASON R MURTHA, 0000
LINA M MYERS, 0000
SCOTT A MYERS, 0000
STEPHEN J NAGEL, 0000
SHANE A NALEN, 0000
WINSOME A NANDRAM, 0000
NOAH F NARUT, 0000
PATRICK J NASH, 0000
JUAN M NAVARRO, 0000
KATHRYN M NAVIN, 0000
ADAM C NAZARIO, 0000
ANDREW R NEEDLES, 0000
ANDREW E NELSON, 0000
ERIC S NELSON, 0000
FREDERICK D NELSON, 0000
OSCAR D NELSON JR., 0000
PATRICK NELSON, 0000
MICHAEL C NESBITT, 0000
GARY L NEWTON JR., 0000
REBECCA L NEWTON, 0000
JOHN A NGUYEN, 0000
QUAN M NGUYEN, 0000
LAWRENCE D NICHOLS, 0000
MAURICIO NIETO, 0000
CARLO A NINO, 0000
JAMES M NIXON, 0000
ANDREW T NOBLET, 0000
JOHN K NORRIS JR., 0000
DAVID K NORTON, 0000
JAMES R NOTT, 0000
JOSEPH C NOVARIO, 0000
JESUS M NOVERAS JR., 0000
OWEN J NUCCI, 0000
CHARLES M NUNALLY III, 0000
KEITH G NUNN, 0000
TIMOTHY N NUTTER, 0000
KHOA M NUYEN, 0000
BARTON B OBRIEN, 0000
STEPHEN M OBRIEN, 0000
OSCAR A OCHOA, 0000
RYAN P OCONNER, 0000
BRENDAN P ODONNELL, 0000
JASON P OFSANKO, 0000
MICHAEL E OGDEN, 0000
JAMES L OGLETREE, 0000
JONATHAN M OGORMAN, 0000
KRISTOPHER J OGRADY, 0000
PHILIP T OHARA, 0000
MICHAEL P OHLEGER JR., 0000
SUSAN C OLEARY, 0000
RAMIN M OLSON, 0000
ROGELIO S OREGON, 0000
JASON B ORMSBY, 0000
MIGUEL A ORTIZ JR., 0000
DEREK S OST, 0000
ANDREW M OTERO, 0000
KETYA OUK, 0000
JULIAN M OWEN, 0000
DUSTIN M OWENS, 0000
WILLIAM C PACATTE, 0000
GREGORY B PACE, 0000
JASON F PACE, 0000
PETER PACE, 0000
DAVID L PADILLA, 0000
MICHAEL B PAGE, 0000
DAVID C PALM, 0000
DAVID W PALMER, 0000
MICHAEL C PALMER, 0000
MATTHEW P PALMISCIANO, 0000
GEORGE N PAPPAS JR., 0000
WILLIAM J PARKER, 0000
BURRELL D PARMER, 0000
BENJAMIN B PASSYN, 0000
ADAM M PASTOR, 0000
BRYANT J PATER, 0000
MATTHEW W PATMON, 0000
EARL H PATTERSON V, 0000
ROBERT A PATTERSON, 0000
VICTORIAN F PAULSON, 0000
GREGORY J PAWSON, 0000
DAVID N PAYNE, 0000
CHRISTOPHER W PEHRSON, 0000
JANAKA P PERERA, 0000
BRIAN M PEREZ, 0000
JOSE A PEREZ, 0000
CHRISTOPHER J PERSON, 0000
CHRISTINA PETERS, 0000
JON C PETERSEN, 0000
JUSTIN D PETERSON, 0000
JAMES M PETTORINI, 0000
ROBERT PHELAN, 0000
KENNETH W PHELPS III, 0000
LINDA D PHILIPP, 0000
JOHN B PHILLIPS III, 0000
TYLER L PHIPPS, 0000
CHARLES A PICKETT III, 0000
JOSHUA M PIECZONKA, 0000
TODD A PILLO, 0000
CHRISTOPHER A PIMENTEL, 0000
NELSON M PINGUELO, 0000
ADAM W PITNEY, 0000
JHONNY A POLANCO, 0000
STEPHANIE M POLESNAK, 0000
CASEY J POLKINGHORNE, 0000
DONALD H PORTER III, 0000
LIONEL PORTER, 0000
NEIL C POTTS, 0000
DONATO S POWELL, 0000
MONTE S POWELL, 0000
EDWARD W POWERS, 0000
MICHAEL J POWERS, 0000
IAN M PRATER, 0000
RICHARD M PRICE, 0000
RYAN T PRINCE, 0000
CHRISTOPHER D PRITCHETT, 0000
ANDREW C PRITZ, 0000
DONN E PUCA, 0000
MARK J PUHALY, 0000
JEFFREY A PULSKAMP, 0000
ERIC D PURCELL, 0000
ANDREW J PUSHART, 0000
AARON M PUTTROFF, 0000
JASON T QUICK, 0000
MICHAEL C RAINWATER, 0000
BERT RAKDHAM, 0000
BRADLEY A RAKOV, 0000
BERNARD C RAMEY, 0000
DAVID RAMIREZ, 0000
GARRETT S RAMPULLA, 0000
GARRETT V RANDEL III, 0000
CLIFTON RANDOLPH JR., 0000
BILLIE RANKIN, 0000
PATRICK M RAPICAULT, 0000
MICHAEL P RATHS, 0000
GREGORY A RATZLAFF, 0000
CHRISTOPHER P RAY, 0000
KEVIN J RAY, 0000
CHARLES C READINGER, 0000
SCOTT M REED, 0000
RONALD J REGA JR., 0000

EILEEN M REGAN, 0000
HOPE M REHMAN, 0000
CHRISTOPHER J REHWALDT, 0000
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DUANE T RIVERA, 0000
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AMY C RIVINIUS, 0000
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PARKER O ROE, 0000
CHARLES E ROELL JR., 0000
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BRIAN A ROLF, 0000
TODD A ROMANO, 0000
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JONATHAN Y SABADO, 0000
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MARK D SADOWSKY, 0000
MARK SAENZ, 0000
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LUIS A SANCHEZ, 0000
JOHN N SAND, 0000
BRADLEY G SANDERS, 0000
CRAIG E SCHAFFNER, 0000
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ERIC S SCHEIN, 0000
TROY J SCHILLINGER, 0000
KURT A SCHMIDHAMER, 0000
THOMAS J SCHMIDT III, 0000
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FRANKLIN J SCHWARZERII, 0000
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LOUIS SCIRRI JR., 0000
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GEORGE J SEEGEL, 0000
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MICHAEL B SEIFER, 0000
JAMES R SEMMENS, 0000
MARISA P SERANO, 0000
CORY M SHACKELTON, 0000
RYAN E SHADLE, 0000
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KASEY C SHIDEL, 0000
DAVID A SHOOK, 0000
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ANDREW J SHRIVER, 0000
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JACK A SILE, 0000
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FRANCISCO R SILVERIO, 0000
GUY J SILVESTRI, 0000
SCOTT P SILVIA, 0000
KEVIN D SIMMONS, 0000
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ALAN R SINGLETON II, 0000
JOHN P SKUTCH, 0000
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ADAM T SNOW, 0000
ALEXANDER H SNOWDEN, 0000
MELISSA E SOLEY, 0000
KURT SOMMERHOFF, 0000
LISA M SOUDERS, 0000
TROYL L SPELLS, 0000
SAMAR K SPINELLI, 0000
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KIM A STEINPORT, 0000
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JARRET P STRICKER, 0000
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NATHANIEL B STUSSE, 0000
MARY K SULLIVAN, 0000
GREGORY J SUMMA, 0000
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DANIEL J TAMBURELLO, 0000
JOSEPH C TAMMINEN, 0000
JAMES S TANIS, 0000
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JAMES R TAYLOR, 0000
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DOUGLAS M THUMM, 0000
LARRY L THWEATT JR., 0000
JAYSON M TIGER, 0000
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SCOTT M TOMLINSON, 0000
BYRON J TORKE, 0000
HERNAN TORRES, 0000
RENE TORRES, 0000
JONATHAN E TOWLE, 0000
MICHAEL R TRAA, 0000
DAI Q TRAN, 0000
DANIEL M TRAYWICK, 0000
MICHAEL T TRENERY, 0000
RENE TREVINO, 0000
MINH T TRINH, 0000
JOY M TRIPLETT, 0000
ROBERT S TRZCINSKI, 0000
MATTHEW A TUMINELLA, 0000
JAMES D TURNER III, 0000
RANDALL G TURNER, 0000
JOSHUA B TUTTLE, 0000
MICHAEL W TYRA, 0000
JORGE L VALDEZ II, 0000
THEODORE F VANBRUNT, 0000
ANTHONY G VANCE, 0000
AARON B VANDERBURG, 0000
RONALD B VANDERVELDE, 0000
JASON K VANMETER, 0000
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GILES D WALGER, 0000
CURTIS L WALKER JR., 0000
DAVID W WALKER, 0000
LEN E WALKER, 0000
MATTHEW L WALKER, 0000
BRADLEY E WALTERS, 0000
MELVILLE J WALTERS IV, 0000
NANCY R WALTERS, 0000
CHAD D WALTON, 0000
LARRY R WARFIELD II, 0000
ELIZABETH A WARLOCK, 0000
JAYSEN N WARNER, 0000
RYAN B WARREN, 0000
TIMOTHY J WATKINS, 0000
CHRISTOPHER B WATSON, 0000
DEREK E WATSON, 0000
LARRY J WAYE, 0000
STEVEN A WEATHERHEAD, 0000
MICHAEL E WEBB, 0000
MARK E WEBBER, 0000
JASON M WEBER, 0000
LEE M WEINER, 0000
PATRICK WEINERT, 0000
OLGIERD J WEISS III, 0000
MICHAEL K WENDLER, 0000
LAWRENCE H WENTZELL, 0000
GREGORY C WERNLI, 0000
JASON M WEST, 0000
MICHAEL E WESTON, 0000
ROBERT F WHALEN, 0000
SHUNSEE J WHEELER, 0000
LLOYD H WHITE JR., 0000
DANA P WHITMER, 0000
BRENDAN R WHITWORTH, 0000
JOHNNY J WIDENER, 0000
GARY W WILDS, 0000
ALISA C WILES, 0000
SCOTT E WILLETTE, 0000
ANDRE L WILLIAMS, 0000
HILARY H WILLIAMS, 0000
JAMES L WILLIAMS JR., 0000
JOHN H WILLIAMS III, 0000
MARLIN D WILLIAMS, 0000
RIVERA L WILLIAMS, 0000
SHAWN E WILLIAMS, 0000
STEPHEN J WILLIAMS, 0000
CARROLL S WILLIAMSON, 0000
DEANGELO M WILLIS, 0000
KRISTY A WILLS, 0000
ANDREW B WILSON, 0000
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BENJAMIN F WILSON IV, 0000
JIMMY J WILSON, 0000
JON T WILSON, 0000
PRESCOTT N WILSON, 0000
SEAN A WILSON, 0000
JASON M WINTERMUTE, 0000
JEREMY S WINTERS, 0000
RONALD P WISDOM, 0000
ANGELA B WISSMAN, 0000
BRYAN K WITTMER, 0000
HOWARD H WOLFE III, 0000
BARIAN A WOODWARD, 0000
GARNETT H WOODY, 0000
LARRY C WOOTEN JR., 0000
BENJAMIN H WORKING, 0000
DAVID F WORKMAN, 0000
AARON T WRIGHT, 0000
DAVID K WRIGHT, 0000
KEVIN E WYKERT, 0000
MICHAEL J WYNN, 0000
MARK A YACKLEY, 0000
PRASSERTH YANG, 0000
MICHAEL R YEARGAN, 0000
TAMMIE S YEATS, 0000
TODD E YEATS, 0000
JOHN E YORIO, 0000
KEVIN M YORK, 0000
LEE A YORK, 0000
JEROME W YOUNG, 0000
MATTHEW B YOUNGER, 0000
FRANCIS G ZAMORA, 0000
MARK W ZANOLLI, 0000
ROYCE D ZANT III, 0000
SCOTT A ZELESNIKAR, 0000
SEAN P ZICKERT, 0000
CARL M ZIEGLER, 0000
KEVIN J ZIMMERMAN, 0000
SCOTT W ZIMMERMAN, 0000
ALEXANDER E ZUCHMAN, 0000
JOSEPH J ZWILLER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant

CHRISTOPHER M. RODRIGUES, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

ROGER T BANKS, 0000
TODD A BRAYNARD, 0000
LINDA E CRAUGH, 0000
RICHARD R DANIELS, 0000
DEARCY P DAVIS IV, 0000
CHRISTOPHER P DEGREGORY, 0000
MATTHEW S ELLIA, 0000
ROBERT D FIGGS, 0000
RICHARD W KOENIG, 0000
GREGORY P LIED, 0000
BRUCE A MARTIN, 0000
MATTHEW M MCGONIGLE, 0000
DUNCAN L PRESTON, 0000
RICHARD G RHINEHART, 0000
MARK W SCHMALL, 0000
RONALD W TOLAND JR., 0000
MARK E WARNER, 0000
CHARLES W WEBB, 0000
CARL ZEIGLER, 0000

EXTENSION OF REMARKS

PAYING TRIBUTE TO FATHER CHARLES E. IRVIN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate and pay tribute to Father Charles E. Irvin of Lansing, Michigan for his dedication to and retirement from the position of Editor in Chief of FAITH Magazine.

FAITH was created by Father Irvin in 1999. In the two years since, the publication has thrived under his leadership. Today, he and a staff of three distribute 830,000 copies of FAITH each year to families all across Lansing.

Father Irvin has served as Pastor of St. Mary Parish in Manchester, Michigan, St. Francis Parish in Ann Arbor, Michigan, and Holy Spirit Parish in Hamburg, Michigan. In addition, Father Irvin has worked as a corporate attorney, and once served as president of the Catholic Lawyer's Guild. After a sucessful launch year, Father Irvin resigned his post as editor in Chief of FAITH so he may continue his full-time work in parish ministry.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Father Charles E. Irvin, a man who has dedicated his entire life to pursuing a greater good.

IN RECOGNITION OF THE ACHIEVEMENTS OF ADOLPH A. SOLIS, CITY CLERK OF AZUSA, CA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Ms. SOLIS. Mr. Speaker, I rise to recognize the achievements of Adolph A. Solis, who recently retired from his position as City Clerk of Azusa, California. He had served as City Clerk since July 1974, and was a positive role model in the Azusa community, located in California's 31st Congressional District.

Mr. Solis was born on January 17, 1931, in the San Gabriel Valley. He graduated from Citrus Union High School in 1948. He later joined the United States Navy and served as a deck hand on the USS *Missouri* during his first tour to Japan and Korea. After returning from his first tour in 1951, he went on to service school training in Norfolk, VA. Later, he rejoined the USS *Missouri* and went on a second tour to Cuba, Haiti, and several other islands in the Caribbean. Upon returning to the United States, Mr. Solis was Honorably Discharged in June 1954 at the Brooklyn Naval Station. Mr. Solis returned to Azusa in 1954.

Upon returning to Azusa, Mr. Solis married Ofelia Rico in 1955. He had proposed to her in 1951 on a two-week leave from the USS *Missouri* during his Far East tour. Mr. Solis says, ''I only saw her personally for five days between my proposal and our wedding.'' It was true love, which produced two wonderful children, William and Aida.

