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Senate

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

PRAYER

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

Great is Your faithfulness, O God our Father; morning by morning new mercies we see. All we have needed Your hand has provided. Great is Your faithfulness that sets us free. We echo the praise articulated so beautifully by Jeremiah, "Through the Lord's mercies, we are not consumed, because His compassions fail not. They are new every morning; great is Your faithfulness." Thank You, Father, that You desire to reproduce Your faithfulness in us. Make us people distinguished for our faithfulness to You, our families, our Nation, our calling to serve You in the Senate. Today, on what has been designated as Loyalty Day, may our love for You be expressed in loyalty. We know that loyalty is an act of the will; it is a quality we choose to express. We affirm our loyalty to Your commandments and our Constitution. May loyalty to one another within the Senate family exemplify to America that people with different political persuasions can be loyal to each other. You are our loyal Lord and our strengthening Saviour. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 1, 2001.

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, I ask unanimous consent that the 9:30 cloture vote be postponed to occur at 11 a.m. today.

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

Mr. NICKLES. I further ask unanimous consent that the Senate begin a period of morning business until 11 a.m. with the time equally divided in the usual form.

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

SCHEDULE

Mr. NICKLES. For the information of all Senators, the cloture vote on the motion to proceed to the education bill

is now scheduled to occur at 11 a.m. However, it is possible that vote may be vitiated so substantive debate can begin this morning. Senators will be notified as to the status of that vote as soon as possible. Amendments to the bill are expected to be offered during today's session, and therefore further votes are anticipated in today's session.

I thank my colleagues for their attention.

Mr. President, I thank the Chair. The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

LEI DAY IN HAWAII

Mr. AKAKA. Mr. President, May 1 is a special day in many cultures. The Celts and Saxons and others in pre-Christian Europe celebrated the first planting and the beauty of spring. These agrarian celebrations continued down through the centuries and remain today. In much of Europe, May 1 is also a labor holiday, honoring the labor workers. The first of May, however, has a unique and very special significance to the people of Hawaii. May Day is Lei Day in Hawaii. Lei Day is a non-political and nonpartisan celebration. Indeed, its sole purpose is to engage in random acts of kindness and sharing, and to celebrate the Aloha spirit, that intangible, but palpable, essence which is best exemplified by the hospitality and inclusiveness exhibited by the Native Hawaiians—Hawaii's indigenous peoples—to all people of goodwill.

A lei is garland of flowers joined together in a manner which can be worn. There are many different styles of lei made of numerous types of flowers. The type of flower used determines the manner in which the lei is woven. While Hawaii and the Native Hawaiian culture are properly acknowledged for giving the lei such prominence, and the lei is a sensory manifestation of the Aloha spirit, other Pacific island peoples—the Polynesians and Micronesians for example—and Southeast

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Asians use floral garlands to greet and honor guests.

A lei symbolizes love, support, and friendship. Longstanding tradition in Hawaii has made May 1 a special day for the people of Hawaii. The Territory of Hawaii observed its first "May Day is Lei Day" celebration on May 1, 1928. There were many festivities and competitions that exhibited lei made of flowers from the different islands. In addition, many schools held elaborate programs throughout the islands.

This tradition has continued for many years in Hawaii. In 1929, Governor Farrington signed a Lei Day proclamation urging the citizens of Hawaii to "observe the day and honor the traditions of Hawaii-*nei* by wearing and displaying lei." Many schools celebrate this day by holding pageants where students honor the many cultures and traditions of Hawaii. Students commonly elect a May Day court, commemorating Hawaii's royal heritage, that consists of two representatives who wear flowers and colored Aloha attire representative and customary for each of the eight major islands of Hawaii. In addition, many communities hold events in honor of Lei Day, including lei making contests and concerts.

This year, the Hawaii State Legislature passed a bill to officially recognize May 1 as "Lei Day in Hawaii." The bill was recently signed into law by Gov. Benjamin Cayetano.

Mr. President, in an effort to share the Aloha spirit across America and around the world, the Hawaii Visitors and Convention Bureau will be sharing lei in seventeen cities today. Approximately 31,000 lei will be shared in 17 cities around the world, including here in Washington, DC, New York, Chicago, Vancouver, Seoul, Sydney, Beijing, and Buenos Aires. The lei will be of three types: plumeria, tuberose, and dendrobium orchids. I am pleased that we in Washington, DC, are able to participate in this wonderful celebration of the Aloha spirit. Across Capitol Hill this morning, young people from the metropolitan area who are students of Native Hawaiian hula, language and culture are sharing a floral greeting and compilation of beautiful Hawaiian music with every Senator and Member of Congress. I encourage all of my colleagues to enjoy the fragrant and beautiful lei, listen to the music and allow yourself to be transported to Hawaii where you too will discover the cheer and camaraderie of Lei Day.

The songwriter Red Hawke captured it best when he wrote:

May Day is Lei Day in Hawaii,
Garlands of flowers everywhere,
All of the colors in the rainbow,
Maidens with blossoms in their hair,
Flowers that mean we should be happy,
Throwing aside a load of care,
Oh, May Day is Lei Day in Hawaii,
May Day is happy out there.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

EDUCATION

Mr. FRIST. Mr. President, we are in morning business now, but I do want to take this opportunity to comment on a vote that we at least plan to have about an hour from now. That vote is a technical type of vote, but it is a very important vote because it determines whether or not we allow this body the opportunity to address straight up, head on, with debate, what I regard as the most important issue before us today, if we look both short term and long term: Education, kindergarten through the 12th grade. That is an issue about which all of us in this body feel very strongly.

We have contributed to the debate in many positive ways in the past, and it is an issue that has been addressed in the appropriate committee, the Health, Education, Labor, and Pensions Committee, which wrote a bill called the Better Education for Students and Teachers Act, which is in my hands. It passed out of that committee and is ready to come to the floor. People have had the opportunity to read it. It has been sitting on people's desks. We actually addressed it about a month ago.

I feel so strongly about this issue. It is amazing to me that, although Republicans believe very strongly we need to bring this to the floor, there are people on the other side of the aisle who object to bringing it to the floor. We as a nation have failed to do what has been so well articulated by the President of the United States, President Bush, in that we have an obligation to leave no child behind. We as a nation have failed to accomplish that objective.

It was in 1965 that the Elementary and Secondary Education Act, ESEA—we will be talking a lot about ESEA, and that is what that is—was passed as part of the War On Poverty, written by President Johnson. Over the last 35 years that program has been reauthorized seven different times, each with very good intent, each with a lot of discussion. From what started as a real focus on allowing better access to education, over 35 years with approximately 60 different programs and now approximately 14 different titles of this bill, this underlying law has emerged.

We have to start to consider this bill today. I urge my colleagues on the other side of the aisle to allow it to come to the floor.

The sad thing is, we are failing. We have failed in the past, despite a whole litany of good intentions that resulted in programs, about 230 different programs and entities which we tried to put out there to address specific prob-

lems in the past—in spite of all that, we failed. So now we have this opportunity, a wonderful opportunity, where, again, in a bipartisan way, many of us in this body and in the House of Representatives, under the leadership of President Bush, have come together. We have that opportunity to change.

When we use the word "reform," it scares some people because reform means such dramatic change, but we have to admit that it is time to change, to reinvent, to reconceptualize what K-12 Federal education programs are all about.

What is the role of the Federal Government? Why are we even discussing it in this body? I think there are two reasons. No. 1, as I said, over the last 35 years we have invested a large amount of money, a lot of resources, and we are failing. All of us know that by every global comparison, standard testing assessment, we are failing our children, whether it is in the 8th grade, or the 9th, 10th, 11th, or 12th grade.

The 12th grade is a pretty good year to look at because it is a year we know is important. We have gone through kindergarten and 4th and 8th and 10th and 12th grade, so this is kind of the final product of K-12. In truth, you can assess students at the 10th grade or 8th grade or 4th grade, and at each of those levels we are failing our children. But if you look at the 12th grade, you can say that is the final product, that is what America is all about, and that is what the future of America is all about. For those 12th graders, where access in this country is, I would say, superb, we are failing in those global comparisons in mathematics, in science, in ability to write, in ability to communicate.

Those basic skills that we know and that everyone—liberals, conservatives, Democrats and Republicans—recognizes you have to be equipped with if you are going to live a fulfilling life are increasingly competitive, not just in local towns, communities, States, or regions in this Nation but across this great world in which we live, such as in mathematics. It depends on the particular study. If you look at our 12th graders versus other nations, we rank 18th—not 1st, 10th, or 15th, but right around 18th, or somewhere between 15th and 20th in the world. That is how many nations are better than us.

In my own field of science, it is even worse. We are around 19th or in some States 20th compared to other nations in the world. We know how important science is in terms of understanding nature and in understanding technology, which is revolutionizing our lives. And we are sending our young people out into the world less well prepared than 18 other countries in the world, none of which have the creativity or the ingenuity or the resources that we have in the United States of America.

That is why an hour from now I am very hopeful that this body allows and

that the Democrats allow this bill to come forward. Let's work it out and talk about these very important issues. The Republicans want the bill considered on the floor; the Democrats have refused, and thus we will have this technical vote an hour from now.

I mentioned yesterday in some of the conversations the principles I am very hopeful we will bring forward and debate, the principles which are outlined in a lot of detail, because this is a product of extensive bipartisan discussion. This came out of committee in a bipartisan way with a bipartisan vote. Those guiding principles which I mentioned, at least in my mind, are important.

No. 1, instead of straightjacketing out of Washington, DC because of good intentions and what goes on at the State level where there is a lot of reform, we are playing catch-up ball. There is a tremendous amount of reform going on in States all across the country, in communities, in counties, in districts and in the local schools. We have to play catchup.

What we have done historically is invent a new program and say this is a silver bullet, take the program and put a little bit of money in it and hope that little bit of money and our good intentions will solve the problem. It hasn't over time.

Instead of inventing a new program with a whole series of regulations, it is time for us to provide flexibility and freedom and strip away the unnecessary regulations at the local level to capture the innovation and creativity but at the same time have strong accountability.

Senator LIEBERMAN has again and again said we have to have strong accountability if we are going to provide this freedom, if we are going to allow this flexibility. I agree. It is time to have that freedom and flexibility to innovate but there needs to be strong accountability.

Accountability is sort of a strange word. What does it really mean? What it means is taking an individual student—it might be a classroom or it might be a school—and assessing whether or not that student is learning. That is all accountability is—to ensure that we provide freedom from regulations, which improves the return in school performance, in education, in the ability to learn, in being prepared for the world that we know students will soon be facing, matching freedom with results. You have to be able to demonstrate the results.

That leads to a correlate. We haven't done very well in this Nation in terms of research. One of the sad things we have done at the Federal level, which was not intended, was put this straightjacket on the system such that we have not allowed good research to determine what works and what doesn't work. So we need demonstrable results. That means we need to have some sort of measure and more assessment.

If we do that, I am absolutely convinced that when you shed the light on

what does and does not work, Americans today will make good choices. They will reward what works and they will not reward what doesn't work. That is the way America has thrived in the past.

The problem with part of the research in education today is that we have not focused the spotlight on what works and what doesn't work. So we haven't been able to empower parents with that ability to express choice or to express approval.

The first principle is tying the flexibility with strong accountability and strong, demonstrable results. The second principle is focusing on kids and children. The more you look at the history of the last 35 years the more you will see the focus at the Federal level has been on institutional systems and bureaucracies—doing that makes us feel good because we can invent a new program for a perceived problem or failure and again put some money in it. Then we can walk away and say we have done our best in addressing it. After 35 years, that hasn't worked.

I spoke about math and science in the 12th grade. I could give you the same statistics for the 8th grade. For the last 30 years, using standardized tests that are well controlled, we have seen no improvement in math or reading, where other countries have improved over the last 30 or 35 years.

I believe if we focus on the individual child—the disadvantaged child, the child who may not be from a wealthy family, the family that may live in a neighborhood that just doesn't have the resources, the family that is underserved in whatever criteria—if you focus on that child instead of an institution, instead of a bureaucracy, we will see more innovation and more creativity and understanding the very best of what America is all about. Freedom in exchange for results, I believe, will work best if we focus on the child.

There will be amendments proposed on the floor as to "portability." That means instead of whatever funds we have and we direct the taxpayer dollars to come out of Nashville, TN to Washington, DC, and for every Federal dollar that comes up on April 15 to the Federal Government, only about 35 cents is returned to the classroom itself. We need to examine how efficiently we are using those dollars today.

What is the value of the education dollar we are investing today? I suggest that it is not nearly as good as it should be or could be.

If we come together and are allowed to proceed today, we cannot merely conceptualize but we need to actually pass legislation. The goals have been articulated by the President of the United States. We have a responsibility to look at those goals and to develop a strategy, on which we have taken the first step in this underlying bill, and improve it over the next several days as we move forward.

The third principle I mentioned yesterday was information. Keep that information current, employing again a way that we can empower parents. The information needs to be current. It doesn't matter what happened 5 or 10 years ago. We need to know how well schools and teachers and students are doing so we can assess from a national perspective and also legally empower parents to make choices for their children. We need to have that information. We have failed miserably. We can invest better to enlarge educational research to determine what teaching methods actually work.

Another point that I have mentioned again and again is that people will say if you have a school that is not doing well, are you talking about taking all of the Federal money out of the schools and putting it somewhere else where they might be wealthy or are doing well? No, we are not saying that.

The President of the United States has been very clear. When the administration or we in committee say that we don't want to reward failure, we mean through better data, through better information, and through better assessment, again focusing on the child and identifying what works and what doesn't work. If something is not working, ask why, and try to fix it based on the best policy and the best tools that you have today. And, yes, invest more money, if necessary, if that is the reason, in order to try to fix it.

But if that school fails one year, and you have a child in that school—remember that child's face—and that school fails a second year—remember that child's face; they are trapped in that school; and think about it being your child—if they are trapped in that school for a third year of failure, meaning in academic performance, achievement, and ability to learn, but also safety issues—a school that might be unsafe in spite of doing everything you can in terms of establishing safeguards and investing in that school—and if your child is trapped in that unsafe school a fourth year, and they have not learned over those 4 years—the school itself is failing though you put more resources into it—then there needs to be repercussions. That is the American way of doing things.

Again, we need to focus on the child, doing what is best for the child, not what makes you feel good about a particular school. This happens after repetitive failure. That is a part of the policy with which we have worked in a bipartisan way on this bill.

Again, I think this is just an example of why it is so important for us to be allowed today to proceed to this bill and have the sort of debate that we owe our children, that we owe our schools, that we owe our teachers, given the fact that they have been trapped in a system which is not working, as we compare ourselves to people in other countries.