After his active duty, Solis worked as a file clerk for the Navy's Aerojet facility between 1954 and 1956. He then worked as an accountant until 1974.

Mr. Solis recognized the importance of education. He began his studies at Mount San Antonio College in the fall of 1955, then transferred to Citrus College in the spring of 1956, and then I went on to Pasadena City College. Mr. Solis transferred to California State University Los Angeles and graduated with a Bachelor's Degree in English in 1961.

Mr. Solis taught English as a Second Language from 1966 to 1969 for the Azusa Unified School District Adult Education Evening School. In 1969 he won a seat on the School Board, and in 1973 he was reelected.

I recognize Mr. Solis for his tireless efforts to improve the City of Azusa and for his commitment to public service. On behalf of California's 31st Congressional District, I wish him a wonderful retirement and thank him for his decades-long service to our community.

TRIBUTE TO LAKE CITY, FLORIDA'S USO SHOW PERFORMED BY MEMBERS OF THE AMERICAN LEGION AUXILIARY UNIT 57 AND AMERICAN LEGION POST 57, DEPARTMENT OF FLORIDA

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mrs. THURMAN. Mr. Speaker, I am here today to pay tribute to a wonderful group of men and women in Lake City, Florida who started their own local USO troupe and are delighting audiences near and far. The 14 members that make up the two performing groups—called the Eloquence and the Sweethearts—are all members of the American Legion Auxiliary Unit 57 or the American Legion Post 57, Department of Florida. As part of their USO show, they wear spirited costumes from the 1950s and '60s and lip synch oldies but goodies once performed by entertainers with the United Service Organization (the USO) for our troops overseas.

In celebration of the USO's 60th birthday, the Lake City group performed a special Valentine's Day dance featuring memorable tunes like Boogie Woogie Bugle Boy. They raised $300 that night, which the group generously donated to the USO. Since then, the group has continued to entertain audiences throughout the community and state at Lake City Community College, the VA Hospital, the Shriners and a nursing home in Orlando. They've even performed during Elder Day at the state Capitol in Tallahassee.

I'm so proud of them, and their tremendous spirit, enthusiasm and patriotism. Mr. Speaker, please join me in recognizing the following individuals who are part of this unique mission to rekindle the memory of the USO and to keep its work alive: Ginger Fitzgerald; Pat Barriteau; Annette Burnham; Larry Burnham; Gaynell Burnham; Betty Jo Henderson; Wanda Procopio; Sandy Reeves; Paula Schuck; Pat Priest; Barbara Reppert; Carol Underhill; Alberto Marriott; Mark Thomas; and Marian Wyman.

I would also like to submit for the RECORD a history of the group called ''A Small Flower'' written by troupe member, Patricia Barriteau, who is also the Unit National Security Chairman of the American Legion Auxiliary Unit 57.

A SMALL FLOWER

Like a seed that blossoms into a beautiful flower, a small project within our Auxiliary blossomed beyond belief. The spirit of the holidays and the challenge to fill the dance hall for our Holly Ball was the beginning. Someone said, ''Let's sing some songs when the band takes a break.'' Eyes rolled and heads wagged. I thought to myself, 'How ridiculous; I've got the voice of a frog.' But six members took the challenge, and little did they know what was in store.

The first undertaking was to decide exactly what we were going to do. This was the point when we discovered that no one could really sing. So we decided instead to choose a few select songs from the past that brought back memories and lip synch. Among the original songs were Boogie Woogie Bugle Boy, Soldier Boy and God Bless The USA. We wore red, white and blue dresses, shiny fabric with long gloves and high heels. Finally, opening night arrived and we were a hit.

We started planning for the Annual Sweetheart Dance soon after the first of the year. Enthusiasm was high so we decided to entertain at the dance. By now, there was a name for the group: The Eloquence. It was time to make the program a little longer so we added two new acts: The Sweethearts, performing Sincerely and Dedicated To The One I Love and Kate Smith with God Bless America.

Four women make up The Sweethearts. They wear dark pants, white shirts, sequined red vests, cummerbunds and red bow ties. As for Kate Smith, she wears her signature black dress with a sweetheart neck and a long lovely silk handkerchief. She is truly a vision of her early days. Also, a member of the Sons of the American Legion joined the ranks in his army fatigues. He'd join in Boogie Woogie Bugle Boy and Hang On Sloopy.

The birth of the USO show came about in somewhat of a similar manner. Out of somewhere a voice said, ''We look like a USO troupe!'' and another said, ''Let's build that up.'' We'll take up a collection for the USO. And before you know it, WWII, Korean War and Vietnam-era songs were being practiced and remembered. We gathered information about the USO from the Internet, the library

and the encyclopedia, wrote a history of the USO that would serve as the opening to the show.

The night of the Sweetheart Dance arrived, and we had the jitters. So the District Chaplain had us take hands, bow our heads and ask God to help us through this without making fools of ourselves. We walked onto the stage and to our surprise there were more than 350 people in the hall. Thankfully, the show went off without a hitch, and after all expenses, we made $300, which we sent to the USO in the name of American Legion Auxiliary Unit 57, Lake City, Florida.

Soon, we received numerous invitations to perform. We were asked to entertain for the residents of the Veterans Home in Lake City. We performed at a luncheon for senior citizens from five surrounding counties at the request of the local chapter of the Florida Association of Community Colleges. By now, the telephone calls were streaming in. Could we perform for the Shriners in May to raise more money for the USO? How about coming to the VA Hospital in April? Can you make it to some of the local festivals? Can you entertain at the Veterans of Foreign Wars Post Home? That would be another place where we can take up a collection for the USO. It seemed as if everyone knew about the American Legion Auxiliary USO presentation. We recognized veterans in the community at every program. The most outstanding request of all came when we were asked to appear in Tallahassee in the Rotunda at the Capitol on April 19.

Our local USO dance troupe of the American Legion Auxiliary Unit 57, Florida, is doing more than preserving an old pastime. We are rekindling a love of our country and recognizing our veterans for a job well done. We are also collecting donations for the USO so that they will be able to continue to make life a little better for our young men and women in the military who serve our country so dutifully here and around the world.

This project has truly turned into a very big red poppy.

TROPICAL FOREST CONSERVATION ACT REAUTHORIZATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to announce that I am joined by TOM LANTOS and 27 of our colleagues in introducing a bill to reauthorize the Tropical Forest Conservation Act (TFCA). This bipartisan, conservation incentive program helps to protect the world's most valuable tropical forests through ''debt for nature'' mechanisms.

In the 105th Congress I introduced the TFCA with our former colleagues Lee Hamilton and John Kasich. It was overwhelmingly approved by the House by a vote of 356–61, passed the Senate under unanimous consent and became Public Law 105–214. The TFCA was developed with the support and input of respected environmental organizations such as The Nature Conservancy, the World Wildlife Fund and Conservation International. Their support and ongoing commitment to this program are appreciated and commendable.

The United States has a significant national interest in protecting tropical forests in developing countries. Tropical forests provide a wide range of benefits. They harbor 50–90% of the Earth's terrestrial biodiversity. They act as ''carbon sinks,'' absorbing massive quantities of carbon dioxide from the atmosphere, thereby reducing greenhouse gases. They regulate rainfall on which agriculture and coastal resources depend, and they are of great importance to regional and global climate. Furthermore, tropical forests are breeding grounds for new medicines. Twenty five percent of prescription drugs come from tropical forests. The United States National Cancer Institute has identified over 3000 plants that are active against cancer. Seventy percent of them can be found in rain forests.

Regrettably, tropical forests are rapidly disappearing. The latest figures indicate that 30 million acres (an area larger than the State of Pennsylvania) were lost each year. The heavy debt burden of many countries is a contributing factor because often they must resort to exploitation of their natural resources (particularly the extraction of timber, oil, and precious metals) to generate revenue to service their external debt. At the same time, poor governments tend to have few resources available to set aside and protect tropical forests.

The TFCA addresses these economic pressures by authorizing the President to allow eligible countries to engage in debt swaps, buybacks or reduction/restructuring in exchange for protecting threatened tropical forests on a sustained basis.

The TFCA is based on the previous Bush Administration's Enterprise for the America's Initiative (EAI) that allows the President to restructure debt in exchange for conservation efforts in Latin America. TFCA expands on the EAI and allows protection of threatened tropical forests worldwide.

The debt for nature mechanisms in the TFCA is an effective means to leverage scarce funds available for international conservation. The host country places an amount in its tropical forest fund that typically exceeds the cost to the Treasury of the debt reduction agreement. Furthermore, because these tropical forest funds have integrity and are broadly supported within the host country, conservation organizations are interested in placing their own money in these tropical forest funds producing additional leverage of federal conservation dollars.

Last year, the United States concluded the first TFCA debt reduction agreement with Bangladesh. This outstanding agreement will help protect four million acres of mangrove forests in that country and the world's only genetically secure population of Bengal Tigers. At present, there are eleven nations on three continents interested in negotiating TFCA debt reduction agreements. Furthermore, President Bush has expressed his commitment to the program.

The International Relations Committee plans to take up the bill very soon, so I would like to invite all of our colleagues to cosponsor this important conservation measure.

PAYING TRIBUTE TO MATTHEW MCNENLY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Matthew McNenly of Lansing, Michigan on being awarded a Computational Science Graduate Fellowship from the U.S. Department of Energy.

The Computational Science Graduate fellowship is a rigorous, highly competitive program that provides numerous benefits to the fellows in return for a complete casework in a scientific or engineering discipline, computer science, and applied mathematics.

McNenly graduated from Howell High School in 1994 and is currently attending the University of Michigan pursuing his Ph.D. in Aerospace engineering.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Matthew McNenly for being awarded a Computational Science Graduate Fellowship from the U.S. Department of Energy.

HONORING ROSEMARIE FISHER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, on Tuesday, June 12th, 2001 family, friends, community leaders and well-wishers will gather to congratulate Ms. Rosemarie Fisher on her retirement as Executive Director of Rosalie Manor Community and Family Services in Milwaukee, Wisconsin.

I have known Rosemarie for many years, and have always admired her vision for and hard work at Rosalie Manor, and the Milwaukee community at large. Rosalie Manor is a non-profit social service agency founded in Milwaukee in 1908 by two Misericordia Sisters to minister to pregnant, single women. While the location and programs have changed in the past 93 years, Rosalie Manor's mission and role as a leader in the field of pregnancy and parenting services in the greater Milwaukee area continues on, thanks to the commitment of Rosemarie, her staff and board members.

Rosemarie began her work at Rosalie Manor in 1975 as a part-time social worker. She remained at the Manor until 1978, when she went to New York to work at another Misericordia Sisters agency called Rosalie Hall. In 1982, Rosemarie returned to Milwaukee and Rosalie Manor as its Executive Director. During the last 19 years, through Rosemarie's insight, planning and financial expertise, Rosalie Manor has become a successful social service agency, expanding programming and the number of families served in the greater Milwaukee area. Since 1984, Rosalie Manor grew from serving 2 residents to more than 3,000 families annually, with a budget of $450,000 to more than $3 million.

From 1983 to 1990, Rosemarie's vision of what Rosalie Manor can and should be meant

adding four new programs to meet the changing needs of the Milwaukee community, including Mother Care, Families United to Prevent Teen Pregnancy, Supporting Today's Parents, and the Family Intervention Program. Rosemarie believes that her greatest accomplishments while executive director are continuing Rosalie Manor's mission to serve single, pregnant women and maintaining its strong financial position. Rosemarie can indeed take pride in these and so many more goals achieved while serving her community.

I rise to commend Rosemarie Fisher for her commitment to Milwaukee's families and for her years of service to our community at large. Her tireless efforts on our behalf will be missed but always remembered with deep appreciation.

TRIBUTE TO NORM LOVELACE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate a good friend and advocate of Guam and the Pacific Islands, Norm Lovelace, on his distinguished career and his well-earned retirement.

Currently the manager of the U.S. Environmental Protection Agency Pacific Insular Area Programs, Norm initially joined the EPA in 1972. At the time, he was tasked to develop, validate and utilize mathematical models for water quality, phytoplankton and hydraulics of the Chesapeake Bay and the Potomac River for the EPA's Region 3 Annapolis Field Office.

Prior to his stint at the EPA, Norm was employed by the California Department of Water Resources. From 1966 until 1969, he worked on developing water quality and hydraulic models of the Sacramento-San Joaquin delta. Having obtained a degree in Civil Engineering from the University of California at Davis in 1969, he went on to perform terrestrial and oceanic geophysical surveys as a senior watch officer aboard the *NOAA Ship Surveyor* until 1972, when he joined the EPA.

Norm first got acquainted with Region 9 in 1979, upon obtaining a transfer to serve in several capacities mainly focused on the EPA's program in the Pacific Basin. He was the project officer for water programs on Guam and the Trust Territory of the Pacific Islands from 1975 until 1979. He went on to be selected as Chief of Municipal Management Section in the Water Division in 1979 where he managed programs and projects for key municipal areas such as San Francisco, Los Angeles, Orange County, and San Diego. In 1981, he became the Chief of the Office of Territorial Programs. Renamed Pacific Insular Area Programs (PIAP) soon after he took over, the office administered to all agency domestic involvements in American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam. This is in addition to agency interests in the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau as well as in U.S. possessions such as Wake and Palmyra.

An advocate of the needs of the Pacific Islands, Norm served as a spokesman and representative—ensuring that national agencies involved with the Pacific Islands were keenly aware of the special circumstances and needs of the region. He was instrumental in the development and enactment of public laws which adapted complex and cumbersome EPA programs to special circumstances and public health needs of the Pacific Islands community. Through his guidance, policies were refined, funds were allocated, and changes were implemented—all to the benefit of the region. For Guam, Norm played a key role in obtaining full delegation for the island's Hazardous Waste Management Program and Solid Waste Management Program. He was largely responsible for the federal funds secured for the construction of a highly needed hazardous waste transfer station currently in operation on Guam.

For all his work and dedication, we, who have been the beneficiaries of his hard work and dedication, are most thankful. Upon his retirement, I offer my congratulations for his distinguished career and my personal commendation for a job well-done. We wish him the best on his well earned retirement and all the luck in his future endeavors. Si Yu'os Ma'ase, Norm.

''CAN DO'' SPIRIT CONTINUES AS 45-YEAR ANNIVERSARY CELEBRATED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. KANJORSKI. Mr. Speaker, Mr. Speaker, I rise today to pay tribute to the Community Area New Development Organization Inc. of Greater Hazleton, Pennsylvania, better known as CAN DO, on its 45th anniversary.

CAN DO is truly a remarkable organization. It was formed in 1956, in a moment of dire economic crisis for the Greater Hazleton area. The area's main industry, anthracite coal mining, was already in rapid decline when Hurricane Diane struck in 1955 and dumped several feet of water on the area. This killed most of the area's coal industry by flooding the deep mines and causing more than half of the remaining coal workers to be laid off. Unemployment reached almost 23 percent and stayed there.

A group of local civic and business leaders decided to take action. Working with the Greater Hazleton Chamber of Commerce, and led by respected physician Dr. Edgar L. Dessen, they formed CAN DO to attract new and diverse industries.

To purchase land they could market to new businesses, they tapped the generosity of the community, beginning with the Dime-A-Week campaign under which workers contributed $5.20 a year, and the Mile of Dimes campaign, in which residents showed their support by taping dimes along Broad Street—Hazleton's main thoroughfare.

After purchasing land, the next step was to construct shell buildings, pre-built to be ready for new industry. CAN DO's organizers defied doubters who said the group would never be able to raise a half-million dollars in financially strapped Greater Hazleton. They raised more than $700,000.

Over the years, CAN DO has built on that initial success, guided by a series of dedicated community-minded citizens such as Dr. Dessen and others too numerous to list here from the founding era to the current leadership, including Chairman Joseph M. DeBias and President W. Kevin O'Donnell. CAN DO has grown from a grass-roots effort to a nationally recognized, award-winning leader in the economic development field.

Its achievements include amassing more than 270 industrial and office projects, more than 21 million square feet of buildings worth more than $534 million, almost $1.5 billion in private investment, more than $5 million in taxes generated for local municipalities and school districts, more than $275 million in annual payroll, and more than 11,000 current jobs.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the many accomplishments that have flowed from the ''CAN DO'' spirit of the founders of the Community Area New Development Organization, which is still reflected in its volunteers and staff today. As the U.S. Representative for the Greater Hazleton community, I am privileged to work with such a dedicated organization, and I wish them and the community continued success in the future.

PAYING TRIBUTE TO THOMAS CONRAD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Thomas Conrad for his dedicated service to the town of Middletown, Michigan.

Thomas Conrad was born in Hoboken, New Jersey and served his nation in the United States Army during both war and peace time. While in the Army during World War II, he served in the 5th Army, 10th Division, and was awarded the Purple Heart medal.

Soon after, he moved to Middletown, Michigan and quickly adopted it as his hometown. In Middletown, Thomas worked for the township Department of Public Works, the Housing Authority, served as a lecturer for the Knights of Columbus, and was a member of the Kiwanis Club and the Veterans of Foreign Wars Post No. 2179.

Thomas was an active member of his community but was probably most remembered for helping those in need. He was a strong advocate for senior citizens and worked hard to see that each senior had access to quality healthcare. He was active in the Irish Society and ran the 50/50 booth at the St. Mary's fair each year.

In 1984, the Kiwanis Club of Middletown named Thomas Man of the Year, and last year he was awarded the Distinguished Service Medal for his service during the war.

Thomas Conrad passed away on February 23 of this year at the age of 75. He will always be remembered as a good hearted man who

was always willing to lend a hand to those in need.

Therefore, Mr. Speaker, I ask my colleagues to join me in paying tribute to Thomas Conrad for his exemplary service to his community and his country.

VIRGINIA KEY BEACH RESOURCE STUDY BILL

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mrs. MEEK of Florida. Mr. Speaker, Virginia Key Beach in Miami, Florida is a historically important and environmentally significant place that should be restored and preserved. This is why I have introduced a bill to study the possible inclusion of Virginia Key as part of the National Park Service, and I ask my colleagues to support it.

H.R. 2109 would authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for inclusion in the National Park System.

Virginia Key is a 1,000-acre barrier island, characterized by a unique and sensitive natural environment, situated just off the mainland of the City of Miami, between Key Biscayne to the south and Fisher Island to the north.

Although there has been some limited development, the island is non-residential and includes ponds and waterways, a tropical hardwood hammock, and a large wildlife conservation area.

Beyond its natural attributes, Virginia Key is also worthy of inclusion in the National Park System because it illustrates our nation's progress toward achieving racial justice. When integrated, as they should be, beaches can be democratizing spaces, which naturally perform a communal function of bringing people together. But this was not the case in South Florida where, for decades, beaches were strictly segregated by race.

As the only beach in Miami that permitted blacks from the 1940s to the 1960s, Virginia Key provided the only escape and source of recreation for countless African American families in South Florida. Virginia Key was the site for baptism and religious services, courtships and honeymoons, organizational gatherings, visiting celebrities and family recreation.

Today, Virginia Key is being restored by the U.S. Army Corps of Engineers, but its value to the nation and to Florida is based not just on its natural beauty, but also as a symbol of the ongoing struggle of African Americans for equal rights and social justice.

Mr. Speaker, I ask my colleagues to support this important legislation.

DIGHTON HONORS VETERANS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. FRANK. Mr. Speaker, the town of Dighton, Massachusetts has been steadfast in its commitment to honoring those who have served our country in time of war. Originally the Veterans Memorial in Dighton covered the Civil War and World War I. The people of Dighton, led by the veterans, have admirably decided to expand, to recognize fully the veterans of all of our wars for their gallantry, patriotism, and sacrifice.

Thus, on Saturday, June 16, at 10:00 a.m., the Town of Dighton will dedicate the Dighton Veterans Memorial Common, which will feature seven flag poles in a semi-circle commemorating each branch of the U.S. military, as well as the flag of the United States and the POW flag. There will also be four granite benches listing the names of all of the residents of Dighton who died in the wars of our country in defense of freedom. World War II veteran John Pimenta spear headed this effort, which was coordinated by Alice Pimenta, a tireless worker for this cause. And we are all grateful to the Dighton Power Charitable Fund for financial assistance in this very worthy project.

Mr. Speaker, I was pleased to facilitate the flying of a flag over the Capitol that will now take its permanent place in this important memorial.

The dedication will take place under the leadership of Commander Ronald Louis Naro, of Rapoza/Knott VFW Post 2094 of North Dighton. Mr. Speaker, this is an important event of which the citizens of Dighton are justifiably proud, and I am proud to have played a small part in it, and to be able to call the attention of the nation to this important act of memorial.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BURTON of Indiana. Mr. Speaker, last week due to an urgent family matter, I was unable to be in Washington for Roll Call votes #150–155. Had I been here, I would have voted Yea on Roll Call votes #150–155.

PAYING TRIBUTE TO RICHARD HUSBY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Richard Husby of Lansing, Michigan for being selected as the recipient of the national American Water Works Association 2001 Exemplary Wellhead Protection Award.

Mr. Husby has been the manager of West Side Water in Lansing, Michigan since July 1, 1979. West Side Water purchases treated water from Lansing's Board of Water and Light, and sells it to its customers, having to continuously comply with Environmental Protection Agency rules and regulations on drinking water standards.

Mr. Husby is on the Board of Trustees of Mid-Michigan Water Supply which carries out the proper management and protection of ground water. He is also a member of the Capital Area Ground Water Alliance and is a board member of the Youth Education Committee that educates children about the importance of a clean environment and clean ground water.

The American Water Works Association has awarded him with the 2001 Exemplary Wellhead Protection Award for his commitment to plugging abandoned wells and for educating the citizens of Mid-Michigan on how to detect abandoned wells and the dangers they present.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Richard Husby for being awarded the American Water Works Association's 2001 Exemplary Wellhead Protection Award.

PAYING TRIBUTE TO THE MICHIGAN STATE UNIVERSITY CLASS OF 2001

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the 2001 graduating class of Michigan State University. Due to their hard work and dedication, they are now prepared to make significant contributions to the State of Michigan and the United States of America.

As graduates from the first land grant University in the United States, whatever endeavors the Michigan State class of 2001 may pursue, success is certain to follow.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in congratulating the Michigan State University Class of 2001. May this only be the beginning of the great accomplishments they will achieve in their lifetime.

TO HONOR ELVIRA ELEMENTARY SCHOOL IN TUCSON, ARIZONA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to an elementary school in my district that has an outstanding record of commitment to its children and the community. The accomplishments of this school recently received national recognition from the Department of Education, which named it a Blue Ribbon School. I'd like my colleagues to take a moment and join me in paying tribute to Elvira Elementary School in Tucson, Arizona.

Elvira Elementary School is a kindergarten through fifth-grade school in the Sunnyside Unified School District in the southwest portion of Tucson, Arizona. It is a school that has welcomed many challenges and been described as the "best of the best in public education," by one of our local newspapers in Tucson. In

addition, it is one of only three elementary schools statewide to be awarded the coveted ''A+'' ranking by the Arizona Educational Foundation's Model Schools Program in 1999. Selection for this honor was based on Elvira's exemplary student focus and support, active teaching and learning environments, powerful community and parent partnerships and strong educational leadership.

Let me tell you a little about the student body at Elvira. Currently, 88.6 percent of the school's 690 children participate in the federal freereduced breakfastlunch program, which qualifies Elvira as a Title I school. Almost 48 percent of the students are Limited English Proficient, 10.4 percent receive Special Education services and the student mobility rate is nearing 30 percent.

But as I said, Elvira welcomes challenges. The culture of Elvira values all stakeholders and has high expectations for each of its members. A strong sense of devotion is exhibited by staff, parents and community members who join together to advocate for children.

While most of the families in Elvira are in a lower socio-economic strata, and while the school community has dealt with numerous adverse circumstances and incidents in the past several years, Elvira's resiliency holds, and the community has reacted with caring and commitment to children and their promise for the future. Elvira continually seeks avenues for close analysis of programming in order to improve and expand upon learning environments which nurture the development of the full potential of each child. High expectations for student behavior and learning have been manifested in mandatory daily homework, advocacy of parents for school uniforms, and family support enabling Elvira to became a pioneer school for the well-known violence prevention program known as PeaceBuilders.

The examples of commitment and dedication at Elvira Elementary School are numerous. That is why I am so proud of this school and its principal, my friend Mary Jane Santos. Thanks to her commitment and the dedication and work of parents, community and staff, Elvira Elementary School is continually elevating student achievement and moving toward its vision of creating learning environments that empower all students to reach their full potential. For these reasons, I respectfully ask my colleagues to join me in paying tribute to Elvira Elementary School.

A TRIBUTE TO GABRIEL EREM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to Gabriel Erem, the publisher of Lifestyles magazine, upon his being selected as the inaugural recipient of the prestigious ''Jerusalem Award'' by the UJA-Federation of New York. This is in recognition of his thirty years of community involvement and for donating his time and resources to numerous charitable causes. The award will be presented on June 18th, 2001 in New York City.

Mr. Speaker, Mr. Erem has lived the quintessential American dream. He was born in Hungary among the ruins of WWII to Holocaust survivors Rabbi Akiva Eichler and Borbala Frank. After winning a national writing context in 1964, Gabriel caught the attention of the Communist party and was eventually persecuted by them for his writings. Fearing for his safety he escaped to Israel, where he attended Tel Aviv University and later worked as a freelance journalist for several major newspapers. After Mr. Erem arrived in North America he founded a publishing company and has risen to the top of the publishing profession.

Mr. Speaker, in addition to managing a successful magazine, Gabriel Erem serves on a number of humanitarian and charitable boards both in the United States and abroad. He is the Co-Chairman of the Children of Chernobyl organization and has worked on the establishment of the Endowment for Democracy School in Budapest, Hungary. He is a member of the Executive Committee of the Israel Bonds organization, and serves on the Supervisory Boards of Bar Ilan University, Rambam Medical Center, Boys Town of Jerusalem and The Center of the Cantorial Arts. Mr. Erem is also a Member Emeritus on the council that bestows the Raoul Wallenberg Humanitarian Awards on behalf of the Shaarei Zedek Medical Center of Jerusalem and is an advisor to the College of Tosh where the new Torah Study Center was named after his late father, Rabbi Akiva Eichler.

Mr. Erem is an advisor to New York University Law School, Mount Sinai Hospital in New York, and the Mount Sinai Hospital Foundation in Toronto. Mr. Erem's commitment to educating people about the Holocaust led him to join Steven Spielberg's Survivors of the Shoah Visual History Foundation. He is also an associate member of the Conference of Presidents of Major Jewish Organizations and is a member of the National Committee on American Foreign Policy. Gabriel Erem has been married for 29 years to his wife, Susan, and they are the parents of two lovely children.

Mr. Speaker, Gabriel Erem's Lifestyles magazine was established to salute Jewish contributions in all areas of life. Over the past thirty years, the magazine has published profiles of extraordinary human beings ranging from Nobel Laureates, to giants of the art world, and individuals who have excelled in their various fields. Under Mr. Erem's leadership Lifestyles has established itself as a respected voice of integrity and continues to spotlight numerous and various humanitarian causes in each issue.

Mr. Speaker, Gabriel Erem, a child of Holocaust survivors, is being honored for his passionate commitment to teaching Jewish history and culture and preserving the Jewish legacy to the world. He has made numerous contributions to Holocaust education in our country, including the dedication of several issues of his magazine to teaching future generations about the lessons of the Holocaust. He is a man of outstanding commitment and accomplishment in the noblest of pursuits, who continues to contribute to culture, education, ethnic understanding, and the spreading of democratic and free market principles. Through his vast commitment to preserving and nurturing Jewish communal life, both in the United States and Canada, Gabriel Erem has made a tremendous and enduring gift to the education of future generations about Jewish history and culture.

Mr. Speaker, I invite my colleagues to join me paying tribute Gabriel Erem for his contributions to our society and applaud him on receiving the UJA-Federation of New York's first annual Jerusalem Award.

OUTSTANDING HIGH SCHOOL SENIORS FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mrs. WILSON. Mr. Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2001

Jayme Chino, Career Enrichment Center
Julio Dominguez, Rio Grande High School
Tomas Jason Garcia, Menaul High School
Lynda Griego, Evening High School
Margery Martha Gullick, Valley High School
Emiliano Herrera III, St. Pius High School
Sara K. Keller, Temple Baptist Academy
Adriana Kennedy, Freedom High School
Kristin Mitchell, Manzano High School
Christina Cook, Estancia High School
Renee Nicole Eden, Hope Christian School
Sarah Burrows Gonzales, Albuquerque High School
Eric Grossman, Albuquerque Academy
Joel L. Gurule, Evangel Christian Academy
Matthew Jones, Cibola High School
Kristin N. Kelly, Sandia Preparatory School
Matt Long, Eldorado High School
Anthony Montoya, Los Lunas High School
Jessie Montoya, School on Wheels
Bianca Pullen, Del Norte High School
Francisco Romero, Mountainair High School
Basil Jerome Steele Jr., Sandia High School
Megha Narayan, La Cueva High School
Amanda Rogers, Moriarty High School
Diva Sanchez, New Futures High School

IN HONOR OF DAVID L. CHERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of David L. Cherry, a member of the New York Police Department. Mr. Cherry graduated from St. Joseph's College in Brooklyn in May 2001. He earned distinguished honors at graduation, including his selection as a member of the Delta Gamma Sigma Honor Society.

David L. Cherry is a distinguished police officer. He began his career in law enforcement in 1984 when he joined the New York City Transit Police Department. David was promoted to Detective 3rd grade in 1990. He has received numerous medals for distinguished police duty.

David has always and continues to display his impressive athletic talent. In his senior year of high school, he was voted outstanding male athlete. He received a track scholarship to Essex County Community College in Newark, New Jersey, where he was named a National Junior College All-American Track Team. His track successes extended beyond his days in college. He was also a member of three National Relay Championships representing the B.O.H.A.A. Track Club of Brooklyn. He also won two more championships while representing the Westchester Puma Track Club.

David uses his athletic gift to the benefit of others. He represents the New York City Police Department at the annual New York State Police Olympic Games. He has been undefeated in the 100 and 200-meter races for the past 17 years.