I think we do have a great opportunity in this reauthorization. In a reauthorization bill we go back and look

at legislation and plan ahead for, say, the next 4 years, but in this case it is 10 years for reauthorization of the Elementary and Secondary Education Act.

We have a wonderful opportunity, based on strong bipartisan support, based on the principles of the President of the United States in his discussion of education, initially on the campaign trail and also since becoming President. That encompasses having local control, empowering parents, investing more, yes, but investing it wisely where you have true value to meet those goals. That means accountability with assessments.

We give States the freedom to innovate, to use Federal funding in a way that identifies the needs that might be peculiar to Alamo, TN, or Knoxville, TN, or a school district in the tri-city area of Tennessee. We would give them the flexibility to address problems in a way where they can have increased freedom, increased flexibility, but we inextricably link it to demonstrable results, to make sure that the child is achieving to the best of his or her ability. We have to give them the opportunity to learn.

In that way, we are giving States, as well as local districts, the opportunity to maximize flexibility. At the same time, we minimize regulation because as well intended as the programs we design are, nobody knows the child in the classroom better than the teacher who is at the head of the class—nobody at that school. They are there day in and day out. And taken one step away, the same thing is true about the principal, who knows the strengths of the school, who knows whether it is the building itself that needs repair or that there needs to be an additional computer in this classroom or an afterschool program for that child. Those decisions need to be made locally.

We need to have that minimization of regulation, as long as there is strong accountability and that insistence upon measurable results—not what makes you feel good and not what is just the trend of the time but measurable results. It does not mean we write the curriculum in Washington, DC. I think most people in this body would be absolutely opposed to having the curriculum written in Washington and then imposed on the States. The whole idea is to allow the people locally—in their communities, in their States—to develop the standards that best meet their particular area.

We need a national comparison. That is why you will hear the discussion of the NAEP test, the sample test, which does allow an assessment and comparison of community to community or State to State.

If you put all this together and you look at it, the trend that will emerge—again, if we are allowed to proceed to this bill today—the trend you will see is one that is critical, very important; that is, to have the U.S. Government or Washington, DC, no longer being the regulator but, rather, the investor in

education, to invest in that individual child, to invest in that individual student, instead of regulating.

Regulation simply has not worked. We will discuss the reasons it has not worked over the next several days. We need to maximize flexibility and minimize regulations, but we have to tie both of those to strong, demonstrable, measurable results as a condition of participation.

The Federal role, again, is important. The opportunity we have as we address these issues over, hopefully, the next 2 weeks, will make that Federal role become clear. It is enormous. When I say that, a lot of my Republican colleagues or people back home might say: Good gosh, Senator FRIST, what are you talking about? What are you talking about that this Federal role is enormous?

Let me be clear. If you have a pie chart, the Federal dollars that are spent in communities throughout Tennessee or any State, in the aggregate, are only a little sliver, only about 7 percent. The figure varies. In some States it can go from 5 or 6 percent up to 9 percent, but on average it is 7 percent. That means most of the funding and fiscal responsibility is at the local level, just as I believe it should be. But our role is enormous because our discussion, what we produce in terms of regulation as an investor in education, instead of as a regulator, very much defines the tenor of the national discussion—the tone of the debate that goes on at the State level, at the community level, at the district level in individual schools and, indeed, I would argue, around the dinner table at night or the breakfast table in the morning.

It is the tone of that debate that we are not, as a nation, adequately addressing on the issue of educating our young people, preparing them for tomorrow. That tone, that tenor, is set in Washington, DC.

No. 2, I believe, again, the Federal role is important, is enormous, in that we do help set priorities. We are in a position to step back and look at the whole Nation and see, with the data that is available, what works and what does not work. We have an obligation to articulate that based on the very best information possible.

When I go to a school in, say, rural Tennessee and talk about our failure as a nation, people say: Our school seems pretty good. We believe we are learning pretty well. How could we do better? We are working hard. We have what we think are good teachers.

But when I come and say that is not what the data shows, that is not what the information shows, they will say: Why does it show that? And questions start being asked. That is the second aspect that I believe is important for the Federal role—that we have the opportunity, from the national perspective, to set certain priorities and redirect or reinvent or reconceptualize what has not worked in the past.

Mr. President, again, we are in morning business now. We will have a vote, hopefully, later this morning.

Just for clarification for my colleagues, what is happening is that a number of people right now are talking about the particular policies, talking about the level of funding that is most appropriate. All of those issues will be brought to the Chamber and discussed. But a lot of discussions have gone on over the weekend and through yesterday and through this morning.

I am very hopeful we can come to some resolution over the next 30 or 45 minutes so we can proceed to the bill. ESEA, the Elementary and Secondary Education Act, is 35 years old. I mentioned 7 reauthorizations and now 60 programs. It has tremendous promise. The goal initially was to have more access, but really it was to address the academic achievement of the underserved, to make sure that that achievement gap would not get worse over time.

Unfortunately, in spite of that being the goal, if we look at title I—which we will be talking about, which is about half of the overall bill and is aimed at disadvantaged children; and I think that has been a great monument in the bill because it shows the intent of where we have to work, where we have to focus, but also probably its greatest failure—the achievement gap over the last 35 years has gotten worse. The gap between the underserved and the served has gotten bigger and bigger and bigger over time.

We need to address it. We need to address it head on. We have done that in the underlying bill which will probably be improved as we debate it in this Chamber. But we have to come together in a bipartisan way, under the leadership of the President of the United States, who has brought this problem to the forefront, I believe, of all the issues addressing our Nation.

So we have a bill, a 35-year-old promise. It is now time to update that bill, to reauthorize that bill in a way where the investments, the programs, the intent, and the strategy are really, for the first time, I would argue, in harmony with this 35-year-old bill which shows, in terms of intent and purpose, tremendous promise. It is time to bring those together.

I yield the floor and 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. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THOMAS. I ask unanimous consent to speak for 10 minutes.

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

Mr. THOMAS. Mr. President, we have been focusing for the last 2 weeks on education. Education is probably the

answer that is most often given in terms of priorities people think are important. Yet we seem to have a difficult time moving forward.

I don't think there is much debate about the concept of helping education, giving young people the opportunity to have a better life. We get bogged down, unfortunately, in the details. I am anxious that we move forward—I hope we can—today and begin the debate.

There are legitimate differences of view with respect to what to do, particularly concerning the role of the Federal Government. There are those who believe the Federal Government has great responsibilities and should, indeed, set the stage for how it is done and, whenever Federal money is made available, there ought to be requirements as to how each school should use the money.

In the last administration if there was money for education, President Clinton said it had to be used for smaller classes or it had to be used for buildings. The fact is, the needs in different places are quite varied. We must also remember that the contribution from the Federal level is about 6 or 7 percent of the total expenditures for elementary and secondary education.

What we are trying to do is assist in certain areas, helping local school boards and State education departments decide what is best for them. I am particularly sensitive to that in that I come from a State with low population density. We have lots of small schools, and the needs in those small schools are often quite different than they are in metropolitan areas. The idea of the Federal Government putting down regulations certainly doesn't work.

I am persuaded that the education bill that will be before us has some excellent goals. That is what we ought to be doing—setting some goals we want to achieve and then moving towards the achievement of those goals by what we do in the interim.

For example, as to increasing accountability for student performance, there was a great letter to the editor in my local paper last weekend from a former school board member who made the point that education has to be financed. Financing is an essential element to good education, but financing alone does not do it. Dollars are not all that is important. We have to have some accountability for student performance, for school performance, and for teacher performance. That is one of the key elements.

We also have to do some serious examination on the local level as to what programs work best and to make sure the resources are available to go into the programs that work and that we move money to accomplish that.

I do not think there is any question most people would agree we need to reduce the bureaucracy and increase flexibility. It happens that my wife is a special ed teacher in a public high school. I hear all the time about the

amount of effort that has to go into the detail of regulations, the paperwork, as opposed to teaching, which is not peculiar in terms of funding by the Government. I realize if you are going to have accountability for the money, there has to be some reporting. But when you have professional people spending half their time with paperwork, that is not the direction we ought to be going.

Then there is the amount of money, what we are going to be arguing about in this Chamber. Some of our friends on the other side of the aisle think if we just put in all the money that is available, it somehow will work out. I don't believe that is the case. We have to look at funding, but we have to look at some of the principles that are equally as important.

The fact is, President Bush has recommended more spending for education than was recommended in the previous administration. Since a Republican-controlled Congress has been in existence since 1994, we have had more increases in the Federal contribution to spending than we have ever had before. We will hear shortly about how we ought to be spending all the money in the world. In my view, that is not the only element of successful education. Empowering parents to have some opportunities, to have more input into what they are doing is important. Again, a little experience in this area shows me that charter schools are a great idea so that parents have some flexibility and some choices as to what they do within the public school system, as to where their youngsters go to school, and how we can do some of those kinds of things.

So I guess my real message is that it is time to get on with it. I know there are three, four, or five people, probably, in this 100-Member body who are determined to hold things up until they get their way. It isn't going to be that way. It has to be done when there is a majority that agrees on what it is that should be done. I hope we can move on that.

We have other things we need to do. We need to get back to the budget, get on with tax relief, get on with energy; these are some of the areas with which we have to deal. Hopefully, we will deal with them soon. I am anxious that we move forward with education. We have a great plan and all we need to do is implement it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to talk about education. I appreciate my colleague from Wyoming talking about it. I saw Senator FRIST earlier today discussing the President's education plan and certainly the congressional education plan. I think they are very close.

What I think is so important is the emphasis that is being placed on quality public education. Thomas Jefferson said, from the very beginning of our

Republic, that public education would be the foundation for democracy. That really set us apart from all the other countries in the world because at that time only the most elite were educated. It was only the children of dukes and duchesses around the world; it was only the elite who could afford private schools around the world. But that wasn't the foundation of America. The foundation for America was that every child would receive a quality public education so that child could reach his or her full potential and, of course, contribute to the great Nation that would become the United States of America.

Mr. President, it has been proven time and time again that the creativity that comes from having every child in our country educated has put us in the forefront of technology, of space exploration, of medical research, of quality health care. It goes on and on and on.

In the last 10 to 15 years in our country, we have lost the battle that every child would receive a quality public education. Today, this week, this year, Congress and the President are saying: No more. No more are we going to allow some children to waste away in schools that are not performing and lose that potential, that productive citizen for our country.

We are going to reform public education. We are going to put more money into it. But there is a wonderful chart that the Secretary of Education, Rod Paige, has shown us that actually reflects that we have increased spending in public education, and the figure has gone up for the past 25 years. But, in fact, the test scores have straight-lined—even gone a little bit down.

Well, that doesn't work. Pouring more money into it without giving our parents and teachers and principals and school districts and our States the opportunity to get in and help each individual child with that child's learning needs doesn't work. It doesn't work to pour more money in if we don't give them the tools they need to do the job. That is why we are focused on accountability, on letting parents know what the test scores are.

Yesterday, I visited Stonewall Jackson Elementary School in Dallas, TX. I saw the formula for an excellent school. This is a school that is just in a regular middle-class neighborhood that also includes children who are deaf and have learning disabilities—a very diverse student body. Those children have a spark and creativity for several reasons. They also have the highest test scores. But they have the creativity and the spark because they have a principal who welcomes parental involvement. They have a PTA that has teams. They have a men's group. It is like a men's group at church, and that men's group comes into the public school and helps plant gardens, paint things when the paint is peeling, and it is not on the list to fix right away. They are raising money to install security systems. They are raising money

to make sure the library is totally stocked. They are involved in their school, and they are welcome in the classrooms any time.

So you have the leadership of a principal, you have parents who are involved, and they have made it fun to be involved, and they are improving the school. That creates a spark in the teachers. Senator GRAMM and I walked into that elementary school, and it was all decorated as a Caribbean island. We asked, "Why are we seeing trees and monkeys in this elementary school?" It is because they adopt a country every year, and this year it is the Caribbean islands. Last year it was Spain. They adopt a country and they talk about that country and they learn about the language and the customs. They have learned something that gives them a new look at life.

I am happy that we are focusing on public education. This is just the overview. The overview is, we are going to reform our public schools so that every child in America can reach his or her full potential with a public education. We are going to start talking about the specifics in the next 2 weeks in Congress.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. How much time do we have left?

The PRESIDING OFFICER. Twelve minutes.

Mr. WELLSTONE. I will be brief. I spoke yesterday about this issue. Let me, first of all, say that, again, before the spring recess, there was a unanimous consent to go forward with the bill, but I had not seen much of the language that was going to be added and changed in the bill. In order to be a good legislator for the people you represent, you need to know what is in a bill. As it turns out—and don't ask me why; I may be alone on that—we are about to proceed to the bill, but we haven't seen so many of the fundamental changes that are in the process of being made. How can you be a good legislator and represent people and represent children on such an important question—and there is no more important question—without yet knowing what is in the bill?

On principle, I am opposed to proceeding on a bill that we don't even know much of the language. There are some very important policy questions, one of which, for example, is the Straight A's Program. To what extent are we block granting programs like afterschool programs? To what extent are they no longer part of the national priority, national goals? I don't know. I want to see the language. I haven't seen the language on that.

Second point. We are about to do something very reckless.

I find it stunning so many Republican colleagues, much less Democratic colleagues, will vote for this. We are about to now put into law a Federal mandate that every school and every

school district all over the country, every year, from age 8 through age 13, will test every child. This will be a Federal mandate. But, at the same time, we are quite unwilling to pass a Federal mandate that there will be equality of opportunity for every child to have a good education and to do well and to succeed.

My understanding was the Democrats were saying yes to accountability, if it is done the right way. And, by the way, if we are not careful, this is going to result in the worst kind of drill education where we will basically be saying to teachers—and we are trying to recruit the best and brightest—we will tell them what to teach, when to teach, and how to teach. Over and over again the focus will be on these tests.

The question is, How do you do an assessment system the right way? I will have a number of amendments to make sure we ensure high quality assessments so we can do it the right way if we move to the bill. Again, I would like to see the final language on this bill.

I heard from my colleagues on our side that the position was yes to accountability, but we also were going to make sure that we were not creating a huge unfunded mandate. The President calls for \$300 million for the administration of these tests. The National Association of State Boards of Education, the people who are in the field, are saying it will cost us a minimum of \$2.5 billion to do this, maybe as high as \$7 billion if we go to multiple measures and do not rely on one standardized test, which we should never do.

On top of that, we are talking about a proposal from the President that says \$670 million more for title I; that is all he is calling for. We are funding title I at one-third the level we should be if we were to fully fund the program.

I will have a trigger amendment that says we cannot mandate new tests of all these children—starting as young as age 8—until we fully fund the title I program. My understanding was we were going to get a commitment on investment of resources in the IDEA program. My colleague from Iowa has been such a leader in this area for children with special needs.

I also think it is disgraceful to talk about these mandatory tests when we don't even fully fund Head Start. We fund Head Start at 50-percent of what we need for 4-year-olds, even less for 3-year-olds and only 3 percent for Early Head Start, which serves children aged 0-2-year-olds. We know how important early childhood education is to future learning, we know that most kids do not get it, but we will still test these children at 8 years of age and expect them to do as well as children who have had every advantage. We are setting up a lot of children and a lot of teachers and a lot of schools in Minnesota and throughout the country for humiliation. I thought we would have a deal. I thought Democrats would stand up for investment in resources that go with accountability. I thought Demo-

crats would stand up for accountability being done the right way.

The President of the United States calls this the BEST program, yet all he offers in terms of support for children and schools is a tin cup budget. And we are going forward on this bill? I don't think we should go forward on the bill until we see the changes that are being agreed to. I don't think we should go forward until we have an agreement on the policy. I don't think we should go forward until we have a mandate on commitment of resources.

I will talk more about this. I believe colleagues are giving up our real leverage. I wish to fight harder for children in education. I will spell this out in great detail after the vote. I, maybe only speaking for one, will vote against proceeding to this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I compliment my dear friend and colleague from Minnesota. There is no one who fights harder for education with more courage, compassion and conviction than Senator WELLSTONE from Minnesota. He comes from a background of having been an educator and in education for most of his life before coming to the Senate.

Senator WELLSTONE is right. We are about to embark upon a lot of rhetoric. We are going to talk about reforming education, saving education in America, but without the resources it will just be empty rhetoric, one more time.

We have to review where we have been on this bill. The Elementary and Secondary Education Act expired 2 years ago. Why are we on it now 2 years later? The other side wouldn't let us pass it last year. They blocked it. And now there is this rush to get it through.

I am all in favor of passing the Elementary and Secondary Education Act. As I understand it, the bill here is the one passed by committee. I understand they are working on another bill. We have not seen it yet and they will drop it sometime after we vote for cloture.

I make the point that Senator WELLSTONE so eloquently made. This is an authorization bill. We can say all these flowery things about saving education, having testing and all that sort of stuff, but if we don't have the resources to back it, we are fooling the American people one more time.

Where are the resources for this bill? The National Association of State Boards of Education said the testing requirements in this bill could cost, as Senator WELLSTONE said, anywhere from \$2 billion to \$7 billion over 4 years. Where are the resources to pay for that? Are we going to dump it on our property taxpayers one more time? Testing every year means raising property taxes to pay for it. That is basically what we are going to say, unless we have the resources.

I have not seen this administration willing to come forward with an agreement to say, we will back X amount of

resources to fulfill these mandates we are about to put on the States, one more time.

The other side is always talking about unfunded mandates. This is going to be another unfunded mandate. Do the testing. Then raise the property taxes to pay for it.

I don't know about other states, but in my State of Iowa we are paying enough property taxes as it is.

Do we have the resources? That is the next question. Right now, of every Federal dollar we spend in discretionary spending of hard-earned tax dollars, 2 cents goes for education. Two cents out of every dollar we spend goes for education.

Again, do we have the resources? It depends on your priorities whether or not we have the resources. Here is the President's tax cut plan. For the wealthiest 1 percent—I am not talking about middle-class tax cuts; I am talking about for the wealthiest 1 percent—\$697 billion in tax cuts to the wealthiest 1 percent; \$21.3 billion for education.

We have the resources. Don't kid yourself. It depends on what you want to do with them. If you want to give it in tax cuts to the wealthiest, you will support the Bush tax cut. If you want to do education, we will have some amendments on the floor when we consider this bill. The real battle will come on appropriations, on whether or not we will have the amount of money in the appropriations bill to pay for all this testing and everything else that we say we love so much.

I remind Senators, a few weeks ago we passed an amendment, 53-47, to take \$250 billion and put it in education over 10 years, compared with the President's request of \$21.3 billion. What we voted on a few weeks ago by a vote of 53-47 will have the resources to pay for the testing. It will have the resources to fund the Individuals with Disabilities Education Act. It will have the resources to fully fund title I programs and the resources to reach down also for things that are not in this bill, such as Head Start.

Second, there are three items that no one is discussing that we will have to belly up to the bar on and vote:

No. 1, the Individuals with Disabilities Education Act. Are we willing to fully fund it or not?

Second, school construction. Are we going to help prepare the leaky roofs and bring schools into the 21st century?

Third, are we going to continue to reduce class sizes so our teachers can teach, so the kids can pass these tests that we are going to foist upon them?

Senator WELLSTONE is right. We need a commitment on resources, not just the rhetoric. When this bill is considered, we will have amendments. But keep in mind the real test is going to come on whether or not the Appropriations Committee will be supported by this administration to come up with the money to fund the rhetoric that we

will hear a lot in the next few days in the Senate.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time has expired. Morning business is closed.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the cloture motion on the motion to proceed to S. 1.

Under the previous order, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 23, S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965:

Trent Lott, Jim Jeffords, Bill Frist, Rick Santorum, Kay Bailey Hutchison, Don Nickles, Tim Hutchinson, Strom Thurmond, Frank Murkowski, Pat Roberts, Sam Brownback, Jeff Sessions, Mike Crapo, Judd Gregg, Susan Collins, and Jesse Helms.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—96

Akaka	Chafee	Feingold
Allard	Cleland	Feinstein
Allen	Clinton	Fitzgerald
Baucus	Cochran	Frist
Bayh	Collins	Graham
Bennett	Conrad	Gramm
Biden	Corzine	Grassley
Bingaman	Craig	Gregg
Bond	Crapo	Hagel
Boxer	Daschle	Harkin
Breaux	Dayton	Hatch
Brownback	DeWine	Helms
Bunning	Dodd	Hollings
Burns	Domenici	Hutchinson
Byrd	Dorgan	Hutchison
Campbell	Durbin	Inhofe
Cantwell	Edwards	Inouye
Carnahan	Ensign	Jeffords
Carper	Enzi	Johnson

Kennedy	Murkowski	Smith (NH)
Kerry	Murray	Smith (OR)
Kohl	Nelson (FL)	Snowe
Kyl	Nelson (NE)	Specter
Levin	Nickles	Stabenow
Lieberman	Reid	Stevens
Lincoln	Roberts	Thomas
Lott	Rockefeller	Thompson
Lugar	Santorum	Thurmond
McCain	Sarbanes	Torricelli
McConnell	Schumer	Voivovich
Mikulski	Sessions	Warner
Miller	Shelby	Wyden

NAYS—3

Landrieu	Reed	Wellstone
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NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that after the caucuses I be allowed to speak at 2:15 for my time, post cloture.

The PRESIDING OFFICER. I believe there are a number of people who want to have the opportunity to speak on this, and we traditionally alternate. I respectfully object.

Objection is heard.

The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the fact that we are now going to have a real opportunity for debate on education policy in the Senate. I expect that it will take a number of days in order to address many of the interests of our colleagues, but I think the time could hardly be more well spent. This is the major debate that we will have on a matter that is of central importance to families all over this country. I thank our two leaders for working to make sure that we could have this debate.

As the ranking minority member on the Education Committee, I thank our colleagues from the other side of the aisle, Senator JEFFORDS and others, who have been active and involved in helping to bring us here. I am enormously grateful to all of the members on the full committee who have spent a great deal of time on education matters and have provided leadership in the past in so many different aspects of the education debate.

We are looking forward to this debate. We are looking forward to taking action on education here in the Senate Chamber.

Just to review the bidding, we have filed a cloture motion to proceed to a bill which was reported out of the committee virtually unanimously. However, this vote should not be taken to indicate that a clear consensus has been reached between the administration's best judgment of what is needed and the best judgment of a number of us on how we can really deal with strengthening our educational system. The legislation will be the basis for amendments, although under the rules of the Senate it will be possible, as I understand it, to amend the bill that will be before us, but I expect it is

going to take at least a day before we have real answers.

It is important that our colleagues be given a chance to talk about the areas where this legislation is strong and also the areas where it is weak.

I take this brief time to make a couple of points. First, this legislation is not just about education, it is about the future of our country and the kind of country we are going to have. We know we are talking about the most important quality of our society; that is, for all young people to have a chance for academic achievement and, hopefully, academic excellence. It has been, since the mid-1960s, the priority of this Congress to ensure that the neediest children in our country and to get the special focus, attention, and help that they deserve. It was a national finding in the early 1960s that, despite state efforts in the area of education, we had not really met our responsibility to these needy children.

It has been a long march since that time. There have been many failings in schools along the way. There have been some remarkable successes along the way. There have been some very notable achievements in the more recent years.

We have to look at the fact that even with the investment that has been made by the Federal Government, federal spending on education amounts to about 2 cents out of every federal dollar. We spend close to \$30 billion a year on elementary and secondary education in the K-12 programs. This current bill would only account for \$8 billion of that total. Through current Title I we only reach a third of eligible children. Even if we had all the programs right in this bill, we are still only reaching a third of Title I eligible children.

This has been a long process. We will hear many of those on the other side talk about the failures of our education policy. There are some remarkable changes that have taken place. Fifteen years ago we didn't have the 4.5 million children who have disabilities in our public schools. They were shunted off into state hospitals, into special schools, not really mainstreamed. Today, they are in our public school system attending school alongside their friends and family.

Fifteen years ago, we did not have programs like those in my State today, at Revere High School, a wonderful high school where 43 different languages are being taught. That was not true 20 years ago or 30 years ago. We didn't have the number of single parent families, 20, or 30 years ago, that we have today that puts additional stress on children attending schools. We didn't have the levels of violence that is so prevalent in many of our inner cities where so many of these children live and attend school. We didn't have the levels of substance abuse that we have at the present time. Children are growing up in more complicated and difficult circumstances, and their

teachers are facing much more complicated and difficult circumstances. They need our help.

There are so many dedicated teachers in our inner-city schools who have the opportunity to go to other schools and make a good deal more money. They would most likely have a more modern building, a smaller class size, better access to technology, more professional development opportunities, but they decide to stay. They continue working with challenging situations in the inner-city schools and with the children who so desperately need dedicated, highly-qualified teachers. We must provide these teachers with the educational resources they need, and the professional opportunities they deserve.

This bill can do quite a bit for education in this country, however, it's promise will remain unfulfilled if it is not adequately funded.

We know the importance of investing in children at an early age. We have, over the last 25 years, seen the results of the Carnegie Commission studies and many others that discuss the importance of child development in the early years, the zero to 2 years when brain synapses develop. At that early time their minds begin to develop some ability to learn, an ability that is being awakened as children are being supported and nurtured and given additional kinds of help and assistance.

We know the importance of Early Head Start. We know the importance of Head Start Programs, if they are good Head Start Programs. We are troubled by the fact that we see so many Head Start teachers leaving. There has been a serious decline in their incomes. Even though their incomes are \$8 or \$9 or \$10,000 a year, their purchasing power has deteriorated as we have failed to have any increase in the minimum wage. We see children now in the Head Start Programs that have two or three teachers in the space of one year. They are not able to develop the kind of ongoing relationship with a caring adult that they need at that stage of their life. We are not providing sufficient support to these programs.

When we talk about education in this bill, Democrats on this side and many of our Republican friends on the other side know that this is only one part of the whole education puzzle. It is important that we get it right. But it is also important, if we are really interested in strengthening our education system, that we come back and revisit the priorities of the Early Head start Programs, the early interventions, the Head Start Programs, adequate funding, the child care programs, all the kinds of outreaches that impact these children along the pathway as they come to school.

When we talk about leaving no child behind, at a composite of different times during the children's development, we have to make sure, to the extent that we can, through policy and through priorities, to reach out to

those children. We understand, all of us, that the first way the children learn is through their parents and their families—we understand that—and by working through their faiths and other support programs. But to the extent we can impact it, we ought to make sure we get the policy right, but also that we are going to make sure no child is going to be left behind.

That brings me to my third point, and that is the issue of resources.

I welcome the opportunity, unlike last year when, quite frankly, with all respect, there was more of an effort to deny President Clinton a win on the extension of the Elementary and Secondary Education Act than there really was a serious effort to pass a decent bill. But that is in the past. What we have been trying to do is to respond to the President's invitation to work with him on what he considers to be the No. 1 priority.

For us, it is the No. 1 priority. For the parents and the children, it is the No. 1 priority. But we believe strongly—I do, and I know others of our colleagues do—if it is going to be the No. 1 priority, it has to be the No. 1 priority in terms of resources. That is not where this legislation is headed. We have seen the request of the budget for \$659 million, when we are talking about 7 million children who are left out. Their increase is \$659 million. That just is not going to respond. The President has indicated they are prepared to do somewhat more. We said at the start of this debate, we cover a third of the children at the present time.

Title I funding should cover all children. No child should be left behind when it comes to providing funds for students who most need educational resources. We hope that by the end of the first term of the Bush Presidency the Title I program will cover all eligible children.

We need full funding for the title I program to make sure that no child will be left behind in this program. We are going to then come back on these other programs as well, to the Head Start Programs, and early intervention programs. We are also going to have an important debate on funding of the IDEA for the education of children with special needs. There are cross currents of children who need special kinds of help and attention who are included in that program. Some of the children are, obviously, the same who need additional help in reading and other programs.

We will have the chance at the end of this debate to find out who is truly committed to leaving no child behind because that is going to take resources. We heard a bit of the debate yesterday which tried to make the case that Democrats simply want to spend more money. Money, say some, is not the answer to our problems in education. But reform, without the necessary resources, is not reform—it is a formula for failure.

If a child doesn't learn algebra in the eighth grade, they are less likely to go

on to college. Eighty percent of the children in the inner cities do not have a math teacher who can teach algebra. That is a fact today. We know that. But you cannot bridge the gap between our poorest and wealthiest schools, without providing them the resources to train their teachers and to hire new, fully qualified teachers. Only with these resources will more of our students in the inner cities have a better chance of taking classes like algebra and a better chance of going on to college.

We know the problems we are facing in reading today. We know what it takes to catch up. We heard discussions about the Sylvan Learning Centers. Will they be permitted to provide tutorial services? Yes, they will be. We will use those, even though they are for-profit.