David's passion for the past 15 years has been working as a volunteer track coach for the Boys and Girls High School Track Team. He shares with the youth his day-to-day activities and experiences with the New York Police Department. He has taken time out of his busy schedule of work, school, and coaching to set aside time to personally counsel many athletes. The personal attention that David brings to his team shows his devotion to his community. He has helped many athletes earn full athletic scholarships to many outstanding universities. Upon retirement from the New York City Police Department, David hopes to volunteer full time for the community.

Mr. Speaker, David L. Cherry devotes his life to serving his community through being a distinguished office, athlete, and mentor. While doing all this, he has managed to go back to school and earn a degree. For this outstanding service to his community, he is indeed worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Connecticut Federation of Educational and Professional Employees, AFT, AFL–CIO in paying tribute to their president of twenty-two years, and my dear friend, George C. Springer as he celebrates the occasion of his retirement. His outstanding leadership and unparalleled dedication has made a difference in the lives of thousands of families across Connecticut.

I have always held a firm belief in the importance of education and a deep respect for the individuals who dedicate their lives to ensuring that our children—-our most precious resource—-are given a strong foundation on which to build their futures. As a twenty year veteran of the New Britain, Connecticut school system, George made it his personal mission to help our students learn and grow—-touching the lives of thousands of students.

During his tenure in the New Britain school system, George also served as an officer and negotiator for the New Britain Federation of Teachers, Local 871. Twenty-two years ago, he was elected to the position of state federation president. As the state president, George has been a tireless advocate for his membership and their families. I have often said that we are fortunate to live in a country that allows its workers to engage in efforts to better employee standards and benefits. George has been a true leader for teachers across the state, providing a strong voice on their behalf.

George set a unique tone for this organization, extending their mission beyond the fight for better wages, better work environments, and more comprehensive health benefits. He has led the effort of the Connecticut chapter to become more involved with the larger issues of how to improve our schools—-for teachers and for students. Though we will miss him in the long battle ahead, George's leadership and outspoken advocacy on behalf of our public school system will continue to be an inspiration to us all.

In addition to his many professional contributions, George has also been involved with a variety of social service organizations in the community. The John E. Rodgers African-American Cultural Center, New Britain Boys Club, Amistad America, Inc., Coalition to End Child Poverty, and the New Britain Foundation for Public Giving are just a portion of those organizations who have benefitted from his hard work and contagious enthusiasm.

It is my great honor to rise today to join his wife, Gerri, their four children, ten grandchildren and four great-grandchildren, as well as the many family, friends, and colleagues who have gathered this evening to extend my deepest thanks and appreciation to George C. Springer for his outstanding contributions to the State of Connecticut and all of our communities. He will certainly be missed but never forgotten.

INTRODUCTION OF THE RUSSIAN DEMOCRACY ACT—H.R. 2121

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. LANTOS. Mr. Speaker, I rise today to introduce HR 2121, the Russia Democracy Act—legislation designed to enhance our democracy, good governance and anti-corruption efforts in order to strengthen civil society and independent media in Russia. Without a viable civil society, Russia cannot achieve true economic prosperity—nor will it cease to be a potential security threat to the United States.

The Freedom Support Act, signed into law in 1992 by the former President Bush, focused on eliminating the threat to U.S. national security from political instability and "loose nukes" in Russia, and was therefore primarily a government-to-government program. This effort succeeded in significantly reducing this security threat, and consistently won bipartisan support and funding in Congress.

The Russia Democracy Act expands upon U.S. initiatives that have proven successful in Russia. Among other things, it provides further support for local democratic governments through the Regional Investment Initiative; expands training for Russian journalists in investigative techniques designed to ferret out corruption; and it broadens successful U.S.-Russia cultural exchanges, such as those sponsored by the Library of Congress.

The Russia Democracy Act also launches a number of new initiatives to take advantage of new developments in Russian society over the past decade. It harnesses new information technologies to provide Internet access to Russian citizens, independent media and NGOs. It builds upon successful business education programs to establish new "American Centers" at Russian universities to share public policy, rule of law and civics experience and expertise. And it taps the growing network of local, independent media outlets to spread democratic principles through Radio Liberty and Voice of America.

By targeting assistance to Russian civil society at the grassroots level, and by staying ahead of the development curve, the Russia Democracy Act represents a bold new effort to support agents of democratic change in Russia.

Having laid the groundwork of democracy over the past decade, the Russian people must now develop the civil society and a genuine democratic culture to sustain it. Russia is no longer starting from ground zero. For the first time in their democratic institutions are in place, and civil society is taking shape thousand year history, the Russian people felt empowered to make their own decisions about matters that concern them. Millions of Russians have been able to travel freely outside their country. A myriad of citizens groups and NGOs exist, including parent-teacher associations, legal defense organizations, environmental interest groups, small business associations, societies for the protection of soldier conscripts, and many others.

On the other hand, Russia's government no longer embraces Western assistance as a matter of national pride—even if this cuts across Russia's national interests. For instance, just last month, President Putin rejected a World Bank loan that would have helped address Russia's growing tuberculosis crisis. Under these circumstances, we must look for more creative and targeted engagement with Russia's civil society and local authorities, rather than limiting our contacts to Russia's central government.

Russia is in the mid-stream of this transformation with much unfinished business—economic and structural reforms, eradication of corruption, arresting capital flight, reforming the military, rationalizing relations between the federal center and the regions, and countless others. Rather than preserving newly acquired democratic freedom, the current leadership in Moscow appears bent on its reversal. In an effort to implement economic reforms and reassert Russian national interests on the world stage, Putin is consolidating state power at the

expense of Russian civil society. He condones the abuse of government power to quash internal dissent and silence criticism of his regime. The raid and hostile government takeover of Russia's most important independent newspaper, magazine and television outlets, and last week's prevention of a human rights leader Sergei Grigoryants from boarding a flight bound for Washington where he was to attend a conference on Russia are sad examples of this trend.

The Congress has a responsibility to aid the President in cultivating Russian civil society. Historically, America's lawmakers have played a central role in this effort. The Jackson-Vanik amendment of the 1970's, for instance, linked economics and human rights, and effectively undermined Soviet Communism and hastened the arrival of Russian democracy. The Congress must again rise to the occasion.

In the final analysis, a democratic Russia, respecting human rights and observing international norms of peaceful behavior, is squarely in U.S. national security interests. Millions of Russians want to be part of the West culturally, politically, and in many other senses. These forces need to be strengthened. In my judgement the Russian Democracy Act is an incredibly prudent investment on the part of the United States to bolster whatever democratic forces there are in Russia. This is a critically important piece of legislation, and I urge my colleagues in Congress to support it.

GRADUATION ADDRESS AT US ARMY WAR COLLEGE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. SKELTON. Mr. Speaker, I had the privilege to give the commencement address at the US Army War College on June 9, 2001. It was a terrific honor. My speech to that group is set forth as follows:

MILITARY HISTORY AND THE BATTLEFIELD OF THE FUTURE

A couple of years ago, I prepared an article with the assistance of the Congressional Research Service entitled, ''Learning on the Job: Applying the Lessons of Recent Conflicts to Current Issues in Defense Policy''. It was the premise of my article that a careful look at significant U.S. military operations over about the past twenty years—roughly the period of time that I have served in Congress—can help shape answers to a surprisingly large number of contemporary issues in defense policy.

LESSONS LEARNED

My research revealed at least twelve military operations during my tenure in Congress, ranging from the small-scale 1985 interception of an aircraft carrying the Achille Lauro hijackers to the Persian Gulf War in 1991. We discovered that there were lessons learned in each of these military operations. I won't go into all of these lessons or all of these military operations, but let me summarize just a few of them:

In Lebanon, 1982–1984, we learned that we need force protection measures wherever we deploy our forces.

In Grenada, 1983, we discovered shortcomings in the ability of our forces to plan and execute joint operations.

Panama, 1989–1990, taught us that night operations could be conducted successfully and that stealth technology could work in an operational setting.

The Persian Gulf War, 1990–1991, showed that tactical, operational and strategic thought, derived from the study of yesteryear's conflicts, pays off on the battlefield. It also demonstrated the devastating efficacy of high technology munitions like smart bombs, the success of stealth technology, the importance of establishing air supremacy, and the advantages of disabling the enemy's infrastructure and command, control, and communications ability. The war also made clear that the threat of the use of chemical and biological weapons is real.

It is also interesting to note how General Schwartzkopf used the lessons of history in at least three instances in his successful Desert Storm campaign: First, the thorough 40-day air campaign which preceded the ground war recalls the failure to conduct adequate bombardment at the island of Tarawa in November of 1943. The price paid for that failure at Tarawa was heavy Marine Corps casualties. In the Gulf War, the ability of Iraqi forces to offer opposition to our forces was severely reduced. Second, consider the successful feint carried out by the 1st Cavalry Division prior to the actual start of the ground war. This recalls Montgomery's strategy in 1942 at the Battle of the Marinth Line in North Africa against the German Afrika Corps. This action was a prelude to the decisive battle at El Alamein. Third, by utilizing a leftward flanking movement when he launched the ground war, General Schwartzkopf was taking a page from the book of Robert E. Lee and Stonewall Jackson at the Battle of Chancellorsville. As you will recall, Jackson's forces conducted a brilliant flanking maneuver and completely surprised Union forces under General Joseph Hooker, in the May 1863 battle.

Somalia, 1992–1993, taught us that we should strive to avoid mission creep, and that requests from on-scene commanders for additional equipment, personnel, or other resources must be given appropriate attention by the national command authority.

In summary, my research revealed that even apparently limited military operations have required a very broad range of well-trained and well-equipped forces. We don't have the luxury of picking and choosing what missions to prepare for. And all of this is expensive—we cannot expect to have global reach, or to be engaged in Europe, Asia, and other places around the world, on the cheap. We learned that while we still have much to work on—making the Army more deployable for one thing, how to move from peacekeeping by military forces to nation-building by largely civilian institutions for another—we have actually done a lot right. The U.S. military has shown the ability to absorb the lessons of each new operation. Improvements have been made in command arrangements, in operational planning, in tactics and doctrine, in training, and in key technologies. Precision strike capabilities have matured. Congress, yes Congress, has sometimes helped. Congress's establishment of an independent Special Operations Command in 1987 has been vindicated by the continued critical importance of special operations forces in a host of military actions since then, and by the marvelous performance of those forces when called upon. Congressional passage of the Goldwater-Nichols Defense Reorganization Act of 1986 clearly helped to clarify and strengthen command arrangements.

KOREA, 1950

What caused me to think back on a now two-year-old article was the information that a group of Korean War Veterans would be in the audience today. No veterans from any war suffered more from the failure to heed the lessons of history than the veterans of the Korean War. Let me quote a passage from a book by former journalist Robert Donovan which describes the experience of elements of the 24th, Division upon their arrival in Korea in July, 1950:

''Out-gunned, lacking in heavy antitank weapons, unfamiliar with the terrain, ill prepared for combat after the soft life of occupation duty in Japan, the 24th Division soldiers were disorganized and confused, hampered by early-morning fog, exhausted by midday heat, and frustrated by faulty communications. Mis-directed mortar fire from one unit caused injuries and death in another. Chronically, supplies of ammunition ran low. Men were ambushed or were completely cut off in strange villages and never seen again. Mortars and machine guns were abandoned in the bedlam of battle . . .''

This was the experience of Task Force Smith and the other units which were among the first to deploy to Korea. Historians can argue over why we were so unprepared for conflict in Korea. Perhaps it was overconfidence after our great victory in World War II. Perhaps it was the tendency of the U.S. to ''bring the boys home'' immediately after a war—a tendency then-Major George C. Marshall noted in a 1923 speech—which led to cuts in the military that were too deep in a still-dangerous world.

Whatever the reason for our unpreparedness, there can be no disagreement on this: No group of Americans ever fought more bravely than those we called upon to serve in the Korean War. In the past decade, a lot of people have stepped forward to take credit for winning the Cold War. Let me tell who should get the credit. It is these Korean War veterans who are with us today. Their courage, their sacrifices, drew a line in sand against Communist expansion. There would be other battles—in Vietnam and in other places around the globe. But in Korea, a country most Americans had never heard of before 1950, the message was sent. America would fight to preserve freedom. We owe you a debt of gratitude we can never repay. Indeed, the whole world owes you a debt of gratitude. It is not enough, but I just want to say, ''Thank you.''

THE BATTLEFIELD OF THE FUTURE

Recently, I visited TRADOC headquarters at Ft. Monroe, and received an excellent briefing from General John Abrams and his staff, especially Colonel Maxie MacFarland, on the ''Battlefield of the Future''. Allow me to summarize that briefing from my perspective—a country lawyer who serves on the House Armed Services Committee, and who is an avid student of military history:

It should be obvious that we are not the only military that has learned lessons from these U.S. military operations which I discussed earlier, and from others around the world, such as Chechnya. The U.S. military is the most studied military in the world. All major U.S. field manuals and joint doctrinal publications are freely available on the internet, and indeed, U.S. military internet sites are frequently accessed by foreign organizations. Foreign military students from 125

countries around the world attend U.S. military education institutions, such as this one, or specialized U.S. military schools under the International Military Education and Training (IMET) programs. Our openness and reliance on information systems means that our adversaries in the future will have a greater depth of knowledge about the capabilities and operational designs of U.S. military forces.

We have advantages now in air, intelligence, surveillance, reconnaissance, and other technology, and we will likely continue to have these advantages in the future. Our potential adversaries know we have these advantages and they will seek to offset them in some of the following ways:

They will seek to fight during periods of reduced visibility, in complex terrain, and in urban environments where they can gain sanctuary.

They may use terrorist organizations to take the fight to the U.S. homeland, and they could possibly use weapons of mass destruction, or attacks on infrastructure and information systems.

They will attempt to confuse U.S. forces so that the size, location, disposition, and intention of their forces will be impossible to discern. They will try to make U.S. forces vulnerable to unconventional actions and organizations.

To offset the U.S. technological overmatch, they will use selective or niche technology, perhaps even commercially-obtained technology, to degrade U.S. capabilities. As an example, during the first Chechen War, the Chechens bought commercial scanners and radios, and used them to intercept Russian communications.

They will endeavor to exploit the perception that the American will is vulnerable to the psychological shock of unexpected and unexplained losses. Their goal will be a battlefield which contains greater psychological and emotional impacts.

In this environment, U.S. forces may no longer be able to count on low casualties, a secure homeland, precision attacks, and a relatively short duration conflict. Conflict may occur in regions where the enemy has a greater knowledge and understanding of the physical environment, and has forces which know how to take advantage of it. They will seek to avoid environments where U.S. abilities are dominant. They will have more situational awareness than possible for U.S. forces.

My briefers at TRADOC referred to this kind of conflict as ''asymmetric warfare''. And as I listened to the briefing, I thought back on my military history and I realized the truth of the old cliche that there is ''nothing new under the sun.'' Asymmetric warfare is not something new. In fact, it has been a part of American military history. Let me give you a couple of examples:

The first is from that series of conflicts that we collectively refer to as the Indian Wars, and it has a direct relation to the place we are standing right now. On July 18, 1763, during Pontiac's War, Colonel Henry Bouquet left Carlisle in command of a British army force of 400 men to relieve Fort Pitt, 200 miles to the west. On August 5 near a small stream known as Bushy Run, Bouquet's forces were attacked by Indians who were part of Pontiac's forces.