Sylvan says they need 36 hours to work with a child to bring that child up 1 year in reading achievement. But the average child spends 50 hours over the course of a year. That would cost \$1,900 per child. We cannot say we are for reading and then fail to provide the necessary investment to improve the performance of our nation's students in reading.

But today many of our children aren't reading. We know many children aren't reading and we know what it takes to get them reading. It is going to mean an investment: an investment in our neediest students so that their schools can work effectively to improve their performance in reading; an investment in training for our teachers in the latest methods of teaching reading; an investment in providing educational opportunities after school.

It also means an investment to make sure that we have the best tests that will fairly and accurately assess students. Investment is necessary to ensure that we will test a child's ability to reason, rationalize and distinguish. We have seen those developed in a number of our States. The MCAS test in Massachusetts is this sort of a test.

We need to make a lot of progress. But we are not for a quick, slick, easy examination. We want to make sure we are going to have thoughtful teachers. We want to make sure the teachers are going to be quality teachers for our children. We want to make sure the schools are going to be quality schools to the extent that we can help and assist them.

We know we have 10,000 failing schools today. That is the last projection. We know that the average cost to bring those schools along and turn them around is \$180,000. There is a whole series of different ways they can be turned around that have been tested and examined. There are 57 proven, research-based comprehensive reform models that have been identified by the New American Schools Development Corporation, a creation of the first Bush Administration. These models, including Success for All and Reading Recovery among others, cost an aver-

age of \$180,000. That would cost a total of \$1.8 billion to turn around all 10,000 failing schools.

If you are going to turn around schools, you are going to have to invest. Currently the Department of Education is able to fund less than 20 percent of after-school grant applications. There are 7 million latch key children nationwide. In the first hour after school lets out, the juvenile crime rate triples. If we are going to use the after-school programs to help strengthen and tutor the children, we are going to have to invest. We are going to have to invest in our children.

So what are we asking? Is this something that just the Democrats are asking for or speaking for? Absolutely not. Later, when we get into the real debate, I will put in the RECORD what the National Governors have said in terms of funding for this program. I will put into the RECORD what 38 organizations that have represented children and parents and schools have said in terms of the full funding of this program. I will put into the RECORD what the League of Cities, who have a direct insight into what is happening in the inner cities, say in terms of full funding. They say if you are going to do the job right, you need to have the resources. That is what we are saying at the outset of this debate. We have to have the resources to be able to do the job, or we are failing these children and failing them in a very important way.

That is why this debate is so important, because it is about the future. We know that as we move into a global society and economy, that only about 20 percent of the new entrants into the job market have the skills which 60 percent of them need at the present time. We are not giving them the kind of training they need. We are lagging in education and in investing in people and training. The Republicans act as if the tax cut is an economic program—it is not. It is not. We need to invest in the quality of education, which is basic and fundamental in a democracy. We have to invest in terms of the training, and we have to ask this Nation what its priorities are. Should we trade in a small fraction of a \$1.6 billion tax cut to invest approximately \$5 billion a year in title I to cover every child by the end of FY 05?

We are going to be asked, according to the Wall Street Journal in a recent report, to increase our budget \$25 to \$30 billion a year for defense. That is going to pass in this body. Are we saying that we are unwilling to provide approximately 5 billion a year for the next 4 years to get to full funding for Title I? Are we saying that we are unwilling to provide the additional resources for afterschool programs, or professional training, or for libraries or smaller class sizes? We are saying we are going to spend the \$25 billion a year. You can expect that for the next 6 to 8 years, but we are not going to give you the \$5.5 billion.

This is about priorities. I guess we can't do that. That \$1.6 trillion tax cut

is too sacred to say we are going to reduce that a little in order to fund this program. We think it should be reduced. We believe the American people believe so, too. We are going to give the opportunity to this body to express itself on that issue. We are going to give them the opportunity to do so today, tomorrow, every single day that we debate this. Then we are going to have the opportunity to vote on it every time we are going to face the budget when it comes back from conference and every time in appropriations.

So get used to it because we are going to give this institution the opportunity to vote and vote and vote about whether they are going to put the children as the first priority. We guarantee it. That is going to be it. Hopefully, if we are able to get that kind of commitment, we can move along and join hands together and say we have a bill that is worthy of the children of this country. But it is not there yet.

I see others who want to speak. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, first of all, I commend my colleague from Massachusetts for his eloquence and his passion about a subject matter to which he has dedicated a substantial part of his public service—the plight and condition of America's children under a variety of adverse circumstances. His passion and concern about the condition of our public education system at the elementary and secondary level has, once again, been expressed in the most heartfelt of terms and views, which I am hopeful and confident express the views of a majority of Members of this body regardless of party or ideology.

I am very confident I express the views of the majority of American citizens who, without knowing the details, understand intuitively that if this Nation is going to live up to its potential, to its own aspirations as expressed more than two centuries ago by the founding members of this Nation's Constitution, the Declaration of Independence, that we need to have the best quality of education this country can provide, particularly to a generation that will face challenges unimaginable by even this generation, not to mention generations past.

This is a critical debate. It doesn't get any more important than this. I have often said if you get the educational needs of this country right, you may not have an absolute formula to address every other concern, but an educated population, an educated America, is in a far stronger position to resolve the great issues of their day than an ignorant population. An ignorant nation, an ignorant democracy is a dangerous country, in the sense that people don't understand or grasp the subtle nuances of our Constitution, of

our Declaration of Independence, of our Bill of Rights, not to mention their ability to provide for themselves and to add to the greater prosperity of our Nation.

This is the No. 1 priority. The President has this right. This is and ought to be the No. 1 issue we grapple with as a country. There is no more important issue than the quality of our public elementary and public secondary schools in America.

This morning, roughly 55 million children went to an elementary school or a secondary school in America. Of that 55 million, 50 million went off to a public school; 5 million went off to a private or parochial school. Certainly, while we do things we can to support and assist those private and parochial schools, our fundamental obligation is to public education. It has been since the founding days of this country, in one manner or another.

On the first great debate on education in the 21st century, a debate that will determine over the next 7 years what our priorities are when it comes to public elementary and secondary education, it is important we try and find as much support and common ground for investing in the neediest schools in this country. That has been our Federal obligation.

I make the case we need to change the formulation of how we fund public education in the country. I think this idea of depending upon a property tax in State after State, community after community, may have served the country well in the 19th century, and even for a good part of the 20th century, but the idea today that the primary source of educating the 50 million young people who went off to school today ought to be based on the property taxes of local communities, as is the case in most States in this country, is an archaic, backward idea.

We need to be a far better partner. We only provide a small percentage; 6 cents of every dollar spent on elementary and secondary education comes from the Federal Government; 94 cents, 95 cents comes from our local communities and some from the States. It is mostly from local communities.

I would love to see at some point becoming a one-third partner: One-third of the resources provided by the Federal Government, one-third by States, and one-third by local communities. What a great relief it would be to lower property taxes across this country, to be able to have the Federal Government contribute a far greater percentage of the educational needs of America's children and their families. That debate will not occur this week. We are going to argue about the 6 or 7 cents and how those 6 and 7 cents are going to be spent.

Let's be clear at the outset; we are a very minor participant. The Federal Government is a minor participant in the financial costs of public education in this country. How we spend those 6 cents will be the subject of this debate

which may consume as many as 2 or 3 weeks of the Senate's time.

What do you do with 6 cents? Historically, over the past 25 or 30 years, we have said our obligation will be to serve the most endangered, the most needy students in schools in the country. We have done that in title I, the Elementary and Secondary Education Act, in a variety of other proposals, but principally it has been to serve the neediest kids and the neediest schools in America in both rural, urban areas, and suburban areas.

Over the next 2 or 3 weeks, we will talk about how to better target those resources and how to get some improved accountability so when dollars are being spent there is some assurance coming back that kids are learning and teachers are teaching. So we will have a good discussion about how to improve accountability, how to improve some sort of grading system without overburdening school districts.

We speak in a rather lofty tone when it comes to demanding testing. I don't think anyone wants to be part of a formulation that demands testing without providing the resources to the schools to see it gets done, and also adding to the burdens of teachers and school districts and parents by having nothing more than testing going on.

Someone said in my State the other day, taking someone's temperature three or four times a day does not make a child better. It does not improve their health. It tells you how they are doing. Testing three or four times a year, whether a local test, a State test, or a Federal test, doesn't make that student a better student with more knowledge. It merely tells you how they are doing. There are many who are concerned that demanding more testing will turn the schools into nothing more than test prep centers where kids are geared every day and every week to pass a test, to get good scores on the tests, and where actual learning takes a secondary position.

While I understand the value of testing, let's not get carried away and set up a system that we come back with 4 or 5 years from now and all we have done is fulfill a self-fulfilling prophecy; that kids in poor districts don't do very well. We know that already. You can spend all the time and effort possible to test people. But for the life of me, I don't understand all the value of that, at the expense of trying to do things that would actually improve the conditions so kids do better on the tests we do provide.

Many feel there are things we can do with the 6 cents. Remember, I am talking 6 cents—not 100 cents on the dollar but 6 cents. That is all we give now. That is what Uncle Sam sends, 6 cents on every dollar.

It seems to me we ought to improve the structures where kids attend school. We know a child who walks into a building that is 50, 60, or 70 years old and falling apart isn't going to

learn very well. I don't need a study by a bunch of Ph.D.'s at the Department of Education over the next 6 years to tell me that. Talk to any parent who takes their kid to a school that leaks, that is not wired, that is falling apart, and I will guarantee that child in those circumstances is not going to learn very well.

Put some of these resources in to see to it that the buildings, these structures, these physical plants, might be improved so that child who arrives at that school building has a better chance to learn. About 50 percent of all the kids who went to school this morning entered a building built more than 50 years ago—50 percent. I think the need for improving the physical structure is quite obvious in the urban and rural areas that are the most impoverished and the poorest.

Reducing class size, again, I don't think it has great value in having studies done over the next 5 or 6 years. Any parent will tell you, a child will tell you, if they are in a classroom with 20 or 25 students and one teacher, the teacher cannot teach and the kids can't learn. This is not brain surgery. This is about as basic as it can get.

I spoke to a group of charter school students from Connecticut the other day on the east front of the Capitol. I said: Tell me why you like the charter school.

They said: We get more attention.

I said: Why do you get more attention?

Because the classes are smaller.

These were not the teachers talking or the parents. These were the kids. We are doing more in charter schools, and that is good news, but not every child gets to go to a charter school.

I asked: How did you get to go to a charter school?

It was a lottery. We put our names in a hat and they drew out so many names. There were hundreds who wanted to go, but it was a lottery. They picked them out of the hat, so these kids from this town of mine in my State of Connecticut got to go.

I applaud what they are doing with the charter schools. I think they are great ideas. But we cannot just talk about improving charter schools at the expense of these other public schools. If it is good for a charter school, why can't it be good for the other schools as well? Why can't every school be a charter school in America? Are we so inept that we cannot come up with the means by which every kid who goes to school, as they did this morning, could walk into a classroom where they were not one of two dozen students vying for the attention of a teacher in order to learn? We know without any question that in a class that is smaller, where a teacher has the opportunity to really spend some time with these children, you can make a difference in the quality of their education and how they will do on those tests that we all seem so interested in funding or requiring as part of the Elementary and Secondary Education Act.

Regarding afterschool programs, how many days do parents worry about where their children are? Single parents working, two-income parents, parents who stay at home, wondering where that child is, what goes on after 2 o'clock in the afternoon. Talk to any police chief. I wonder if you think I am making these things up. Call your local police department if you question my veracity on this and ask the local police chief what is the most dangerous time of day for young kids, in terms of them being victims or creating problems themselves. They will tell you it is not after 7 or 8 or 10 o'clock at night. The most dangerous time is between 2 p.m. and 6 p.m. Again, that is the conclusion of every police chief I ever talked to across the country.

So afterschool programs become critically important, not just to keep kids safe but as part of the learning experience. We think with that 6 cents I talked about here, we ought to allocate some of those resources to expand afterschool programs because we know they work. In this day and age, we should be utilizing our school buildings after school, weekends, evenings, summers, so these learning centers become more a part of our community, assisting the towns and counties and States. That is where kids can channel their energies into constructive alternatives. Left alone, we know all too often what happens. Good kids can make bad decisions, decisions that affect them the rest of their lives.

There are many of us, as we begin this debate, who would like to see some effort made to improve the physical structures where kids go to school every day, reducing those class sizes so the kids have an opportunity to really learn, seeing to it there are afterschool programs, making sure we have full funding for title I so these needy students and their families across the country will get the support they richly deserve.

My hope is that at long last we will be able to pass some mandatory funding for special ed. How many towns across the country have told us the costs of special education are depriving them of the resources other children need in their communities? I know that will be offered.

My colleague from Maine, Senator COLLINS, and I will offer an amendment on title I for full funding. I know my colleague, the Presiding Officer, sat through the debate and discussion in our committee, the HELP Committee, and I know he is sympathetic to the full funding of title I. If we come up with that as part of the formula for funding this authorization bill, we would like to have his support on this as well, knowing he was part of the debate during committee consideration.

But I hope we can come up with a mechanism for full funding of title I and for special education, to see to it we live up to our obligations and fulfill the commitments we must make.

Again, going back to what I said at the outset of these remarks, there is no

more important issue to address as a legislative body, as a national legislative body. It is not enough any longer that I only have to worry about how a child is doing in Connecticut, how a young student is doing in Bridgeport or Hartford or Sterling or Union or my hometown of East Haddam, CT, but how kids are doing in California, how they are doing in Illinois, how they are doing in Florida and Michigan and Maine. These are national issues now.

If a kid fails in Wyoming, then that is a problem for those of us who live in Connecticut, just as it is a problem for those who live in Wyoming if a kid in Connecticut is not doing well. Children in the 21st century will compete with children in Beijing, in Moscow, in Sidney, Australia, in Tokyo. All across the world is from where the global competition comes. So we have to do what we can with that 6 cents we contribute to elementary and secondary education to see to it that those dollars are going to reach those families and those communities that have the greatest need.

I wish it were otherwise. I wish we were talking about picking up a third of that responsibility, as I think any national government ought to do in the 21st century, and contributing to the quality of our overall educational system. Unfortunately, that is not part of this bill. But I think that in getting these dollars up on title I and special ed, contributing to school construction and class size and afterschool programs, our dollar is well invested.