If you go to the Bushy Run Battlefield State Park today, as I have done, you will see open fields—perfect terrain for the mass formation warfare that Europeans knew how to fight. But on August 5 and 6, 1763, the area around Bushy Run was old growth forest offering limited fields of fire. This was a physical environment that the Indians knew and understood, and they took advantage of it. They forced Colonel Bouquet's forces back into a defensive position on a hilltop. The Indians attacked this position repeatedly, but never waited for a counter attack. They simply faded into the forest, as was their style, suffering few casualties. By the end of the first day of battle, however, sixty of Bouquet's troops had been killed or wounded. As fighting continued on the second day, British losses were mounting and the situation was becoming desperate. At this point, Bouquet saved his forces with a brilliant maneuver, borrowed from Hannibal at the Battle of Cannae. First, he feigned a retreat. As the Indians, sensing victory, left their cover and charged in, they came under devastating fire on their flanks and rear from Bouquet's redeployed forces. Bouquet's strategy had caused the Indians to abandon their asymmetric tactics, and leave the cover of the forest. They were quickly routed and fled the battlefield.

One other interesting point regarding Bushy Run: The official history says that Bouquet's forces were engaged and surrounded by Indian forces at least equal in size to his own. However, when I toured the battlefield, Indian re-enactors, who have studied the battle extensively from the Indian point of view, maintained that the Indians numbered no more than ninety, and that the tactics they used in the forest made their numbers seem larger. Recall that my TRADOC briefing mentioned as an element of asymmetric warfare that adversaries would attempt to confuse U.S. forces so that the size of their forces would be impossible to discern.

Example number two. Just south of here is the site of the largest battle of the War Between the States. At Gettysburg, two large armies faced off in what was, by the standards of the time, conventional, or symmetrical, warfare.

But in Western Missouri, where I grew up and still live, the War Between the States was far different. In that border state, where loyalties were divided, large battles fought by conventional forces were the exception, not the rule. Most engagements were fought between small units, usually mounted. The fighting was brutal, vicious, and the civilian population was not spared from attack.

In this theater, Union forces suffered from some distinct disadvantages:

Many of the Union units were infantry, which were useless in a conflict where most engagements were lightning cavalry raids.

Union cavalry units were equipped with the standard issue single shot carbines and sabers. As I will later explain, this armament was ineffective against their adversaries.

Because Union leaders considered Missouri a backwater, Union troops got the leftovers—the Army's worst horses, officers deficient in leadership skills, and poor training.

Not surprisingly, these Union Army units suffered from poor morale and lacked unit cohesion.

In contrast, guerrilla units fighting on behalf of the Confederacy did not have leaders trained at West Point or field manuals to teach them tactics. But they did have strengths that they were able to take advantage of:

Their troops did not need training. They were tough, young farm boys, already skilled in riding and shooting.

Their basic weapon was the best revolver in the world—the six-shot Colt .44 Navy. Most guerrillas carried four Colts, some as many as eight. Through trial and error, they discovered that they could shoot more accurately with a smaller charge, without sacrificing lethality. Moreover, this saved powder, a precious resource to the guerrillas. Thus armed, no guerrilla was ever killed by a Union cavalry saber.

Western Missouri was then noted for its fine horses, and the guerrillas got the pick of the lot in terms of speed and endurance.

They did not adhere to traditional ways of fighting. They preferred ambush and deception, often dressing in Union uniforms in order to get within point-blank range.

They had been raised in the area and knew the terrain, and how to travel on paths through the woods to conceal their movements. The Union troops traveled mostly on the main roads.

They received assistance from the local population—horses, clothing, food, intelligence, shelter, medical care. When the Union army tried to punish the locals for giving this assistance, these repressive measures only made the locals more supportive of the guerrillas.

Well, by now this should sound familiar. One does not usually find the term ''asymmetric warfare'' used in connection with Missouri in the 1860's, but you can see many elements in common with those mentioned in my TRADOC briefing on the Battlefield of the Future.

THE STUDY OF MILITARY HISTORY

No doubt during your time here at the Army War College you have had the opportunity to read and study a great deal of military history. Let me urge you to make that a lifetime commitment.

In 1935, the newly-elected U.S. Senator from Missouri visited a school then known as Northeast Missouri State Teachers College. While there he was introduced to a young man who was an outstanding student and the president of the student body. The Senator told the student, ''Young man, if you want to be a good American, you should know your history.'' That young student, the late Fred Schwengel, went on to become a Member of Congress from Iowa, and later, President of the U.S. Capitol Historical Society. And, as you may have guessed by now, that newly-elected Senator went on to become President of the United States. The school is now named for him—Truman State University.

I can't say it any better than Harry S. Truman. The main praise for building an increasingly flexible and effective force must go mainly to the generation of military officers that rebuilt U.S. military capabilities after the Vietnam War. This generation has now almost entirely reached retirement age. The task of the next generation of military leaders is to learn as well as its predecessors. You are bridge between those generations. You have served under the Vietnam generation. You will lead, train, and mentor, the generation to follow. If you do your job well, some future leader in some future conflict will be able, like Colonel Bouquet at Bushy Run, like General Schwarzkopf in Desert Storm, to call on a lesson from military history to shape the answer to a contemporary problem.

GRATITUDE

The Roman orator Cicero once said that gratitude is the greatest of virtues. Those of you who serve in uniform, your families, and our veterans who have served in uniform and their families, deserve the gratitude of our nation. I know sometimes you feel unappreciated. Yes, there are days set aside

to officially honor our service members and our veterans:

Veterans Day is set aside to honor those who have served in our nation's wars. But is only one day.

On Memorial Day we pay our respects to those who have given that ''last full measure of devotion''. Again, one day.

Armed Forces Day is dedicated to those currently serving in uniform. One day. And, because it is not a national holiday, most people don't know the date of Armed Forces Day.

I want you to know that many Americans do appreciate you every day. They don't need a holiday to do it. So, let me express gratitude to you personally, and on behalf of the American people, for all that you do, and all that you have done. And, let me ask you as senior leaders to do your part to show gratitude. Let me tell you why: The difference between keeping someone in uniform and losing them might just be an encouraging word at the right time. So, when you go out to your next assignments, and that junior officer or that young NCO puts in those extra hours, or does something that makes you look good, take the time to express your gratitude. Let them know how much they are appreciated.

Thank you and God bless you.

A TRIBUTE TO TOP STUDENT HISTORIANS FROM BISHOP, CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding accomplishments three student historians who are protégées of retired teacher Irene Sorensen of Bishop, California. Working with Mrs. Sorensen on independent study assignments, eighth graders Lauren Pollini and Kristen Kamei, and 10th grader Patrick Koske-McBride won a place on the California team at the National History Day competition at the University of Maryland this week. The competition involved students from across the United States who submitted projects on this year's theme: ''Frontiers in History: People, Places, Ideas.''

Lauren and Kristen qualified for the national competition by first winning California State History Day competitions at the county and state levels. Their exhibit, entitled ''An Education Frontier: Assimilation Through Education: An Owens Valley Paiute Experience,'' won the state junior group exhibit category. This is Lauren's second trip to the National History Day competition—she was a finalist last year in the Junior Historical Paper competition.

This is also Patrick's second trip to National History Day. The Bishop Union High School student qualified for the national competition this year with a historical paper titled ''Genetics Genesis: How the Double Helix Transformed the World.'' He also wrote his project independently of his regular classroom work.

The outstanding accomplishments of Lauren, Kristen and Patrick were undoubtedly guided by the leadership of her teacher, Mrs. Irene Sorensen. Irene is a past winner of the Richard Farrell Award from the National History Day as the 1996 Teacher of Merit.

Irene retired last year month after 19 years of teaching at Home Street School and leading students to statewide and national recognition, but agreed this year to work with her former students on their projects. The town of Bishop, and Home Street School are 200 miles from the closest university library or other academic research facility. Yet under Irene's direction, Bishop students have won at the state level and qualified for National History Day nine times during the 13 years of History Day competition. Clearly, the dedication of teachers like Irene Sorensen make our public school system the finest in the world.

Mr. Speaker, I ask that you join me and our colleagues in recognizing Lauren Pollini, Kristen Kamei and Patrick Koske-McBride for their fine accomplishment. I'd also like to commend Irene Sorensen for her fine leadership and her devotion to such remarkable educational standards. Students like Lauren, Kristen and Patrick and instructors like Irene set a fine example for us all and it is only appropriate that the House pay tribute to them all today.

SIKHS REMEMBER ATTACK ON THE GOLDEN TEMPLE, THEIR MOST SACRED SHRINE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, in June 1984, the Indian government attacked the Golden Temple in Amritsar, the holiest shrine of the Sikh religion. Attacking the Golden Temple is the equivalent of attacking Mecca or the Vatican. It is a great affront to the Sikh Nation. As the Sikh martyr Jarnail Singh Bhindranwale, who was killed in the Golden Temple, said, ''If the Indian government attacks the Golden Temple, it will lay the foundation of Khalistan,'' the name of the independent Sikh homeland which declared its independence on October 7, 1987.

This attack included the desecration of the Sikh holy scriptures, the Guru Granth Sahib, which they shot with bullets. Young Sikh boys were murdered. How can a democratic country commit this atrocity?

On June 2, Sikhs from around the East Coast demonstrated in protest of the Golden Temple massacre. Sikhs came from Philadelphia, Baltimore, Miami, and other places on the East Coast. They let it be known that the Sikhs still remember their martyrs and that the flame of freedom still burns in their hearts.

This launched a wave of violence which has killed over 250,000 Sikhs since 1984. In a new report, India is quoted as admitting that it held over 52,000 Sikh political prisoners without charge or trial. India has also killed more than 200,000 Christians in Nagaland and engaged in a wave of terror against them since Christmas 1998. Over 75,000 Kashmiri Muslims have died at the hands of the Indian government, as well as thousands of people from Assam, Manipur, and Tamil people, and Dalits (the dark-skinned ''untouchables.'')

America should not accept this kind of activity from a country that calls itself democratic. We should cut off aid to India until it allows full human rights for every citizen within its borders and we should support self-determination for all the peoples and nations of South Asia, such as the people of Khalistan, Kashmir, Nagalim, and others.

Mr. Speaker, I submit the Council of Khalistan's very informative press release on the June 2 demonstration into the RECORD.

SIKHS OBSERVE KHALISTAN MARTYRS DAY

INDIAN ATTACK ON GOLDEN TEMPLE LAID FOUNDATION OF KHALISTAN

Washington, D.C., June 2, 2001.—Sikhs of the East Coast gathered in Washington, D.C. today to observe Khalistan Martyrs Day. This is the anniversary of the Indian government's brutal military attack on the Golden Temple, the Sikh Nation's holiest shrine, and 38 other Sikh temples throughout Punjab. More than 20,000 Sikhs were killed in those attacks, known as Operation Bluestar. These martyrs laid down their lives to lay the foundation for Khalistan. On October 7, 1987, the Sikh Nation declared its homeland, Khalistan, independent.

''We thank all the demonstrators who came to this important protest,'' said Dr. Gurmit Singh Aulakh, President of the Council Khalistan. ''We must remind the Indian government that Sikhs will never forget or forgive the Golden Temple desecration and the sacrifice the Sikh martyrs made for our freedom. These martyrs gave their lives so that the Sikh Nation could live in freedom,'' Dr. Aulakh said. ''We salute them on Khalistan Martyrs' Day,'' he said. ''As Sant Bhindranwale said, the Golden Temple attack laid the foundation of Khalistan.''

The Golden Temple attack launched a campaign of genocide against the Sikhs that continues to this day. This genocide belies India's claims that it is a democracy. The Golden Temple attack made it clear that there is no place for Sikhs in India.

''Without political power nations perish. We must always remember these martyrs for their sacrifice,'' Dr. Aulakh said. ''The best tribute to these martyrs would be the liberation of the Sikh homeland Punjab, Khalistan, from the occupying Indian forces,'' he said.

Over 50,000 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. Since 1984, India has engaged in a campaign of ethnic cleansing in which thousands of Sikhs are murdered by Indian police and security forces and secretly cremated. The Indian Supreme Court described this campaign as ''worse than a genocide.'' General Narinder Singh has said, ''Punjab is a police state.'' U.S. Congressman Dana Rohrabacher has said that for Sikhs, Kashmiri Muslims, and other minorities ''India might as well be Nazi Germany.''

A report issued last month by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive ''Terrorist and Disruptive Activities Act'' (TADA). These prisoners continue to be held under TADA even though it expired in 1995. Persons arrested under TADA are routinely re-arrested upon their release. Cases were routinely registered against Sikh activists under TADA in states other than Punjab to give the police an excuse to continue holding them. The MASR report quotes the Punjab Civil Magistracy as writing ''if we add up the figures of the last few years the number of

innocent persons killed would run into lakhs [hundreds of thousands.]'' There has been no list published of those who were acquitted under TADA.

In March 2000, while former President Clinton was visiting India, the Indian government murdered 35 Sikhs in the village of Chatti Singhpora in Kashmir and tried to blame the massacre on alleged militants. Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. These figures were published in The Politics of Genocide by Inderjit Singh Jaijee. India has also killed over 200,000 Christians in Nagaland since 1947, over 75,000 Kashmiris since 1988, and tens of thousands of Untouchables as well as indigenous tribal peoples in Manipur, Assam and elsewhere.

The Indian government has also targeted Christians. They have been victims of a campaign of terror that has been going on since Christmas 1998. Churches have been burned, Christian schools and prayer halls have been attacked, nuns have raped, and priests have been killed. Missionary Graham Staines and his two sons were burned alive while they slept in their jeep by militant Hindu members of the RSS, the parent organization of the ruling BJP. Now his widow is being expelled from India.

''The Golden Temple massacre reminded us that if Sikhs are going to live with honor and dignity, we must have a free, sovereign, and independent Khalistan,'' Dr. Aulakh said.

TRIBUTE TO MAJOR GENERAL WILLIAM J. LENNOX, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate Major General William J. Lennox, Jr., who was recently promoted from Director of the Office of Congressional Legislative Liaison to Superintendent of the United States Military Academy.

General Lennox began his service in the military in 1971, following graduation from the United States Military Academy. Throughout his career General Lennox has continued his formal education. He holds a Masters Degree and a Doctorate in Literature from Princeton University. His military education includes the Field Artillery Officer Basic Course, the Infantry Officer Advance Course, the distinguished graduate from the United States Army Command and General Staff College and the Senior Service College Fellowship at Harvard University.

General Lennox has held many command assignments and honorably served the American people throughout the world. He served as a Forward Observe, Executive Officer, and Fire Support Officer in the 1st Battalion, 29th Field Artillery, and as Commander, Battery B, 2nd Battalion, 20th Field Artillery, 4th Infantry Division. He was the Operations Officer and Executive Officer for the 2nd Battalion, 41th Field Artillery, 3rd Infantry Division. He commanded the 5th Battalion, 29th Field Artillery in the 4th Infantry Division and the Division Artillery in the 24th Infantry Division.