Let me mention last of all the issue of funding, because you are going to hear a lot of debate about what we can afford and not afford to do. Later today, if he has not done it already, the President of the United States is going to call for \$60 billion on a national missile defense system. I happen to believe in the 21st century we are going to have to develop some form of a missile defense system. I will not take a back seat to anybody in my commitment to seeing to it that the national security needs of my country are met. But we are going to be asked today, without knowing much more about it, to spend \$60 billion. Senator KENNEDY mentioned \$25 or \$30 billion increases each year in the coming few years.

I think there may be a good case to be made for increasing spending for the national security needs of this country and for developing a national missile defense system. I understand the need for that. But I want it to be done in a way that is going to reflect what we can achieve, the kind of science that needs to be developed, done in coordination, my hope would be, with our allies so this is a shared technology that will protect us from potential hazards we face with this ever-modernizing technology that puts us all at risk.

We have been asked to support a \$1.6 trillion tax cut. What we are talking about here is modest increases for the educational needs of America. If it is important to invest dollars to protect

the national security needs, if it is important to invest dollars for the economic security of a country, how can you really talk about being secure militarily or economically if you do not have an educated population? If you do not have an educated population, how secure are you? If you have kids growing up where the gap grows wider and wider and wider every single year between those who fit into an economy where they understand and have the tools necessary to perform and those who do not and are left further and further and further behind. They then beget children of their own who get further and further behind. You end up having a growing segment of your population that really cannot fit into a modern economy or understand or contribute to the national security of a nation.

This is a seamless garment. National security or economic security are never going to be secured if you do not have an educated nation. That means every child being given the opportunity to reach his or her potential.

None of us has an obligation to guarantee success. I feel no burden whatsoever to say to any child in America: I have an obligation to see to it you succeed. I do not have that burden.

But I feel the burden that every child ought to be given the opportunity to succeed regardless of economic circumstances, of race, of ethnicity, or geographical location. A child should not be left behind because of the action in Washington, because of the town they are born in, or the economic circumstances of their parents. That is not my America. My America says every child should have the chance to reach his or her potential to contribute to their own well-being and to contribute to the well-being of this Nation. That is what successive previous generations have done. That is why this country has achieved the success it has.

If we are going to continue that legacy in the 21st century, it becomes the collective responsibility of the 100 of us in this Chamber, the national legislature, with the 6 cents we get to manipulate in terms of the educational needs of a nation, to see to it that the neediest of our citizens are going to have an opportunity to achieve America's dream. You cannot do that without an education. You may get lucky at a casino or you may hit the lottery one day. But that is not how most Americans need to depend upon their economic future and to fulfill their dreams. You cannot succeed in America without a good education. To do otherwise is totally a fiction.

This debate over the next few weeks is about as important as it gets. This debate over the next few weeks is on whether or not we will have the intestinal fortitude to commit the modest resources to seeing to it that America's schools and America's children are going to get the best they can from their Federal Government under these circumstances.

Again, I wish to reiterate that we were a far better partner. I think it ought to be a source of collective embarrassment that the Federal Government contributes only 6 cents out of every dollar in America in the 21st century. Why we cannot be a one-third partner, to me, is beyond imagination. Yet that is where we are.

The 6 cents that we will be talking about contributing will make a difference. My hope is that we will fully fund those 6 cents to see to it that these schools, children, and families will have the chance to maximize their potential.

There will be extensive debate. I will be talking about the various issues that come along. I look forward to the amendment that I will offer with my colleague and friend from Maine, Senator COLLINS, on title I. I look forward to the debate on special education and these other issues that come along. I will have an amendment with my colleague from Alabama on privacy issues that we will be offering along with some other suggestions with my friend from New Mexico, Senator DOMENICI, on charter education.

We will have a good debate and a good discussion on some of these issues. My hope is at the end of this debate we will be able to meet as a body and say to each other that we have done the right thing for our country. Many of us may not be here when the next education bill comes to the floor. I would like to think that on this occasion and during this discussion we are mindful that this may be our last opportunity individually to leave our signature on how we would like to see America meet its educational challenges for the 21st century.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Connecticut for his remarks. They are right on. I wish to associate myself with them. I wish to thank him for his decades of perseverance on behalf of education. It was an excellent set of remarks. I thank him very much.

Mr. President, my understanding is that each Member has an hour to speak on the motion to proceed. I intend to use my time not only on the education bill, but because of the situation in California with respect to energy, I wish to give this body, on the 1-year anniversary of the energy crisis, a brief report. I ask unanimous consent to do so.

The PRESIDING OFFICER. Does the Senator realize that we have a 12:30 recess for the policy conferences?

Mrs. FEINSTEIN. I do. I will use the 15 minutes, if I may.

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

Mrs. FEINSTEIN. Thank you very much.

THE ENERGY CRISIS

Mrs. FEINSTEIN. Mr. President, I rise today to speak once again about

the California energy crisis. Today is the first day of May and in many parts of California, it is the start of a 5-month summer and the start of a five-month period of the highest electricity demand. The day also marks the 12th consecutive month we have been in an energy crisis—I add to that the Pacific Northwest—meaning for an entire year we have experienced energy prices that are about 10 times higher than they were in the previous 12 month period. And it also marks the 12th consecutive month that the Federal Energy Regulatory Commission has failed to take decisive action.

It took the Federal Energy Regulatory Commission until November to declare what people in San Diego, California discovered last May, electricity rates are “unjust and unreasonable” and the market is broken.

Last week, FERC attempted to modify the broken market with so-called “price mitigation.” In its April 26th order, the FERC outlined its proposal “to mitigate the dysfunctional market.” Unfortunately, what FERC offered as a solution will not do nearly enough to solve the problems in California and the Northwest.

First, the order for the most part, ignored the Northwest—offering only a limited investigation of the broken market in Oregon and Washington without any promise of even the feeble price mitigation offered to California.

Second, the order will last only one year, not nearly enough to get enough supply on line to meet our energy needs.

Third, the order only applies to stage 1, 2, and 3 energy emergencies, practically ensuring that prices for the rest of the time can remain exorbitantly high.

Fourth, the FERC order decreed that the cost based rate of the price for the least efficient megawatt of power needed at any given hour would go to everyone who bid into the market. With natural gas prices still averaging three times higher in California than elsewhere, it is almost a guarantee that this would mean at many hours, the average price of electricity will be \$400-\$500 per megawatt.

Which brings up the most glaring problem with the FERC order: It does not address natural gas, which is the major cost in electricity production and a problem in itself for heating, cooking, food and manufacturing production, etc. I would like to take this opportunity to read from some letters I have received about the energy crisis.

Let me speak about a letter from the California Steel Industries, and I quote:

Our company is a relatively large consumer of both electricity and natural gas. Our historical gas bill was about \$12 million annually. With the price gouging going on in California, that bill will rise to \$40 million or even \$50 million this year. For electricity, we historically paid about \$15 million per year. That number will double this year due to increased retail rates, which became necessary as a result of skyrocketing wholesale prices.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

CALIFORNIA STEEL INDUSTRIES, INC.,
Fontana, CA, April 16, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: This is to ask for your help in immediately seeking emergency action by the Federal Energy Regulatory Commission, to stop the relentless profiteering and price gouging by energy providers to the state of California.

The problem in the wholesale price of electricity is well documented. Power prices have gone from about \$30 per megawatt hour in 1999 winter months to more than \$1400 per megawatt hour at times during the winter of 2000-01. This was not due to a rise in demand or a supply shortage—the winter months for both years saw demand at about half of the summer peak period.

High prices have continued through the moderate spring weather and could hit astronomical levels this summer.

Natural gas, a key component of electricity generation and of industrial production in its own right, has followed suit. While the price of natural gas is up across the nation—about double the historical average in Chicago, New York and Texas, for example—in California, it is about six times the historical average. In recent weeks, natural gas has been a little over \$5 per MMBTU in most areas of the country, and nearly \$15 in South California.

Our company is a relatively large consumer of both electricity and natural gas. Our historical gas bill was about \$12 million annually. With the price gouging going on in California, that bill will rise to \$40 million or even \$50 million this year. For electricity, we historically paid about \$15 million per year. That number will double this year due to increased retail rates, which became necessary as a result of skyrocketing wholesale prices.

For California Steel Industries and its 1,000 direct employees, those numbers are not only mind-boggling, they spell disaster. No business can absorb that kind of a hit for long and continue to survive. We are the largest producer of flat-rolled steel in Southern California, and we serve nearly 400 customers, most of whom are in California. We cannot pass along these increased costs to our customers because they can easily purchase competing steel from the Midwest, the East, and from offshore, produced with far less expensive energy.

Unfortunately, our story is just one of many in California these days.

The President of the California Public Utilities Commission, Ms. Loretta Lynch, has requested the help of the FERC in this crisis. Thus far, she has been rebuked by the regulators, on the basis that this is simply a supply and demand issue that will straighten out as soon as more power plants are built and more gas pipelines constructed. Unfortunately, we fear the problem will go away even sooner—by a huge drop-off in demand as businesses shut down and lay people off. This is not the solution the FERC wants, we are sure. However, we cannot wait for the FERC's theoretical approach to solve everything 50 months from now. We cannot even wait 50 days.

It is our belief that there is *no fair market* for gas or electricity in California, and there will not be fair pricing without federal intervention at the wholesale price level. We are committed to doing our part for conservation. We would also welcome the chance to talk with you personally about this subject.

In the meantime, on behalf of all Californians who value a good job with a secure future, and who helped create the world's 6th largest economy through hard work and perseverance, we urge you to get directly involved in this matter and demand that the FERC do its job. We must ensure that electricity and natural gas—two unique commodities, which in most cases have no short-term substitute—are priced fairly. Otherwise, you can turn out the lights in California, because the party will be over.

Very truly yours,

C. LOURENÇO GONÇALVES,
President and CEO.

Mrs. FEINSTEIN. Mr. President, California is the largest dairy State in the Union.

Let me read a brief quote from the Dairy Coalition of Concerned Energy Consumers.

As the number one-ranking dairy producing state in the nation, the California dairy industry uses substantial quantities of natural gas to run its processing plants. Between December 1999 and December 2000 the cost of gas to dairy plants in California increased 4,000%. Our paramount concern is the dramatic increase in the non-commodity portion of the price of gas.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

CALIFORNIA DAIRY COALITION OF
CONCERNED ENERGY CONSUMERS,
Sacramento, CA, February 16, 2001.

Hon. DIANNE FEINSTEIN,
*U.S. Senate, Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR FEINSTEIN: On behalf of the California Dairy Coalition of Concerned Energy Consumers, I would like to thank you for all of your activities to date directed to resolving the energy crisis in California.

The Dairy Coalition was formed recently due to the supply problems and dramatic price increases seen for both electricity and natural gas in California in late 2000. The Coalition represents all of the major dairy producer co-operatives in California, as well as the major proprietary processing companies.

As the number one-ranking dairy producing state in the nation, the California dairy industry uses substantial quantities of natural gas to run its processing plants. Between December 1999 and December 2000 the cost of gas to dairy plants in California increased 4,000%. Our paramount concern is the dramatic increase in the non-commodity portion of the price of gas.

Again, the Dairy Coalition greatly appreciates your attention to this critical issue.

Sincerely,

JIM GOMES,
*Executive Vice President,
California Dairies, Inc.*

Mrs. FEINSTEIN. Mr. President, let me read briefly from a letter from Bayer. Bayer uses tremendous quantities of energy, and it relies extensively on natural gas and oil as both fuel and feed stock. It has had a 300-percent surge in the open market cost of natural gas since early in 2000.

The letter goes on to say:

Volatile crude oil prices have increased the cost of feedstock by as much as 100 percent.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

BAYER CORPORATION,
Pittsburgh, PA, April 2, 2001.

Hon. DIANNE FEINSTEIN,
*U.S. Senate, Hart Office Building, Washington,
DC.*

DEAR SENATOR FEINSTEIN: I write on behalf of Bayer, the world's largest producer of both synthetic rubber and polyurethane systems and a major U.S. exporter with more than 23,000 employees in the United States.

Please act promptly to advance a comprehensive national energy policy and strategy that promotes high environmental standards and a diverse, flexible energy supply at globally competitive prices.

Our polymers and chemicals businesses use tremendous quantities of energy and rely extensively on natural gas and oil as both fuel and feedstock. In this way, our \$10 billion U.S. company is representative of a major segment of the economy. The \$460 billion business of chemistry is the largest exporting sector in the country, accounting for ten cents out of every dollar in U.S. exports. At Bayer Corporation, one out of every five jobs depends on our \$2 billion export business. We cannot fight with both hands tied behind our back, one already tied by the strong dollar, now the other by high energy costs.

The 300-percent surge in the open-market cost of natural gas since early in 2000 has dramatically affected business. Volatile crude oil prices have increased the cost of feedstock by as much as 100 percent.

Passing these costs along to our customers in the appliance, automotive, construction and other markets is not a viable, long-term solution. Rather it is a bleak, zero-sum game for the U.S. economy.

We are doing our part by aggressively pursuing policies to conserve energy and otherwise raise efficiency through measures such as co-generation. Even so, we need your help in bringing about a rational approach to the energy needs of the world's largest, single-nation economy.

I urge you to please speak out on this matter and act immediately.

Please do not hesitate to contact me if you would like additional information about Bayer's perspective on energy policy.

Sincerely,

HELGE H. WEHMEIER,
President and Chief Executive Officer.

Mrs. FEINSTEIN. California is a very large floral producer. I would like to read a brief quote from the California State Floral Association.

While our state decision makers have devoted most of their attention to the supply and cost of electrical energy, it is the high cost of natural gas that is of the greatest concern to our grower members. They have seen their natural gas bills increase by five to six fold. For example, one of our nurseries reports having their monthly gas bills increase from \$26,000 in December of 1999 to \$145,000 in January of 2001. This is fairly typical of the industry.

I have a letter from the H.K. Canning company which states that they are going to be forced out of business because of the high costs of energy today in California.

I ask unanimous consent that both of those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CALIFORNIA STATE
FLORAL ASSOCIATION,
Sacramento, CA, February 5, 2001.

Hon. DIANNE FEINSTEIN,
*U.S. Senator, Senate Office Building,
Washington, DC.*

DEAR SENATOR FEINSTEIN: The California State Floral Association represents retail florists, wholesale florists and cut flower growers in California. We are very concerned about the impacts the current energy crisis is having on our members. Of particular concern is the skyrocketing natural gas price as well as recent concern over natural gas availability and the possibility that gas customers including nurseries will have their gas service curtailed.

The energy crisis in California will have major economic ramifications on the state. We know you understand the seriousness of this situation. The unstable supply of all energy resources and the escalating costs of natural gas, diesel, propane and electricity have placed enormous new economic burdens on our industry. Our product is highly perishable and power outages can cause significant losses in a very short period of time. We have a very real concern that many of our members may be forced out of business. We face economic losses from the grower through the marketing chain to the retail florist.