General Lennox has also served in a number of staff positions including White House Fellow, Special Assistant to the Secretary of the Army, and Executive officer for the Deputy Chief of Staff for Operations and Plans. He served as Deputy Commanding General and Assistant Commandant of the U. S Army Field Artillery Center, Chief of Staff for III Corps and Fort Hood, and most recently, Assistant Chief of Staff CJ–3, Combined Forces Command/United States Forces Korea and Deputy Commanding General, Eighth United States Army.

General Lennox's awards include the Defense Distinguished Service Medal; the Legion of Merit with 4 Oak Leaf Clusters; the Meritorious Service Medal with 1 Oak Leaf Cluster; the Army Commendation Medal with 2 Oak Leaf Clusters; the Army Achievement Medal; the Korean Order of Military Merit, Inheon Medal; the Ranger Tab; the Parachutist Badge and the Army Staff Identification Badge.

Mr. Speaker, General Lennox has had an impressive career in the military. As he takes post as Superintendent of the United States Military Academy, I know that the Members of the House will join me in wishing him the best in the days ahead.

INTRODUCTION OF H.R. 2100, THE TWENTY-FIRST CENTURY DISTANCE LEARNING ENHANCEMENT ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BOUCHER. Mr. Speaker, I am pleased to have joined with my colleague from California, Mr. ISSA, in introducing the aptly named and numbered bill, H.R. 2100, the Twenty-First Century Distance Learning Enhancement Act. As my colleagues may know, the Senate has approved its own version of a distance education bill. We look forward to working with our colleagues in the House to move our bill quickly and to reconcile the two versions for the benefit of educators and students of all ages throughout the country.

In 1976, when closed-circuit television was the ''state of the art'' distance learning technology, Congress amended the Copyright Act to help promote this new way of distributing knowledge by exempting qualifying television transmissions received in traditional classroom like settings. Over the next two decades, as technology evolved, it became evident that teachers could offer their students a richer educational experience, but only if the law kept pace with technology. It had become increasingly evident to me that expanded distance learning opportunities would be particularly important to our constituents in rural areas. With the advent of computers and the Internet, we finally have a way to connect them with the best learning the world had to offer—but we need to clear away some hurdles so that this new technology may be used in ways not imagined in 1976.

In 1997, I joined with several members of the House in putting forward a proposal to update the law. It became clear that further study was necessary to ensure that Congress struck the appropriate balance between the interests of copyright owners and information consumers. As part of the Digital Millennium Copyright Act of 1998, Congress directed the Register of Copyrights to conduct a study and to make recommendations to enhance distance learning opportunities through the use of the most modern technologies. In releasing her study two years later, the Register of Copyrights supported changes to current law that would enhance distance learning opportunities. As she said in testimony before the Courts and Intellectual Property Subcommittee in releasing her findings, ''Updating [current law] to allow the same activities to take place using digital delivery mechanisms, while controlling the risks involved, would continue the basic policy balance struck in 1976. In our view, such action is advisable.''

In general terms, our bill would amend sections 110(2) and 112(b) of the Copyright Act to ensure that educators can use personal computers and new technology in the same way that they now use televisions to foster distance learning. It would broaden the range of works that may be performed, displayed, or distributed to include the various kinds of works that might be included in a multimedia lesson. And it would broaden the educational settings subject to the exemption to include non-classroom settings (including the home) in which pupils could receive distance-learning lessons.

Our bill differs from the Senate bill in three respects. First, we have explicitly included nonprofit libraries within the scope of the entities that may engage in distance learning activities without fear of being found to have violated the law.

Second, our bill does not contain the Senate-passed provision requiring the Patent and Trademark Office to provide a report on certain technical measures that might be used to protect works delivered over the Internet. We trust that sufficient work is being done by the private sector to develop new technology, and don't see how a report about what is available or might be available really advances the goal of developing new technology.

Finally, we did not adopt a last-minute addition to the Senate bill, made after the measure had been reported by the Senate Judiciary Committee, that relates to the requirement imposed on qualifying organizations to adopt technological measures to prevent unauthorized use or further dissemination of works used for distance learning purposes. As reported by the Senate Judiciary Committee, the bill would have required qualifying institutions to apply technological measures that, ''in the ordinary course of their operations,'' prevent the proscribed activities. As amended on the Senate floor, however, the bill deleted this qualifying phrase and instead was rewritten to require these institutions to apply measures that ''reasonably'' prevent such activities. Before deciding which may be the better formulation, we believe it will be important for the House to understand the distinctions intended and the implications that one choice or the other may have for interpreting other laws, in particular Section 1201 of the Digital Millennium Copyright Act.

We look forward to working with our colleagues to enhance distance learning opportunities by moving expeditiously with consideration of the bill.

A PROCLAMATION RECOGNIZING DR. FREDERICK SEITZ

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, on behalf of a number of my colleagues in the House and myself, I rise today in tribute to the person and life of an eminent American scientist, Dr. Frederick Seitz, and in celebration of his ninetieth birthday. We also honor Dr. Seitz for his many contributions to science and society.

Born July 4, 1911, physicist Frederick Seitz is still a leader in defending America's scientific integrity. He graduated from Stanford University and in 1934 earned his PhD at Princeton. Besides teaching and conducting research at several universities and General Electric Corporation, he served as President of the National Academy of Sciences and as President of Rockefeller University. He authored seven, including two premier textbooks.

During World War II, he served as advisor for the War Department and as member of the National Defense Research Committee. He has advised NATO as well as several Federal agencies, including the departments of State and Defense, NASA, the Navy and Air Force, the Office of Technology Assessment, the Selective Service System and the Smithsonian. Additionally, Dr. Seitz has served on the Boards, often as chairman or director, of numerous corporations and universities. He holds 31 honorary doctorate degrees and 16 major international awards.

Perhaps Dr. Seitz is most recognized by many today as a pioneer in solid state physics and the physics of metals—a cornerstone in the basic science leading to the modern silcon chip revolution that has touched and changed the lives of millions for the better.

Mr. Speaker, the British philosopher and mathematician, Bertrant Russell, wrote: "In science men have discovered an activity of the very highest value in which they are no longer, as in art, dependent for progress upon the appearance of continually greater genius, for in science the successors stand upon the shoulders of their predecessors; where one man of supreme genius has invented a method, a thousand lesser men can apply it." It is our considered opinion that Mr. Russell had in mind men like Dr. Frederick Seitz. However, Dr. Seitz is not only a man of supreme genius, but also one of superior honor and goodness.

Congratulations, Dr. Seitz, on your 90th birthday, and a greatful nation and its people say, "Thank you."

IN HONOR OF EARL WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Earl Williams. Earl is a deeply devoted man, both to his community of East New York as well as to his church. Mr. Williams has been a leading Brooklyn community activist and civic leader for the last 30 years.

Earl Williams has been married to his wife, Ruth, for 39 years. He and Ruth are the parents of two children, Jacqueline Denise and Mark, and have one grandchild, Marissa. Mr. Williams and his wife are both communicants of St. Laurence Roman Catholic Church where Earl serves in the ministry of hospitality.

A native of the Republic of Panama, Earl journeyed to the United States as a young man and served in the United States Air Force. He holds a degree from the College of San Mateo, California in Business Administration with a specialization in Public Affairs. Developing an interest in housing needs, Mr. Williams attended New York University's Real Estate Institute as well as the National Housing Center Institute in Washington, D.C. He is a Certified Manager of Housing, an Accredited Residential Manager, and a Licensed Real Estate agent in the State of New York.

Earl is currently serving as the Chairman of Community Planning Board 5. He was recently elected Democratic State Committeeman for the 40th Assembly District. As a Lions Club member, he has served as the District Governor for Brooklyn and Queens and has fundraised for multiple charities. He is also a former member of the 75th Precinct Community Council as well as the Panamanian Council of New York.

He has been recognized extensively for his devotion to East New York. As Director of Starrett Information Technology and Education Center, he has provided computer training for his community. For his devotion, Mr. Williams is the recipient of a Presidential Medal, three Presidential Leadership Awards and is also the recipient of a Melvin Jones Fellowship. The City of New York and the New York State Senate have also recognized his contributions.

Mr. Speaker, Earl Williams has devoted his life to serving his community and his church. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

ALL WARS VETERANS' MEMORIAL

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. OSE. Mr. Speaker, I rise today to honor the West Sacramento Veterans of Foreign Wars Post No. 8762 for establishing an All Wars Veterans' Memorial in West Sacramento, California. After several years of hard work and planning, the Veterans of Foreign Wars Post No. 8762 established a Veteran's Plaza on the City of West Sacramento's scenic riverfront as a tribute to the hundreds of thousands of America's military veterans who have served their country during all its wars. I am pleased to report that June 16, 2001 will mark the completion of the first-ever all wars veterans' memorial in the city of West Sacramento. I commend VFW Post No. 8762 for their dedication to serving our veterans, in addition to their constant vigilance in remembering America's Prisoners of War/Missing in Action veterans.

INTRODUCTION OF A BILL TO HELP OUR MILITARY INSTALLATIONS BECOME MORE EFFICIENT BY FACILITATING THE PRIVATIZATION OF DEPARTMENT OF DEFENSE WATER AND WASTEWATER UTILITIES

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I am joined by Representative MATSUI in the introduction of an important piece of legislation to help our military installations become more efficient by opening up their water and wastewater installations to competition. This legislation will allow the Department of Defense to use these savings to accomplish their main mission, protecting our nation.

In 1998, Congress realized that an innovative and more efficient system was needed to rid the Department of huge backlogs in their capital infrastructure and to free up funding for meeting readiness and procurement needs. Specifically, the Strom Thurmond Defense Authorization Act directed the military to outsource the operation of its water and wastewater utilities.

The intention of the program is to have a private contractor take control of the facility and be solely responsible for its operations. The Government would then repay these costs over the term of the contract in the form of utility rates.

Unfortunately our tax code has kept these important savings from happening. Existing law requires the Internal Revenue Service to subject this transfer to the so-called "Contribution In Aid of Construction"—or CIAC—tax on the full replacement value of the system. This federal transfer tax is paid by the DoD and it amounts to a circular transfer of money with no net benefit to the U.S. Government.

Not only does the CIAC penalize competition and efficiency, it also discriminates against new entrants into the water and wastewater market. Through guidelines crafted for an out-of-date system, the tax code currently only exempts traditional water and wastewater providers from this CIAC tax. This uneven application creates a huge distortion and will likely discourage many potential private sector bidders to operate the DoD's systems. Without robust competition to offer these services, DoD will never realize the needed savings intended by the 1998 defense authorization bill.

My legislation corrects this tax-code discrepancy among all potential providers. DoD will

be able to maximize competition and evaluate all potential bidders under its utility privatization programs based upon the true cost of their services. It will ensure the successful implementation of this cost-saving effort and provide desperately needed financial flexibility to meet other pressing national defense priorities. I urge my colleagues to join me on this proposal.

TRIBUTE TO CORPORAL VALENTINO FALCON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor to the accomplishments of Corporal Valentino Falcon, City of Chino, Officer of the Year 2001.

Corporal Falcon joined the Chino Police Department on April 24, 1989. He was promoted to Corporal on September 15, 1996.

As Weaponless Defense Instructor, and Assistant Team Leader on the SWAT team, Corporal Falcon has instructed the Citizen Academy participants in gang crimes. He has also addressed the attendees of the California State Parent and Teachers Association on gang crimes and violence in schools. He has generously volunteered to share his expertise by going on Patrol to mentor marginal trainees going through the Field Training Office Program. Corporal Falcon continues to provide support to officers wherever they are assigned.

Corporal Falcon currently serves as the President of the Political Action Committee, the Chino Police Department liaison for the Inland Empire Coalition Against Hate Crimes, and is a member of the Inland Valley Robbery/Homicide Investigators Association, the San Bernardino County Gang Violence Suppression Project, and the Inland Empire Gang/Drug Task Force.

Assigned as the case agent in the investigation of the death of Officer Russell Miller, his involvement in developing the effective use of PowerPoint in the closing arguments will become the norm in the near future. His diligence and outstanding professional approach to each case he handles, have gained the respect of other police agencies, and members of the legal community.

The exemplary commitment to the Chino Police Department, leadership skills and exceptional civic responsibility demonstrated by Corporal Falcon have truly earned him the recognition as Chino Police Officer of the Year. I sincerely extend my congratulations and thank him for his service to his community.

IN HONOR OF GILBERT RIVERA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Gilbert Rivera, a man who takes tremendous pride in his heritage and humble beginnings, for his tireless work on behalf of his community.

Gilbert Rivera left Puerto Rico for the Bedford-Stuyvesant community of Brooklyn when he was nine years old. After graduating from Automotive High School, Rivera entered the United States Army.

After finishing his service in the United States Army, Gilbert began working for a small construction company and saved his money to start his own company. His dream was realized when he and his twelve siblings started AM & G Waterproofing after purchasing an abandoned building. As a self-starter, Gilbert knew what it would take to make his businesses succeed and today he employs over two hundred workers at AM & G. Mr. Rivera has also been tremendously successful with his other enterprise, the Park Avenue Home Center, which boasts over 15,000 square feet of retail space and offers top name, quality products for both contractors and consumers.

In addition, Gilbert has a deep commitment to his community and recognizes that with his success comes his responsibility for leadership and mentoring. That is why he is a benefactor to numerous charitable and community programs. Rivera's belief in ''giving back'' to the community is visible by looking at the programs which he supports that influence inner city minority youth.

Mr. Speaker, Gilbert Rivera has devoted his life to better serving his community. He spends time and tireless energy lending himself to his community. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

DENCIL HAYCOX, RIO RANCHO'S FIRST PUBLIC SAFETY CHIEF RETIRES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to salute Dencil Haycox, the city of Rio Rancho's first and only public safety officer, on the occasion of his retirement after an impressive two decades of dedicated service.

Chief Haycox was first hired in 1981 as a police planner to set up the Rio Rancho Police Department shortly after the city of 10,000 incorporated. He quickly established a force consisting of one sergeant and seven officers. In 1985, he became the director of public safety when the City Council created the current Department of Public Safety. Since then he built the current force of 104 police officers and 37 fire and rescue personnel.

Chief Haycox's commitment and leadership truly have been instrumental in enhancing the special quality of life in the City of Vision. In Chief Haycox, people have been served by someone who has made their safety and well-being his life's work and has been very attentive to their needs. He has served under eight different mayors, and during that time he has shown his willingness to respond to problems, large and small, for the people he served.

He literally took a department that did not exist and made it into what it is today. His colleagues have described him as someone who set high standards for his department and always wanted to help his employees grow professionally. For example, when an employee made a mistake, he tried to use the mistake as a learning opportunity.

Rio Rancho is extremely fortunate to have had the leadership of an individual as dedicated, experienced, and successful as Dencil Haycox. I ask that my colleagues join me in saluting him on the occasion of his retirement, and I wish him continued success.

TRIBUTE TO DOGS THAT HAVE PARTICIPATED IN THE LINE OF DUTY WITH AMERICAN TROOPS

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BOYD. Mr. Speaker, throughout history, the bravery and dedication demonstrated by soldiers has long been remembered. As a veteran of the Vietnam War, I wanted to take the time to recognize important, yet often forgotten, heroes of the United States of America.

As you may know, dogs have gone through combat at the side of their masters or have been used in direct support of combat operations throughout the history of warfare. The Army Quartermasters Corps began the U.S. Armed Forces first war dog training during WW II and continued to employ trained dogs in Korea. In Vietnam, the U.S. Army was the largest employer of War Dogs of all the services and used Sentry, Scout, Tracker, Mine and Tunnel dogs.

During my service in Vietnam as a rifle platoon leader in the 101st Airborne Division, I had many opportunities to work with these dogs and their handlers. More specifically, my unit was in service with the 48th Infantry Scout Dog Platoon during the Lam Son campaign in March of 1971. These dogs were an integral part of our forces. They were trained to work in silence, provided early warnings of snipers, ambushes, mines, booby traps, and other dangers in the surrounding area. Scout Dog Teams were normally first in line when on patrol; our eyes and ears, our first line of protection.

Although thousands of dogs have participated in the line of duty with American troops, they also provided a unique sense of comfort and protection for soldiers who were wounded or in need of assistance. Fiercely loyal to handlers and fellow troops, the military recognized the contributions and impact dogs had on war efforts. While there are ample examples of heroism displayed by these selfless canine combatants, I can recall one specific instance that demonstrates the relationship between the dogs and soldiers.

On patrol one afternoon, the scout dog and his handler assigned to my group met with some trouble. The handler was seriously injured and needed to be medevaced out for immediate medical assistance. Attesting to the strength of the bond between dog and human, the handler expressed concern that the dog,

who had been trained not to leave his side, would become uncontrollable without him. When the helicopter arrived it could not land and it had to lower a basket through the trees. When the soldier was being placed into the basket however, the dog incredibly followed. We watched with a strange mixture of sadness and relief as the pair was lifted to safety together.

While these four legged heroes are unable to share their war stories with the American people, as a veteran that has personally experienced the positive impact of canine combatants, I want to share with you their glory, hardships, danger, and successes that are a touching yet significant aspect of American history.

TRIBUTE TO DR. GLENN BURDICK, SUPERINTENDENT, WINCHESTER PUBLIC SCHOOLS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. WOLF. Mr. Speaker, I want to bring to the attention of our colleagues one of the most outstanding educators in the 10th District of Virginia. Dr. Glenn Burdick is retiring this month as superintendent of Winchester Public Schools.

In looking at Dr. Burdick's distinguished resume, it is easy to see that education has been a lifelong passion.

Dr. Burdick received his BA degree in mathematics from Old Dominion University in 1970, and later earned his master of science in educational administration and his certificate of advanced study in educational administration both from ODU, in 1977 and 1979 respectively. In 1996 he received his doctor of education degree from the University of Virginia.

Dr. Burdick's entire educational career has been in service to the young people of Virginia. He began in 1970 as a mathematics teacher at I.C. Norcom High School in Portsmouth, Virginia, and later served as Evening High School principal at the school. Dr. Burdick began taking on administrative responsibilities in 1977, as the coordinator of planning and budgeting for Portsmouth Public Schools, where he served until 1983.

In 1983 he became principal of Buffalo Gap High School in Augusta County, Virginia, serving in that capacity for three years. In a glimpse of things to come, Dr. Burdick became assistant superintendent of Staunton City Schools in 1986. Finally, in 1991 he accepted the position of superintendent of Winchester Public Schools, a post he has held for the past ten years.

Dr. Burdick could easily have been kept busy by the growing demands of his profession. But he did not miss an opportunity to play an active role in his local community and the world at large.

His activities have spanned the spectrum, serving on the boards of the Kids Voting-Northern Shenandoah Valley Chapter, Kids Are Our Concern, United Way of Northern Shenandoah Valley, Winchester Rotary Club and the Winchester-Frederick Chamber of Commerce.

Dr. Burdick looked beyond Virginia's boundaries as a participant in the Fulbright Memorial Fund, a program which included a three-week visit to educational and cultural institutions in Tokyo and Kagoshima, Japan. In 1999 he participated in the Oxford International Round Table on the Superintendency and Principalship in Oxford, England.

He has been published on several occasions, most recently in the November 2000 issue of the Virginia School Board Association Newsletter—an article appropriately titled, ''Helping Superintendents Succeed.''

Later this week Dr. Burdick will officially retire from his position as superintendent of Winchester Public Schools. But he is not retiring from the field of education, and for that we are fortunate. He plans to begin teaching full time as a professor at Shenandoah University.

A Thomas Jefferson quotation in one of the corridors of the U.S. Capitol reads, ''Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day.'' Dr. Burdick has dedicated his life in countless different capacities to enlightening the minds of children throughout the state of Virginia, and in doing so he has answered a noble call and filled a compelling need. We are thankful for his past service and look forward to reaping the benefits of his knowledge and passion for education in the years to come.

IN HONOR OF RICKY PEREZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Ricky Perez for his tireless devotion to improving his community.

Ricky continues to distinguish himself in his efforts to improve community life through leadership development. He believes that leadership development is the key to community empowerment. Ricky's experience in grassroots-style leadership helped him to develop the East New York Community Anti-crime Project. This project advocates gathering all the leaders from the community's small organizations for training in the program. This led to revitalization among the organizations, which brought about dramatic and lasting improvements to their areas.

Ricky Perez is known as a leader who puts education and youth first. Growing up in an underserved and underprivileged area, Ricky understands where many members of the community are coming from. He takes pride in his ability to lead by example. Ricky's best work with youth is seen through his Police and Community Together Center. This volunteer operated center runs programs such as youth-police dialogue, community patrols, and instruction in youth entrepreneurship.

In addition, Ricky is a successful advocate on behalf of the members of the East New York community and the youth in particular. He is continuously pushing for greater computer literacy among the youth and adults in the neighborhood. In addition, he is a proponent of better education by advocating literacy academies. Ricky's team approach style has allowed him to become more involved in the area's health issues.

Mr. Speaker, Ricky Perez has devoted his life to serving his community. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

''HIV/AIDS: THE STATE OF THE EPIDEMIC WITHIN COMMUNITIES OF COLOR''

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. RUSH. Mr. Speaker, I would like to take this opportunity to thank the Congressional Black Caucus, Congressional Hispanic Caucus and the Congressional Asian Pacific American Caucus for holding their joint hearing on the critical issue of HIV/AIDS and its impact on communities of color today.

I need to look no further than my own home state of Illinois to see the horrific impact of HIV/AIDS. Since 1981, 23,000 Illinoisans of an estimated 28,000 to 38,000 HIV positive persons in Illinois have been diagnosed with AIDS. Of those 23,000 AIDS cases, an estimated 14,000 or 62 percent, have died. The number of AIDS cases in Illinois is the sixth highest total in the U.S.

The impact on minority communities is especially devastating. African Americans represent 59 percent of all HIV/AIDS cases in Illinois in 2000 and 68 percent of all cases in Chicago in 1999. Minority women are particularly impacted by HIV/AIDS. Among HIV positive women in Illinois, more than 80 percent are non white.

Only through efforts like the Minority HIV/AIDS Initiative can we begin to turn the tide on the war against HIV/AIDS. The Minority HIV/AIDS Initiative allows communities of color to create and improve HIV/AIDS service capacity in their communities. In my own Congressional District in Chicago, Lakeside Community Committee, which operates an HIV/AIDS Awareness program, recently applied for a grant under the Minority HIV/AIDS Initiative which would enable it to reach an additional 5,000 clients this year. Lakeside's overall goal is to secure funding to reach a minimum of 25,000 individuals on Chicago's South Side. The primary benefit to Lakeside of the Minority HIV/AIDS Initiative would be the dissemination of educational information about at risk behaviors and safe sex.

In recent years, HIV/AIDS has spread rapidly amongst minority populations. Because Illinois has one of the highest HIV/AIDS infection rates in America, it is imperative that we, as a community, work to effectively address this problem. Through grass roots initiatives, including the HIV/AIDS Minority Initiative, we can begin to make the HIV/AIDS epidemic within minority populations history.

TRIBUTE TO THE LATE CALVIN DIGGS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. RADANOVICH. Mr. Speaker, a great man has just passed to a more beautiful and gracious place. Calvin Diggs was the only surviving son of Edgar and Geneva Diggs. As a boy he was known to have tortured his younger sister Anita and bring life to the neighborhood. Although known as ''Lighting'' as a young man because of his laid back, slow attitude—he had his fun. Calvin married at a young age and produced a large family. While providing for this family he always found a little extra to help others.

Calvin also had a streak of ornery that he did not lose even during his illnesses. He had a loud boisterous voice which could be heard throughout Hope Hill when he called for his family. He usually woke the family with his early morning calls. His sister living next door never had an alarm clock until Calvin moved his family to another home in later years.

He worked several jobs before starting with the federal government at Fort Detrick, Maryland—later at Walter Reed. He retired after thirty-two years of service and spent his early retirement with daily visits to various family members until he was no longer able to drive.

Calvin still maintained his humor after the medical problems. He loved to hear about the antics of his kids, friends and family. He would tease those around him or tell funny stories of the past. He will be sorely missed.

IN HONOR OF DOCTOR JOSEPH L. RADDIX

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Doctor Joseph L. Raddix in recognition of his contribution to his community and medicine.

Joseph started his education at Virginia State University where he obtained his Bachelors of Science Degree in Chemistry. Raddix's interests led him to pursuing a Doctorate of Dental Surgery from Howard University. In 1984, Dr. Raddix successfully completed his examinations from the Northeast Regional Board of Dental Examination and earned his licenses to practice private dentistry in both the States of New York and Maryland.

Joseph set out to practice his slogan of the ''Art of Painless Dentistry'' in 1985, upon opening a private dental practice in Brooklyn. Interested in better serving the Brooklyn community, he became Dental Director of the Lyndon B. Johnson Health Complex. This facility, located in the heart of the Bedford Stuyvesant community, provides medical and dental care to low-income families. Joseph continues to focus on his mission of providing the best dental care to all of his patients.

In addition to Raddix's demanding schedule, he is a member of the American Dental Association as well as The New York State Dental Society and the Local Dental Society. Joseph is a founding member and chairman of the K2 Associates Investment Club.

Joseph L. Raddix is married to Sylvia Hinds-Raddix. Together they have three daughters, Jovia, Jenneate, and Josyl. The Raddix family belongs to the St. Aquinas Church. Doctor Raddix attributes much of his success to his loving parents.

Mr. Speaker, Doctor Joseph L. Raddix devotes his life to serving his community through medicine. As such, he is indeed worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

TRIBUTE TO AL AND MARGE FISHMAN, CHAMPIONS OF PEACE AND JUSTICE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BONIOR. Mr. Speaker, the Peace Action organization of Michigan is a group dedicated to abolishing nuclear weapons and maintaining peace in the world through citizen action. On Sunday June 10, 2001, as Peace Action of Michigan hosts their tribute to Al and Marge Fishman, the citizens of Michigan who share and embrace the values of the Fishmans, will gather to honor these two lifelong champions of peace and justice.

Al, born in Los Angeles, California, and Marge, born in Fairpoint, Ohio were brought together by common values and interests. They met in 1950 and were married the next year. Both have strong feelings about civil rights, nuclear war, and global banning of nuclear weapons. For over 50 years, they have worked in their community for peace and justice. Together, they have been active in Michigan politics as part of many UAW posts, women's organizations, and most recently Peace Action of Michigan. Al now serves on the National Board of Directors for Peace Action, and Marge is active with the Women's Conference of Concerns and the Detroit Branch of Women's International League of Peace and Freedom.

I applaud Peace Action of Michigan and the Fishmans for their leadership, commitment, and service. I urge my colleagues to join me in saluting Al and Marge Fishman and pay tribute to them, together with Peace Action of Michigan in continuing the fight for peace and justice.

DEPARTMENT OF ENERGY UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING ACT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mrs. BIGGERT. Mr. Speaker, today I introduced the Department of Energy University Nuclear Science and Engineering Act, the text of which follows:

H.R.—

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 ''Department of Energy University Nuclear Science and Engineering Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) U.S. university nuclear science and engineering programs are in a state of serious decline. The supply of bachelor degree nuclear science and engineering personnel in the United States is at a 35-year low. The number of four year degree nuclear engineering programs has declined 50 percent to approximately 25 programs nationwide. Over two-thirds of the faculty in these programs are 45 years old or older.

(2) Universities cannot afford to support their research and training reactors. Since 1980, the number of small training reactors in the United States have declined by over 50 percent to 28 reactors. Most of these reactors were built in the late 1950's and 1960's with 30- to 40-year operating licenses, and will require re-licensing in the next several years.

(3) The neglect in human investment and training infrastructure is affecting 50 years of national R&D investment. The decline in a competent nuclear workforce, and the lack of adequately trained nuclear scientists and engineers, will affect the ability of the United States to solve future waste storage issues, operate existing and design future fission reactors in the United States, respond to future nuclear events worldwide, help stem the proliferation of nuclear weapons, and design and operate naval nuclear reactors.

(4) Future neglect in the nation's investment in human resources for the nuclear sciences will lead to a downward spiral. As the number of nuclear science departments shrink, faculties age, and training reactors close, the appeal of nuclear science will be lost to future generations of students.

(5) Current projections are that 50 percent of industry's nuclear workforce can retire 10 to 15 years, and 76 percent of the nuclear workforce at our national labs can retire in the next 5 years. A new supply of trained scientists and engineers to replace this retiring workforce is urgently needed.

(6) The Department of Energy's Office of Nuclear Energy, Science and Technology is well suited to help maintain tomorrow's human resource and training investment in the nuclear sciences. Through its support of research and development pursuant to the Department's statutory authorities, the Office of Nuclear Energy, Science and Technology is the principal federal agent for civilian research in the nuclear sciences for the United States. The Office maintains the Nuclear Engineering and Education Research Program which funds basic nuclear science and engineering. The Office funds the Nuclear Energy and Research Initiative which funds applied collaborative research among universities, industry and national laboratories in the areas of proliferation resistant fuel cycles and future fission power systems. The Office funds Universities to refuel training reactors from highly enriched to low enriched proliferation tolerant fuels, performs instrumentation upgrades and maintains a program of student fellowships for nuclear science and engineering.

SEC. 3. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, through the Office of Nuclear Energy,

Science and Technology, shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering consistent with the Department's statutory authorities related to civilian nuclear research and development.

(b) DUTIES OF THE OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY—In carrying out the program under this Act, the Director of the Office of Nuclear Science and Technology shall—

(1) develop a robust graduate and undergraduate fellowship program to attract new and talented students,

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) maintain a robust investment in the fundamental nuclear sciences and engineering through the Nuclear Engineering Education Research Program,

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(e) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 4(b) shall, subject to appropriations, be available for the following research and training reactor infrastructure maintenance and research:

(1) Refueling of research reactors with low enriched fuels, upgrade of operational instrumentation, and sharing of reactors among universities.

(2) In collaboration with the U.S. nuclear industry, assistance, where necessary, in relicensing and upgrading training reactors as part of a student training program.

(3) A reactor research and training award program that provides for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY–DOE LABORATORY INTERACTIONS.—The Secretary of Energy, through the Office of Nuclear Science and Technology, shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at Department of Energy, laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which laboratory, staff can spend time in academic nuclear science and engineering departments. The Secretary may under section 3(b)(1) provide for fellowships for students to spend time at Department of Energy laboratories in the area of nuclear science under the mentorship of laboratory staff.