While our state decision makers have devoted most of their attention to the supply and cost of electrical energy, it is the high cost of natural gas that is of the greatest concern to our grower members. They have seen their natural gas bills increase by five to six fold. For example, one of our nurseries reports having their monthly gas bills increase from \$26,000 in December of 1999 to \$145,000 in January of 2001. Other nurseries report similar increases in the cost of natural gas. Since farmers are price takers not price makers, these costs cannot be passed on. Some growers have reduced production, laid off employees and had to reduce employee benefits just to stay in business.

The flower industry is an important contributor to the agricultural revenues of this state. Cut flowers account for over \$300 million dollars in farm gate revenues and all ornamentals total over \$700 million statewide. California is also the number one flower producing state in the country. Yet the future of the cut flower industry is not bright.

We know that many in our nation's Capitol believe our energy crisis to be a "California Problem" and that it should be remedied through state action. While there may be some validity to this view with regard to the shortage of electrical energy, we believe this to be a grossly inaccurate perspective relative to the natural gas crisis in our state. The problem of natural gas availability and manipulative pricing needs to be dealt with at the federal level.

In light of the above, we urge you to do everything in your power to get the Federal Regulatory Energy Commission (FERC) to act immediately to stop the predatory gas pricing practices being perpetrated against California consumers. FERC has the ability to mitigate the anti-competitive conditions that exist in the marketing and delivery of natural gas. As we understand it, they have the opportunity to do this through two cases pending before them brought by two of our utilities. They have the responsibility to take such action under their charge as an oversight commission and the statutory authority under which they operate. And they need to take such action soon or many flower growers will not survive this crisis.

We desperately need your assistance in this time of great need. Please make this issue your highest priority. We thank you in

advance for any help you can provide and are awaiting your response. Please do not hesitate to call on us for specific information and assistance.

Very respectfully yours,

JIM REILLES,
President.

H.K. CANNING, INC.,
Ventura, CA, February 1, 2001.

Senator DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: My wife and I are owners of a small food processing cannery plant in Southern California called H. K. Canning, Inc. We have 81 employees with families that in total represent approximately 350 people. We all need your help desperately.

We purchase Natural Gas to power our steam boiler for processing soups and vegetables. The attached cost summary shows that for the last five years our volume of BTUs has remained constant along with the cost for these BTUs. However, until recently, our Natural Gas bill has risen seven (7) times over previous months without using any additional BTUs.

This is going to force us out of business! Profit margins in the food processing business are very tight, as we are all aware of what happened to Tri-Valley Growers in Stockton, CA. We have also seen our Worker's Compensation costs triple since 1999 with no cost control implementation. California is in trouble. We are in trouble and the government is moving to slow!!!

We, and our employees, need your help now.

Sincerely,

HENRY KNAUST,
President.

Enclosure.

H.K. CANNING, INC.: NATURAL GAS BILLING ANALYSIS

Fuel vendor	Month and year used	Quantity MMBtu therms	Price MMBtu therms	Monthly cost
Amoco	6-1996	2,289	1.40	3,204.60
Do	7-1996	2,310	1.72	3,973.20
Do	8-1996	2,043	2.19	4,474.17
Do	9-1996	2,003	1.75	3,505.25
Do	10-1996	2,757	1.76	4,852.32
Do	11-1996	2,513	2.65	6,659.45
Do	12-1996	2,135	3.73	7,963.55
Do	1-1997	2,551	4.30	10,969.30
Do	2-1997	1,932	2.68	5,177.76
Do	3-1997	1,984	1.64	3,253.76
Do	4-1997	2,673	1.77	4,731.21
Do	5-1997	2,103	2.08	4,374.24
Do	6-1997	2,133	2.23	4,756.59
Do	7-1997	2,588	2.25	5,823.00
Do	9-1997	2,744	2.53	6,942.32
Do	10-1997	3,236	3.11	10,063.96
Do	11-1997	2,532	3.37	8,532.84
Do	12-1997	2,975	2.39	7,110.25
Do	1-1998	2,273	2.31	5,250.63
Do	2-1998	2,703	2.11	5,703.33
Do	3-1998	2,781	2.34	6,507.54
Do	4-1998	2,616	2.40	6,278.40
Do	5-1998	2,669	2.37	6,325.53
Do	6-1998	2,610	2.10	5,481.00
Do	7-1998	2,920	2.25	6,570.00
Do	8-1998	2,885	2.33	6,722.05
Do	9-1998	2,981	2.05	6,111.05
Do	10-1998	3,006	2.06	6,192.36
Do	11-1998	2,905	2.36	6,855.80
Do	12-1998	3,599	2.32	8,349.68
Sempra	1-1999	2,774	2.04	5,658.96
Do	2-1999	2,814	1.83	5,149.62
Do	3-1999	3,316	2.20	7,295.20
Do	4-1999	2,941	2.20	6,470.20
Do	5-1999	2,748	2.20	6,045.60
Do	6-1999	2,912	2.20	6,406.40
Do	7-1999	2,750	2.20	6,050.00
Do	8-1999	3,110	2.20	6,842.00
Do	9-1999	3,332	2.20	7,330.40
Do	10-1999	3,173	2.20	6,980.60
Do	11-1999	3,025	2.20	6,655.00
Do	12-1999	3,275	2.20	7,205.00
Do	1-2000	3,153	2.20	6,936.60
Do	2-2000	3,437	2.20	7,561.40
Do	3-2000	2,778	2.60	7,222.80
Do	4-2000	2,478	3.03	7,508.34
Do	5-2000	2,958	3.04	8,992.32
Do	6-2000	2,319	3.04	7,049.76
Do	7-2000	2,638	4.92	12,978.96
Do	8-2000	2,798	4.50	12,591.00

H.K. CANNING, INC.: NATURAL GAS BILLING ANALYSIS—
Continued

Fuel vendor	Month and year used	Quantity MMBtu therms	Price MMBtu therms	Monthly cost
Do	9-2000	2,787	6.32	17,613.84
Do	10-2000	3,211	5.58	17,917.38
Do	11-2000	2,905	5.19	15,076.95
Do	12-2000	2,854	14.09	40,212.86
Do	1-2001	3,000	16.32	48,960.00

¹ Estimate.

Mrs. FEINSTEIN. Mr. President, I have a letter from California State Senator K. Maurice Johannessen. This letter points out that the Shasta Paper Company is now closing its doors because of rising natural gas prices and the suspension that has resulted on pulp production. I ask unanimous consent that the letter be printed in the RECORD.

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

CALIFORNIA STATE SENATE,
Sacramento, CA, December 15, 2000.

Re: Request for Immediate Intervention

HON. GRAY DAVIS,
State Capitol, Sacramento, CA.

DEAR GOVERNOR DAVIS: The State of California currently teeters on the brink of a major energy crisis that threatens the well-being of citizens, communities, and the economy. The significant increase in natural gas prices and looming energy shortages have caused distress among many Californians. Couple that with the decision by the United States Forest Service to halt operations in National Forests, including forest thinning, fire hazard reduction, and ground disturbing activities, and we have a formula for disaster brewing in our state.

In my district alone, the Shasta Paper Company (the only remaining paper pulp mill in the state) had to close its doors last week because of rising natural gas prices and the suspension on pulp production. Although they were able to reopen this week, they have been forced to do so on a limited basis, with a substantial reduction in their workforce. They have taken an enormous financial hit and are in danger of being priced out of their ability to operate in the future.

The Shasta Paper Company employs nearly 450 people with a payroll of approximately \$1 million per week and revenues of \$144 million yearly. The closing of this plant will not only devastate the area but deprive the entire state of the benefits from this valuable enterprise. They are currently considering alternatives to natural gas but will require a temporary waiver of emission standards to remain viable. In the meantime, many once productive members of the workforce are left to wonder about their personal financial situations.

Burney Forest Power is a 31 megawatt biomass fueled co-generation plant located in Shasta County that is capable of supplying power to about 25,000 homes. At a time when every megawatt produced in the state is precious, the USFS decides to suspend all timber-related activities to the detriment of biomass power plants throughout California. While industries are laying off workers due to the cost of natural gas, these same workers are being asked to pay higher fuel and energy costs. The financial impacts to individuals, communities, social service agencies, and industries may cause irreparable damage statewide.

I understand that the actions of the USFS were the result of lawsuits filed by the Earth

Island Institute and other environmental groups as an interim settlement. The agreement was for suspension by the USFS "not to offer, advertise, auction or award any timber sales within the Sierra Nevada Framework planning area" from December 11, 2000 to March 1, 2001, or 30 days after the Record of Decision is issued for the Sierra Nevada Framework Final Environmental Impact Statement.

Earth Island Institute asserts in their suit that the area not only has suitable habitat for the California Spotted Owl but also that the Sierra Nevada province may contain potentially suitable habitat for the Pacific Fisher. The USFS agreed to expand the area of consideration from suitable habitat for the California Spotted Owl and suitable or potentially suitable habitat for Fisher to include the entire Sierra Nevada planning area!

I do not believe that the USFS took into account the impacts on biomass power producers and other industries when they entered into this agreement. It is not difficult to see the effect that the loss of these power producers can and will have on northern Californians as we enter into the coldest months of the year. What impact can we reasonably project on the cost of doing business in northern California when many enterprises rely on natural gas to operate? If biomass producers are hindered or shut down, the demand for natural gas will increase, causing an even greater strain on the current situation.

Governor Davis, California already suffers from skyrocketing gas and energy prices and the state is in a near emergency situation. You have sought to preserve current supplies and I am confident that you will be anxious to prevent further hardship to the citizens of California. We are already facing the threat of rolling blackouts and government offices within California have been directed to implement energy conservation strategies and actions in response to current and expected shortages.

I do not believe that the USFS acted maliciously when they entered into the agreement, however, I do feel that the action was shortsighted. To have not consulted with the Governor of a state where such actions will cause harm is irresponsible, unconscionable, and unacceptable.

I am requesting that you intervene with the Department of Justice to provide a temporary waiver for emission standards and address the United States Forest Service's action to cease all timber-related operations in the Sierra Nevada planning area.

Your immediate consideration is greatly appreciated.

Sincerely,

K. MAURICE JOHANNESSEN,
Assistant Republican Leader.

Mrs. FEINSTEIN. Mr. President, last week I reported that C&H Sugar, the only sugar refinery on the west coast, that had employed 1,000 people, closed its doors for 5 days. Its cost of steam went from \$450,000 a month to \$2 million a month. I would like to update that report. That company is now looking for a special bridge loan. If it is unable to find that loan, the only sugar refinery on the west coast will have to permanently close its doors.

These complaints are all centered on natural gas prices. People have not yet been hit with the 40-percent increases planned for the average ratepayer in electricity this month. This does not even address gasoline prices which some are predicting may reach \$3 a gallon in California this summer. So

things are going to get a lot worse before they get better.

The California Independent System Operator has said that the State will be 2,000 to 5,000 megawatts short in meeting its energy needs. In other words, millions of homes and businesses are at risk of being blacked out, maybe every day. This affects traffic lights, ATMs, farmers, assembly lines. It affects vineyards; it affects small hospitals—and the list goes on and on.

Since January, the State Department of Water Resources has been purchasing all of California's power needs because of the poor financial condition of the State's utilities. Last week, I updated my colleagues in the Senate on the amount the State has spent so far to keep the lights on. At that time, it was \$5.2 billion. In the last week, that number has gone up by \$1 billion, to \$6.2 billion. And the State continues to buy power at the rate of \$73 million a day.

The implications of these high power prices are devastating to the State. In fact, State budget officials are already making deep cuts in California's \$105 billion budget that the Governor will sign into law in late June. Last week, the California State Senate Budget Committee chairman called on the Budget Committee to come up with a list of cuts totaling \$2 to \$4 billion to compensate for higher energy costs so far.

I would like to put the costs in perspective. California, as I said, is spending \$73 million a day on power. How much is that? It is enough to fund the annual budget of the Santa Ana Police Department. It is one-fourth of the cost to run California's entire judicial system for 1 year. It would provide health coverage for almost 300,000 working families in the State. And it is gone in 1 day.

As I have said before, the major problem was a flawed deregulation bill passed in 1996 called AB 1890. However, the State is doing today all it can to increase supply and reduce demand. The State will have an additional 3,572 megawatts on line by the end of the summer and an additional 6,923 megawatts on line before the end of 2003, and by 2004 the State expects to add 20,000 more megawatts. That is enough power for 20 million additional homes.

The problem is in the interim. The problem is the absence of price stability. The State spent \$7 billion in 1999 for energy—total—\$32 billion in the year 2000, and it is estimated to spend \$65 billion in 2001. Simply stated, this is the result of price gouging. Simply stated, it is a Federal responsibility to provide a period of reliability and stability in price before we bankrupt every industry in the State of California and close businesses from Eureka to San Diego. The Pacific Northwest is in the same crisis, and the Midwest and other regions will be as well, unless the FERC takes action.

Yesterday, the Commission ordered the Williams Company to refund \$8

million for withholding power. This is the first action of its kind. The Commission found that this generator improperly shut down plants with the implicit understanding that withholding power from the market would drive up prices. Even to the most conservative Member in this body, this is evidence of manipulation of the market in California to drive up energy prices. The FERC found it, and the agreement was that Williams will pay \$8 million in a refund.

This firm has admitted no wrongdoing in the settlement. However, it should be clear that what was alleged was that they took key generating units in Long Beach and Huntington Beach offline in April and May of last year. Williams said it settled to end the matter and that they would have been exonerated had FERC pursued the case. Initially, FERC had sought a refund of about \$10.8 million but settled for the \$8 million in the compromise agreement.

Today, Pacific Gas and Electric, a very large investor-owned utility, is in bankruptcy in chapter 11. Southern California Edison, the distributor of power to 11 million people, is very close to bankruptcy. Should the agreement forged by the Governor not go through, that utility will be in bankruptcy.

Yesterday, a divided State senate appropriations committee approved a bill that would impose a windfall profits tax on electricity sellers who gouge California consumers. Revenue from the tax would flow back to Californians in the form of a credit on their State income tax, starting next April 15. On a 7-3 vote, Democrats on the committee voted for the bill, Republicans lined up against it. The measure moved to the Senate floor, where it will require a simple majority of 21 votes and is expected to pass. The Governor has said he is open to signing a windfall profits bill, but he has not publicly lobbied for the passage of the bill.

Yesterday, the Vice President made an energy speech. I would like to say a few things about it.

In his first extensive remarks about the energy recommendations his Cabinet-level task force will make to the President by the end of May, the Vice President blamed current shortages on shortsighted decisions in the past. The Vice President said that conservation, while perhaps "a sign of personal virtue," does not make for sound or comprehensive policy. The Vice President promised "a mix of new legislation, some executive action as well as private initiatives" to cope with rising energy prices and growing demand. He definitely rejected turning to price controls, tapping the Strategic Petroleum Reserve, or creating new bureaucracies.

Over the next two decades, it will take between 1,300 and 1,900 new power plants—or one every week for 20 years—just to meet projected increases in nationwide demand, Mr. CHENEY said. And he said, "Without a clear, co-

herent energy strategy for the nation, all Americans could one day go through what Californians are experiencing now, or even worse."

I have been really disappointed and surprised with this administration's attention to the energy crisis. I have written to the President three times now asking to meet with him and explain the situation. So far, he has not yet agreed to meet with me.

The Vice President and the Energy Secretary through this Presidential Task Force are talking about how the Federal Government is going to help. However, adding 1,600 new power plants over the next 20 years is not the answer we need. Nobody questions that we need more supply in the long term. But we have a situation where prices have been spiking for almost a year in California and about 6 months in other parts of the Northwest, where the Northwest is experiencing the driest hydro year on record. This is where we need the help.

This is where the Federal Government has a duty to help. California and the Northwest badly need a period of stability and reliability, and this is where the Federal Government can help. I argue that this is where the Federal Government has a duty to step in and protect consumers from being gouged. As I said, California is adding 20,000 new megawatts itself which is the equivalent of forty new average-sized plants, without any Federal prompting.

Lastly, I am also quite surprised that the Vice President, in his remarks yesterday, essentially said that wind, solar, geothermal and other renewable energy sources are still too far into the future and the future is all fossil fuels.

Even if that were true, the truth of the matter is that nuclear power, for instance, takes years and years to cite and there is nothing this administration can do to help with the supply we need this summer and next summer.

I, again, urge my colleagues to support Senator GORDON SMITH and I and force FERC to take action and address the problem. The alternative may be an economic disaster for the entire country this summer.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 2:15 today Senator THOMAS be recognized for up to 1 hour allotted post cloture and, following that time, Senator WELLSTONE be recognized for his hour post cloture.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Chair, acting in my capacity as a Senator from Oklahoma, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED—Continued

Mrs. HUTCHISON. Mr. President, I have been listening to the debate on education reform for the last few days. I think it is interesting we are talking about two different things. I hear Senator WELLSTONE and Senator KENNEDY talk about money. Everything is about money. We are absolutely convinced if we don't have reform of our public education system, throwing the rest of the Federal budget at it will not work. We will not see improvements if we don't reform the underlying system.

Our public education system is failing. It is failing because there is such a variation of standards. Some of our public schools are terrific, but they are not all terrific. Some are even abysmal. That is not the standard of quality for public education we should stand for in this country. We are trying to reform the system so there will be a standard under which any child in this country who is educated in our public schools will be a child who can reach his or her full potential so that no child will be left behind. We are trying to set a minimum standard that every child must meet or, if the child doesn't, that we will give that child help.

We have seen the high school dropout rates. They are alarming in some areas of our country. What is interesting, when we go to the root of the problem and we talk to these young people who have dropped out of high school in despair, there is a basic reason. The basic reason is they can't read.

Why not go down to the third grade and catch these young people who are having problems reading and give them a chance to have the full ability to absorb the education they are receiving? If we shuffle them from one grade to the next grade to the next grade, a social promotion, and they still can't read in the 10th grade, who is surprised that the children are frustrated? They are sitting in classes, trying to learn algebra, math, science, history, and geography, and they don't have third grade reading skills. Of course they are going to be frustrated.

What we are proposing is an accountability, a standard, that says every child will be tested in the third grade. If that child isn't reading at grade level

in the third grade, we are going to hold them back. We are going to give them tutors. We are going to give them the tools they need to be able to participate in their education and in this country the future.

That is what reform is. Reform is not just throwing more money at the problem. Reform is getting parents involved, in getting teachers, in getting principals involved, in letting the local school districts make the decisions about what will be the best for the individual children in that district. That is what reform is. It is not throwing money at it and having regulations coming out of Washington, DC.

We are trying to set a standard by which every child in this country will be able to read at grade level in the third grade. I think we are going to see the test scores soar across our country if we can get over the hurdle of talking just about money and start talking about reform.

Reform includes accountability. A lot of people wring their hands and talk about tests: We don't want tests; we don't want too many artificial tests; we don't want teachers teaching to the tests. If we are testing for the basic skills, why wouldn't we teach to the test and improve what the children are learning? If we teach to the test and the test is fundamental reading, fundamental math, fundamental science, fundamental history, then we need to have a standard by which to judge what is happening in our schools.

Another reform is reporting, making sure that parents have the tools and the information to make the best decisions for their children. In fact, if a parent doesn't know how the school is doing and how the children in the school are doing, how can they know their children are getting the best opportunity that is available?

In my State, we have a report card. It is called the Just For Kids Program. The test scores of every elementary and junior high school—and we are going now through the high schools—in Texas will have a report card that shows the test scores and how the test scores have grown in that particular school. If that school is compared to other schools in the same socioeconomic, demographic area and that school does not compare well, the parents then have the information and the parents will be able to say to the principal, wait a minute, why is this school not performing? We want to give parents the ability to question. We think by questioning, we can see improvements.

We are talking about reform, not money. We are talking about doing things a different way. We are talking about reading at grade level in the third grade so in the eighth grade the child will have the chance to learn the higher math, the history, the algebra. We are talking about accountability testing, to see if the children are keeping up, to see if we can go to the heart of the problem, if there is one, and fix

it while we still have a chance, before the young person has, in utter frustration, dropped out of high school. We get them at the lower level and we give them the chance to compete.

We also have report cards. We have report cards so parents will be armed with knowledge. Parents can go to the principal and say, why isn't this school performing? That is the most powerful force we can possibly have. If there is a coverup, if there is no test, if there is nothing by which the parents can judge the performance, of course, everyone is going to be silent and we will have continued failure.

These are the elements of reform that will make a difference in the system. This is what we are talking about when we talk about doing things in a different way in our country. We are not talking about just throwing more money at it, although the President's plan does increase education spending by over 11 percent, the largest increase of any part of his budget.

Yes, we are going to spend more money but we are going to make sure that the money goes directly to the school districts with standards that we would ask them to meet. We would ask them to meet those standards in their own way, not in some federally mandated way that might not be right for the children in those particular school districts.

I am very pleased that we are finally on this bill, and I hope we are going to come out with something that will show the parents of this country that there really is hope; there is hope for a different way; there is hope for the future for their children in public schools.

Mr. President, I am now very pleased to yield the floor to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to proceed for 10 minutes.

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

Mr. GREGG. Mr. President, I rise in support of a variety of sections of this piece of legislation. I certainly want to second the comments of the Senator from Texas, who has pointed out some of the significant strengths of the bill.

Let me talk about one specific area that I think needs clarity, and then some additional amendments I hope to offer to give parents more options.

The question of quality education I think we all understand is parental involvement. It is a good teacher, a good principal, but, most importantly it is a parent who gets involved in their child's daily activity of going to school and learning. Unfortunately, the Federal role in education has historically undermined the ability of the parent to be a participant in that activity. In fact, title I, as it has been structured over the last 25-30 years, has been a school-based, bureaucracy-based funding mechanism. It has not been directed at benefiting the child so much

as benefiting the bureaucracy which in turn theoretically benefits the child. As a result, I would argue that that is probably one of the primary reasons title I has failed, and “failure” I define is the fact that today the low-income child reads at two grade levels below their peers, and that is the same level of inefficiency or inability that the low-income child was reading at 20 years ago.

We have seen a huge amount of money spent on title I over the last 20 years—\$120 billion—but we have seen, in fact, no improvement in the performance of low-income children. So they have been, even though we have been spending a lot of money on the program, left behind.

This bill tries to address that issue. One of the ways it addresses it is as follows. It attempts to empower the parents, giving the parents a little bigger say in how their children are taught. If you are a parent and you are in a failing school, under today’s rules, you have no rights. Your child is stuck in that school and there is virtually nothing you can do to help your child. Under this bill, what we say is if a school fails in the first year, we are going to come in with some additional resources to that school, significantly additional resources, and we are going to try to help that school improve. But if the school is failing in the second year, we are going to do some other things to try to improve that school. We are going to replace some people. We are going to try to dramatically improve the curriculum and, again, we are going to fund that. But if by the third year the school is still failing, we are going to say to the parent: All right, you have the right to do something with your children to try to improve their education because it is very obvious that you are not getting the benefit you need as a result of the way the school is functioning.

Unfortunately, I would like to have accelerated that so it would happen in the second year, but the agreement is that in the third year if a child is in a failing school that has failed for 3 years, the parent will have the right to get that child supplemental assistance outside the school system so that if that child is failing in reading or that child is failing in math, the parent, at the parent’s option, will be able to take their child and get additional assistance for that child after school or maybe during recess time, however the school wants to set it up, so that that child can go away from the school to a Sylvan Learning Center, to another public school or to a private parochial school for the purposes of getting remedial assistance in the academic area where the child needs help.

The child still remains a pupil in the public school system. This is not an option of leaving the public school system and going into a private school system. Rather, this is an option of allowing the parent to get supplemental assistance for that child and allow the

child to have the assistance he or she needs in order to bring the child up to speed because he or she has been in this failing school now for at least 3 years—they may have been in it longer—and they are way behind. Under most scenarios, you are going to find they are way behind. So this is an attempt to bring them back up to speed with special tutorial support.

What does this mean? For the first time it empowers the parent to do something when their child is stuck in a failing school. Who are we talking about? We are not talking about middle class parents for the most part. We are certainly not talking about wealthy parents. What we are talking about for the most part are single moms, many of them in urban societies, who have virtually no options for their children, and we are going to give that single mother an option. We are going to allow that single mother to take her child and get some assistance in math or reading.

That language has been agreed to and put in this bill. Some have called it choice. It is not a choice; it is sort of hybrid of choice. It was an idea I came up with more than 3 years ago and got consensus—in fact, so much consensus that folks on the other side are announcing it was their idea. We are happy to have many authors of it because it is a good idea. But it really is the first step in the effort to try to empower parents.

The second step is equally important. It is not in the bill, unfortunately. That is to take a few schools that we know are failing and that have failed year in and year out and say to the parents of those kids in those schools: We are going to give you a full option of choice. We are going to put the pressure on that school to perform, and if it does not perform we are going to allow you to put your child in another school, either a public school or a private school. Under this bill there is an option to take your child out and put them in a public school after being in a failing school, but there is no option to go to a private school.

Now, this is the classic choice situation. This is what we call portability. The idea is instead of having the money go to the school systems which have taken this money and produced year in and year out a failing school, to say to the parents: The money is going to go to your child; it is going to be strapped on the back of your child with a backpack, and you can take that money and your child and you can put them in a different learning climate. But when you do that, the conditions are going to be that your child has to learn. That is the only thing we are going to hold you to. Your child is going to have to start to achieve as a result of leaving that school and going to another school, whether public or private. Your child is going to have to start achieving at the level that they should have achieved to be comparable with or equal to a child in their grade

level who is in a school that is performing well.

We are going to expect academic achievement, and we are going to have accountability standards expecting academic achievement for you, the parent, having the right to take your child and the money that is supposedly supporting your child, the Federal money—and, really, we are only talking about low-income parents; we are not talking about the general population—to another school.

Now, does this idea work? Yes, it does. This idea is already being used in Milwaukee, for example, and it has been extraordinarily successful. It is being used in Arizona, and it has been successful. The fact is, there are a lot of school systems out there that are willing to pursue this type of idea.

It should be noted that we are not going to suggest that this be done unilaterally by the Federal Government or that the parent have the unilateral right to make this decision. Rather, what we are suggesting is that there be two conditions present. First, that before this option of a choice or portability is given to the parents, the local school district, the local elected public school district, must opt into the program.

You will probably say that will never happen. It will actually happen. That is what happened in Milwaukee. The local elected officials who were responsible for education decided in this case that it wasn’t the school district but it was the town council that decided they wanted to give parental choice. They wanted portability. If a local elected board, which is charged with the education responsibility of the children in that school district and, therefore, has the responsibility for public education, decides that as one of the elements of its educational system it wishes to give parents of kids who are in failing schools where the school has failed for at least 3 years the option and the ability to move that child to a private school, they will have that option but only if that idea is supported by the public entity which has legal authority over the public school system.

It is not a top-down decision. It is not even a unilateral parental decision.

The second condition we have is that no title I money will be used for this exercise. This will be a new funding stream so that the portability initiative or the choice initiative—however you want to call it—will not be a drain on title I funding in the school districts but, rather, will be a separate funding stream that will be available to the community that decides to opt into this.

So as to the argument that this is going to somehow undermine the public school system, we punch a hole in that balloon by pointing out that the public school system makes the decision to go down this road. As for the argument it is going to undermine the funding mechanisms for title I kids, we punch a hole in that by making it clear

that the funding mechanism is independent of the title I dollars and, therefore, has no impact at all on title I.

Those two red herrings can then be set aside, although I am sure we will hear a lot about them when the amendment is offered.

The real argument is, interestingly enough, by the Washington Post, a paper with which I don't often agree, editorializing this last Saturday in favor of giving parents some options—especially low-income parents, and especially single mothers in urban communities who have no options today as a result of giving them those options and bringing competition into the school system, and it is competition that produces quality in our society, whether you choose to go to a Burger King over a McDonald's because of the competition or a McDonald's over the Burger King. In education we have no competition today. We have no force for improvement that comes from the marketplace or that comes from the pressure of having to perform in order to get clients.

This will introduce that into the system, and, most importantly, it will give hope to parents—in particular, single moms, especially in urban communities, mostly from minority districts—hope that their children will have the opportunity to live the American dream and that their children will have the opportunity to be educated.

I appreciate the courtesy of the Senator from Alabama in allowing me to go first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire for his steadfast leadership on matters involving education. He has served on the Education Committee, on which I serve now, for quite a number of years. He is a champion and a visionary and a person who really cares about children and wants to improve education in America. He has been very successful in making that happen.