(e) OPERATIONS AND MAINTENANCE.—For the research programs described, portions thereof may be used to supplement operation of the research reactor during investigator's proposed effort provided the host institution provides cost sharing in the reactor's operation.

(f) MERIT REVIEW REQUIRED.—All grants, contracts, cooperative agreements, or other financial assistance awards under this Act shall be made only after independent merit review.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) TOTAL AUTHORIZATION.—The following sums are authorized to be appropriated to the Secretary of Energy, to remain available until expended, for the purposes of carrying out this Act:

(1) $30,200,000 for fiscal year 2002.
(2) $42,000,000 for fiscal year 2003.
(3) $47,850,000 for fiscal year 2004.
(4) $55,600,000 for fiscal year 2005.
(5) $64,100,000 for fiscal year 2006.

(b) GRADUATE AND UNDERGRADUATE FELLOWSHIPS.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(1):

(1) $3,000,000 for fiscal year 2002.
(2) $3,100,000 for fiscal year 2003.
(3) $3,200,000 for fiscal year 2004.
(4) $3,200,000 for fiscal year 2005.
(5) $3,200,000 for fiscal year 2006.

(c) JUNIOR FACULTY RESEARCH INITIATION GRANT PROGRAM.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(2):

(1) $5,000,000 for fiscal year 2002.
(2) $7,000,000 for fiscal year 2003.
(3) $8,000,000 for fiscal year 2004.
(4) $9,000,000 for fiscal year 2005.
(5) $10,000,000 for fiscal year 2006.

(d) NUCLEAR ENGINEERING AND EDUCATION RESEARCH PROGRAM.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(3):

(1) $8,000,000 for fiscal, year 2002.
(2) $12,000,000 for fiscal year 2003.
(3) $13,000,000 for fiscal year 2004.
(4) $15,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(e) COMMUNICATION AND OUTREACH RELATED TO NUCLEAR SCIENCE AND ENGINEERING.—Of the funds under subsection (a), the following; sums are authorized to be appropriated to carry out section 3(b)(5):

(1) $200,000 for fiscal year 2002.
(2) $200,000 for, fiscal year 2003.
(3) $300,000 for fiscal year 2004.
(4) $300,000 for fiscal year 2005.
(5) $300,000 for fiscal year 2006.

(f) REFUELING OF RESEARCH REACTORS AND INSTRUMENTATION UPGRADES.—-Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(1):

(1) $6,000,000 for fiscal year 2002.
(2) $6,500,000 for fiscal year 2003.
(3) $7,000,000 for fiscal year 2004.
(4) $7,500,000 for fiscal year 2005.
(5) $8,000,000 for fiscal year 2006.

(g) RE-LICENSING ASSISTANCE.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(2):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

(h) REACTOR RESEARCH AND TRAINING AWARD PROGRAM.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(3):

(1) $6,000,000 for fiscal year 2002.
(2) $10,000,000 for fiscal year 2003.
(3) $14,000,000 for fiscal year 2004.
(4) $18,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(i) UNIVERSITY—DOE LABORATORY INTERACTIONS.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(d):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

ADDITIONAL SPONSORS

Pursuant to Clause 4 of rule XXII of the Rules of the House of Representatives, the following sponsors are hereby added to the bill:

Tammy Baldwin, Roscoe Bartlett, Joe Knollenberg, Vernon Ehlers, Michael Simpson, Darlene Hooley, Heather Wilson, Ted Strickland, C.L. ''Butch'' Otter, and Ken Calvert.

THE COAST GUARD AUTHORIZATION ACT OF 2002

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1699) to authorize appropriations for the Coast Guard for fiscal year 2002:

Mr. UNDERWOOD. Mr. Chairman, I rise today in strong support of H.R. 1699, the Coast Guard Authorization Act for FY 2002. I would like to commend Chairman DON YOUNG, Ranking Member JIM OBERSTAR and all my colleagues for their hard work on this important legislation.

As a proud member of the Congressional Coast Guard Caucus, I would like to point out the hard work and dedication that each guardsman and woman gives each day to our nation. The United States Coast Guard is the nation's oldest and premier maritime agency.

H.R. 1699 authorizes $5.3 billion for Coast Guard programs and activities for FY 2002, which include a complex but necessary array of missions that affect the core of this nation in the areas of national defense, commerce, law enforcement, the environment, and lifesaving. This authorization outlines an additional $300 million more than the President's request which will provide for a robust and fully operational Coast Guard. Anything less would seriously undercut the Coast Guard's longstanding and distinguished service protecting the nation's critical maritime interests.

I am especially happy that the measure provides at least $338 million for the Deepwater modernization program, which is vital toward the continuing efforts to restore the Coast Guard's readiness to a level appropriate to sustain its missions and reconstitute an aging fleet of ships and airplanes.

My home island of Guam has a special relationship with the Coast Guard. The Coast Guard plays a critical role in enforcing the island's 200-mile zone created by the Fishery Conservation and Management Act of 1976, which quadruples the offshore fishing area controlled by the United States, by conducting and coordinating search and rescue operations and licensing and regulating safety and commercial boating rules.

Over the past several years, Guam has experienced a large influx of Chinese illegal immigrants. Chinese crime syndicates organize boatloads of poor Chinese citizens to illegally enter the United States for exorbitant fees per person. According to the Immigration and Naturalization Service, in 2000 about 500 illegal Chinese immigrants were apprehended by the Coast Guard, INS and Guam officials.

The Marianas section of the Coast Guard, stationed out in Guam, has been tasked to

interdict, when possible, these dilapidated Chinese vessels that are transporting these illegal immigrants. The local command, which is currently undermanned and overextended, is doing the impossible under such circumstances. I commend the Coast Guard for their tireless efforts to mitigate the influx of illegal immigrants to Guam.

We are all proud of the incredible work that the men and women of the Coast Guard do for our nation every day. With that, I strongly urge passage of this authorization.

IN HONOR OF FERNANDO NUESI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Fernando Nuesi, a native of the Dominican Republic. Mr. Nuesi is currently residing in the Cypress Hills section of East New York, Brooklyn. He is devoted to making his community a better place in which to live and work.

Fernando Nuesi was born and raised in Puerto Plata. He obtained his pilot's license from Pan American Aviation Academy in 1982. He is also a graduate of Bronx Community College. Fernando decided to take on a new venture by opening the Atlantic Car Service Base. This was a much needed transportation service for the East New York Community. His company provided around-the-clock service for all the boroughs, airports and connecting states.

In 1989, Fernando furthered his entrepreneurship with his Used Car Dealership. He sells automobiles, both wholesale and retail, to the community and people all over the world. He has lived in the East New York area for over 24 years; he often expresses the pleasure he has in working and living in the same community. Fernando and his family are loyal members of Blessed Sacrament RC Church.

Mr. Speaker, Fernando Nuesi has been an extremely positive force in his community for several years. As such, he is more than deserving of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly outstanding man.

OFFICIAL LIST OF HOUSE 2000–2001 PAGE CLASS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. SHIMKUS. Mr. Speaker, with appreciation and recognition of their service to this Institution, I am once again submitting a complete list of all the individuals who served as part of the 2000–2001 House Page class. The list that appeared in the CONGRESSIONAL RECORD dated June 7 was not complete and I wanted to make certain the entire class was appropriately and officially recognized.

Jessica Adams, Narvell Arnold, Camille Baldwin, Erika Ball, Ashleigh Barker, Erin Baumann, Jane Bee, Kristin Blanchet, Christopher Bohannon, and Seth Brostoff.

Michael Byers, Ilona Carroll, Alesia Cheatham, Aaron Clayson, Eric Colleary, Joshua Cornelssen, Jason Davis, Kelly DiBisceglie, Adam Estes, and Jennifer Evans.

Lauren Favret, Corey Fitze, Brian Footer, Dane Genther, Ann Grants, Erin Grundy, Ryan Gualdoni, Allison Hamil, Leon Harris, and Ashley Harrison.

Brian Henry, Christin Huisman, Sarah Hulse, Audra Jones, Benjamin Kaiser, Sarah Kozel, Jeff Leider, Christina Lemke, Bradley Loomis, and Claire Markgraf.

Benjamin Melitz, Nicholas Mentone, Brett Moore, Gregory Muck, Richard Nguyen, Charzetta Nixon, Amber Polk, William Pouch, Barry Pump, and Sean Ready.

Jana Reed, Bethany Ruscello, Julia Sargeaunt, Kristin Saybe, Sarah Schleck, Sarah Seipelt, Brittany Sisk, Ben Snyder, Christopher Sprowls, and Martha Stebbins.

Paul Stone, Ryan Tanner, Carin Taormino, Robert Terrell, Chapman Thompson, Stephanie Vermeesch, Robert Wehagen, Sarah Williford, Jason Williquette, and Bradley Wilson.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. MCGOVERN. Mr. Speaker, I submit to the RECORD remarks by the Rev. Robert E. Casey, Pastor of St. Brigid's Church in South Boston and the remarks of Cardinal Bernard Law at the funeral mass for the late Honorable JOHN JOSEPH MOAKLEY.

SERMON—VIGIL SERVICE FOR CONGRESSMAN JOHN ''JOSEPH'' MOAKLEY

(By Rev. Robert E. Casey)

Today, tomorrow, and Friday, have been set aside to remember Congressman ''Joe'' Moakley. We come to this Church tonight to pray for Joe, and to be comforted by the words of our Lord. I think it is fitting that we come here to Saint Brigid's, because it was here that Joe came to pray. It was here that Joe came to be comforted by his Lord. It was here that Joe came to be strengthened by his Lord.

I do not stand here tonight, pretending that I knew Joe well. I knew of him for many years through his work in congress, especially from his many efforts to bring justice for the six murdered Jesuits in El Salvador. I first met him a year ago, when I arrived here as the new pastor, and I remember him patting me on the back after mass and with a big smile—welcoming me to Saint Brigid's. I suppose I am like most people, who are not a longtime friend, or a close relative that knew him intimately. But like the many who knew Joe from a distance, from the work he did, for the values he stood for. Someone said to me yesterday: ''You know, you didn't have to know Joe intimately for a long time—to know the type of person he was.'' And I guess that is true—there are so many like me out there who didn't know the man very well, but knew what type of man he was.

We have heard and seen in the news and in the newspaper articles, story after story, relating to us a man of goodness. Things like: he was a rare breed, a gentle soul, the people's legislator, one who always had time to assist. People talked about his hidden greatness, his humility, his wit, and his basic goodness. And I think that is why, we, who didn't know him well—felt like we knew him. Why? Because we want so desperately to know a man of such goodness. We want to look up to a man that had values, had faith in God, and had an innate drive to help others in need. Why was Joe Moakley this person? Many reasons I'm sure—but tonight I'd like to attribute it to his faith in God. He was a child of God. In fact in one of his recent interviews, he quoted scripture when speaking of his life accomplishments: ''Do unto others, as you would have them do to you!''

Joe Moakley lived a life of service to others—not for his own accomplishments to be noticed, but to have others take notice of those who

That is why we come tonight to Saint Brigid's. Because it was here that Joe nourished his faith as a child of God. It is here that we come to listen to our Lord's consoling words to Joe, as he said to Martha in tonight's gospel: ''Don't worry—he will live again!'' If you believe, if you have faith in God—you will live again.

Many were amazed at Joe's peacefulness and grace these last months since his announcement of his illness. That grace and peace that he possessed came from his belief that he would have a share in eternal life. That life does not end, that life merely changes. And that is what gives us hope tonight as we pray for someone loved by those who knew him well, and not so well—that for Joe Moakley, the child of God, the believer in Jesus Christ—for him—life has not ended, it is merely changed. His new life with God has just begun. And his life with you has not ended either—it has merely changed—for the good memories that you keep of Joe, all the good that this ''good man'' has done—will live on, as Joe's spirit continues to live in our hearts.

Joe does not sit tonight in the 10th pew from the back, where he usually sat, unnoticed—kneeling, praying, or singing the songs. He is here in front of us all—telling us as we look back on his life—how we might follow our Lord's command ''to do unto other's as you would have them do unto you''

REMARKS AT CONGRESSMAN MOAKLEY'S FUNERAL MASS

(By Cardinal Bernard Law)

After I had the privilege of anointing Joe, after the public announcement of the course of his illness, we spoke about the funeral, and I asked him to do me a favor. I said, Joe I've got a problem as an Archbishop. Funerals have gotten out of hand, and the focus has not always been where it should be. Will you help me get it back? And I'm so grateful to him for that. I know of no public servant's passing that has been more beautifully and appropriately marked than has his death.

If I may presume, Tom and Bob, to speak a word of gratitude on your behalf, that of your entire family, and that of Joe's staff, which was much more than staff, it was extended family, and that gratitude goes for all who have in these days and during these past several months shown their respect for and their love of your dear brother, your uncle

and your friend. The extraordinary outpouring of affection from this Commonwealth, this nation and indeed beyond is a most fitting tribute to the public service which he rendered. The presence of President Bush, former President Clinton, former Vice President Gore, the Congressional delegation, Governor Swift, Mayor Menino and so many other public servants attests to the esteem in which all of us hold Joe.

The two vigil services, first here in Saint Brigid's and then at the State House, and this Mass I know have brought you strength and consolation. With you I wish to acknowledge Father J. Donald Monan, S.J., Senator Edward Kennedy, and Congressman James McGovern, who is so much more than a Congressional colleague, for their parts in those vigil services. Your remarks were moving indeed and I thank you for that.

To Father Robert Casey, Joe's pastor here at Saint Brigid's, for all he has done, along with the musicians, the Vigil Services, the two magnificent musical groups here today, the youngsters who sang just before mass, the servers, including two of Joe's grandnieces, and all the participants who have enhanced our worship, Joe's family and all of us are most grateful to you. We are in Monsignor Thomas McDonnell's debt for his moving homily—and to President William Bulger for the magnificent way in which he evoked Joe's memory, paid tribute to him, and allowed us a very well needed laugh.

I thank in your name, Tom and Bob, Metropolitan Methodios of the Greek Orthodox Church, the ecumenical as well as the interreligious representatives, my brother Catholic bishops and priests, the Religious women and men who are with us and all who are joined with us in prayer both here in the church, in the surrounding buildings, and by means of television.

What a gift it is to die as Joe did—believing that Jesus conquered both sin and death in his death upon the cross—and that in His resurrection and His ascension we have a sure hope of everlasting life if our lives are rooted in His.

The great temptation which each one of us faces is to separate faith from life. The great temptation is to lock our faith in a narrow ghetto in a part of our lives. Joe's record of public service shows that he allowed faith to inspire and to penetrate his public service. As Congressman McGovern said in his remarks here in the Church and as Billy Bulger commented, this pulpit was a source of inspiration and vision for Joe. His faith was nourished in this Church and the surrounding parishes and in his family, where he first learned to reach out a helping hand, in that beautiful phrase, to those upstairs, downstairs and across the back fence.

He enjoyed an uncommon freedom as a politician, because he placed no limits on faith's demands. Jesus said, you shall know the truth and the truth shall make you free.

Please stand and join me now in the prayers of final commendation.