I had the opportunity last week to spend a day with Dr. Rod Paige, the President's Secretary of Education. Dr. Paige is an extraordinary individual. He has lived the kind of life we want to happen in America. He grew up in Monticello, MS. His parents were both educators. He played ball and coached at Jackson State. He then went on to become dean of the education school at Texas Southern, and was on the school board at Houston. Houston was looking for a new superintendent of their education system. They were troubled about how they were getting along. Things weren't going well. There are 207,000 students in that system. It is the seventh largest education system in America that had a number of children who had difficulty with the English language, with a diverse racial and socioeconomic makeup. It was a real challenge.

When he took over, only 37 percent of the students in that school system were passing the basic Texas test. He took it on with a passion that this could not continue. He had been a dean of an education school. He said: If I knew what I know now about training teachers, I would have done things a lot differently when I was dean. But he still took over that system, and it was in trouble.

He identified schools that were failing, and he did not allow it to continue. He took action on failing schools. He cracked down on discipline. He said we must have discipline. We cannot have a school system that has a reputation that it is not safe to come to it and where teachers continue to feel unsafe and where students don't feel safe. He improved discipline dramatically.

He ended social promotion—the idea of just passing children along even if they are not learning the basic requirements of that grade. He said that cannot continue.

He began a rigorous system of testing—not because he wanted to harm the children or because he wanted to pigeonhole students, but he wanted to find out diagnostically as part of the education process where they were academically.

He said quite convincingly that if a child reaches the fourth grade and they are way behind in reading and math, they probably will never catch up. You have a rare opportunity in those early grades to constrict failure and turn it around. That is what he decided to do. He did those things.

As a result, in 5 years, from 1995 to the year 2000, he nearly doubled the number of students passing that basic Houston, TX, test. It went from 37 percent to 73 percent, one percentage point below doubling that figure in just 5 years.

I think that is an extraordinary achievement. He said he was able to achieve some additional financial support, but not much really until the last year after he had proven that he could achieve success.

What he said they did was the very thing I just mentioned. They did not want to leave a child behind. How do you leave a child behind? You don't test them. You let them go by law to a school that is dysfunctional, that is not working, and that is not effective. You won't let them go to any other school in the system. They don't have money to go outside the system. You just say: Tough luck, child. We are taking care of it. We are giving that school as much money as we give the next school. But you have to go there even if it is a failing school.

Dr. Paige said we cannot do that anymore. I know the Senator from New Hampshire is a strong believer in choice. So is Dr. Paige. Most school systems, I am sure, wouldn't adopt the option that we provide them. But Houston did. Dr. Paige said: It did not hurt the public schools. It made us bet-

ter, and in fact after a period of years with our test scores going up, our success rate going up, and our discipline problem going down, the number of students coming to the public schools increased. We were drawing people from private schools. He said public schools can and will win the battle if they do the things necessary to achieve success.

I will just echo that. I taught a year. My wife taught 4 years. Our children attended public schools for most of their career. My two daughters graduated from one of the big inner-city schools in Mobile, AL. We were on the PTA and have a lot of great friends who are teachers. I have visited 25 schools in Alabama this past year.

I think I have some appreciation for what education is all about. Yes, we want to get as much money as possible for education. In fact, the Federal Government has increased federal spending on education by 50 percent since 1994.

This year's budget has an additional 11.5 percent proposed increase for education. But it is deeper than that. We have to ask ourselves: What is happening with the money we are spending? There are States that spend a lot more money than other States. There can be schools in the same town, in the same system, receiving the same amount of money per student, and one school is functioning well and maybe the another one is not.

We have to ask ourselves: What is occurring in our school systems that is not healthy? There is a legitimate concern that public policy has responded to the system. We have tried to do what the system says; and the system says, basically, we do not want testing and accountability; we just want more money. Just give us more money, and we will do better.

For the most part, schools in the United States have had increased funding per student over the last decade or more. But, unfortunately, the numbers have not gone up. The Federal Government has spent \$125 billion in trying to narrow the gap between low-income students and upper-income students, and the gap has not narrowed, it has widened in some areas.

We still have very disturbing test scores in math and science that show we are not competitive with the rest of the industrial world. I think that is so obvious as to be without dispute.

What is it we are doing wrong in education? You go to Japan, and they have classes with 50 or 60 children in a class. We have much smaller classes than that, but our numbers are not where we they need to be. So what is the problem?

I think Dr. Paige and the President's plan is focusing on a couple of core events: Do not let a child fall behind. Leave no child behind. Find out at the earliest possible time if they are not keeping up. Do what needs to be done to then intervene. Do not let parents think that just because Billy is going

to school every day, that Billy is learning at a legitimate rate and progressing effectively. Those tests will tell on the school. They will tell on the students. And the parents will be much more engaged.

Alabama has done that. My State has stepped forward. It has one of the toughest testing systems in America. It demands that students meet certain minimum standards. The students are achieving more.

Some say: I just don't like these tests mandated by the Federal Government. They direct policy in teaching and teachers have to teach to the test. But if the test is a good test, and the test determines whether or not a child can handle basic math or can read and write, and teachers are teaching to that test, I say, well done. I say that is progress.

We need good testing, developed by the States, that will test basic reading and math improvement skills. If we know that, if we are knowledgeable about whether or not they are making progress, then we can help that child get even better. If they are not making progress, we can confront it. If a teacher or school is consistently failing, and not meeting those standards, perhaps at that point we need to confront the leadership at that school. Maybe we can find better leadership and improve those test scores. Because the American taxpayer, the American citizen, is entitled to know whether or not their money is producing results. How much more basic can it be? We are talking about giving more money and having no accountability?

In the 4 years I have been in this body, I have learned that many of our friends on the other side of the aisle say: You just want to send more money to the schools without accountability. And I do want to send more money to the schools with less strings and less paperwork. I definitely believe in that. But the question is, what is accountability? What do we mean when we say "accountability"?

If you listen to many in this body, accountability is whether or not an individual school gets the money that we appropriate and that they do with it precisely what is said here. That is what they determine to be accountability. We have 700 Federal Government education programs. Can you imagine that—700? It is hard to believe.

So they say, you cannot consolidate those problems. You cannot send the money down to an elementary school that wants to revamp its entire reading program, to spend \$20,000 to develop a program that will be effective for the next decade to improve reading in their school where they have a vision and a passion for it and they just can't wait to do it. They don't have the money, and we say: No, you can't do that. You have to spend it for one of our little 700 projects.

What I have learned is—and as I have thought about it—that is a wrong view of accountability. Accountability is

having a learning curve. Are children improving? Are they better able to read now than they were last month or last year? That is what accountability is. You cannot do that without testing. Almost every school system knows that. Virtually every school system tests, although there is a fierce, dogmatic, determined group of advocates who resist testing in every shape, form, or fashion. They fight it every way possible, with every kind of possible excuse.

But I repeat again, if you love those children, if you want to see them reach the highest and best economic and social potential in the world, you want them to be able to read and write. You want them to be able to do basic math. You want them to reach the highest possible achievement in trig, in chemistry, and physics, and the highest form of mathematics in their school systems. We want them to reach their fullest potential. That will not happen if they are not progressing steadily every year.

So I believe we can do better. I believe if we focus on learning, and if we give our principals and our teachers more freedom to use the Federal resources in a way most effective for learning, they will use it that way. If we say: You will get even more freedom if your test scores improve, such as they did in Houston, the children will benefit from that additional freedom. I assure you, the local people will be more willing to support a school that is showing progress than one that is not showing progress.

I will share this story. There is a principal in Alabama named Dorothy Robinson. A number of years ago, she was a teacher in a rural school in the county in which I grew up. She also grew up there and taught in Packer's Bend. We call it "across the river." Packer's Bend was an isolated area across the river from the main part of the county. They had a small school, and it was in big trouble. Test scores were not good. The school was not in good shape. The county was about to close it. They said they would.

Dorothy Robinson said: Don't close it. Give me a chance. I believe I can turn this school around. It was on academic alert by the State. It was the smallest high school in the State. She started that summer, got students together, and they helped clean up the school. They got parents involved to an extraordinary degree. She called her teachers together, and they decided they could improve test scores. They were going to do the things necessary to make that school be an effective educational institution. She worked at it, and was highly successful; and 4 years later they were running test scores as high as any in the county.

It was a really tremendous achievement done without any great appropriation of money, done by leadership and a determination to hold students accountable. She challenged them to be their very best. She did not put up

with excuses. And she moved them forward. In fact, the superintendent of education in Alabama has now hired her to help him set up programs for similar schools throughout the State.

Those kinds of improvements are happening in America. We need—as a Senate, as a Congress, and as a U.S. Government—to develop policies that help those success stories occur more often. We need to help them decide what to do fundamentally; and that is, to find out whether children are learning properly and to give those schools more freedom and flexibility to do that. If the schools continue to fail to teach our children, we need to give those children some option to reach outside that school. Because it is wrong; it is not right at its most fundamental level, to say to a poor child who has no other option but to go to public school: You must go to this failing school. You just go there anyway.

This is what we do in American today mostly. The President is saying, if you can't get your school operating at the basic level, give them some options, give them some choices. But fundamentally, if we do the things Dr. Paige did in Houston, if we do the things Ms. Dorothy Robinson did at Packer's Bend, every school can move to the highest possible level. We can without any doubt substantially improve the learning of children all over this Nation without any tremendous increase in funding. It can be one of the greatest things this Nation has ever done, not to leave a child behind, make sure every one is progressing to their fullest potential.

We can do this. I am excited about it. The President was a Governor of a large State. He ran for Governor promising to do something about education. He achieved some great improvements in Texas education, and he wants to do it for America. It is not a pipe dream, it is a vision that can be achieved and made a reality. I hope this Congress will not just continue business as usual, not just continue to function as an arm of the establishment, but that we will confront our failure to come up with innovative solutions for improvement and to increase substantially the learning that occurs in classrooms in America, those magic moments when a child and teacher gel and they learn. It is a thrilling thing. We need to further that and not the bureaucracy.

I look forward to the continued debate on this. It is time to bring this bill up and make some changes for the better in America.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arizona.

Mr. KYL. Mr. President, I begin by complimenting the Senator from Alabama and before him the Senator from New Hampshire, both of whom made extraordinarily important points about the need for improvement in our education in the United States and about the single ingredient that can do more to enhance their performance than any

other single thing; that is, more choice, more freedom in our education system, choice for parents so that their kids have a chance, and freedom of local schools to experiment and to do what is in the best interest of the kids in their local communities rather than having policies dictated from Washington, DC.

In starting this process, I had very high hopes that we would be considering legislation in this Chamber that embodied this concept of choice, of more freedom for parents and students to go to the schools that were succeeding rather than being relegated to the poorer schools that characterize all too many of our communities today. I had hoped we would be able to pass and enact legislation that embodied an entirely new approach to education in our country.

Sadly, I no longer have those hopes because the bill that came to us from the committee to the floor is a bill which does not embody all of the President's ideas as he put forth. It is, in effect, the lowest common denominator, a bill that represents the consensus of all of those people who had anything to do with it and, as a result, instead of embodying those new principles, those principles of reform, relies far too heavily on the ideas of the past, the old model of Federal education which assumed that improvement in student performance could be secured through bureaucratic initiative alone. The old model ensured that when policy details were hammered out, there was a seat at the table for any special interest with a vested interest in existing arrangements but literally no voice for students and parents.

Of course, the old education model was built on the premise that Congress' commitment to expanding opportunities to the disadvantaged, as well as to overall academic excellence, could be measured primarily by how many taxpayer dollars were spent. I believe we need a new model, and we should begin by recognizing that if we want to see revolutionary improvement in education, we will need to consider the benefits of a system that is more dynamic than the monopoly model in place today.

An old rancher friend of mine told me, if you want to get out of a hole, the first thing you have to do is stop digging. The hole that our educational system is in today means that we have to stop making it worse by continuing the same policies. The only way we are going to improve is if we allow freedom and choice of the local communities and the parents to do what they think is best for their kids and for their students.

We have to begin by declaring independence from special interests. In covering other areas of public policy, the news media constantly insinuate that politicians are putting the well-being of the special interests that help their campaigns ahead of the consumers' well-being. That pretty well sums up

the relationship between many politicians and the defenders of the status quo in education. We need a debate about the premise that more spending equals better results in education before we pass legislation influenced by that premise.

In fact, the history of the Elementary and Secondary Education Act makes it clear that spending more taxpayers' money does not buy better results. As an alternative hypothesis, I submit we will improve education to the extent that we provide more freedom for families to obtain the kind of education they know is best for their children. I hope we will legislate accordingly.

Let's look at the state of elementary and secondary education in our country today. America is not educating a workforce that meets the needs of the 21st century, let alone the needs of each student. Last year Congress authorized the issuance of 297,500 new visas for highly skilled temporary workers to come to our country, and we had just raised the ceiling 2 years before. The reason? Not enough qualified American workers were available to fill the jobs in the new American economy. This situation is not likely to reverse itself based upon current trends.

The results from the third international mathematics and science study show that American high school seniors rank 19 out of 21 industrialized countries in math and 16 out of 21 nations in science. Over the past decade, the number of college degrees earned overall has increased by 25 percent, but the number earned in the fields at the heart of the new economy—engineering, computer science, and things of that sort—has grown by only 1 percent.

Moreover, too many people are being left behind in our education system: 37 percent of fourth graders test at the so-called below basic level in reading. That means essentially they are illiterate. For Hispanic fourth graders the proportion is 58 percent. For African American youngsters it is 63 percent. That is unacceptable. Only a third of all fourth graders have attained proficiency in reading. Since 1983, over 10 million Americans have reached the 12th grade without having learned to read at a basic level. Over 20 million have reached their senior year unable to do basic math.

As President Bush has repeatedly noted, too many of America's most disadvantaged youngsters pass through public schools without receiving an adequate education. The President has correctly identified these shortchanged young Americans as victims of the soft bigotry of low expectations.

For some the response to these problems will be to call for more money. I might note that Republican majorities in the Congress have provided more money; for example, a record increase of 18 percent last year. We will see even bigger increases this year given the priority President Bush has placed on

this in his budget. But simply spending more money on schools and school personnel has not produced educational improvements.

Since 1965, real per pupil expenditures have increased from less than \$3,000 to more than \$7,000. During the same period, reading scores on the National Assessment of Educational Progress have been static. So we have well more than doubled the spending per pupil on education, and we have no improvement in the test scores. Between 1960 and 1995, average class size fell from 25.8 to 17.3. Inflation-adjusted average salaries for U.S. public school teachers grew 45 percent from 1960 to 1995. Over that same period, SAT scores plummeted.

As Secretary of Education Ron Paige has noted:

After spending \$125 billion over 25 years, we have virtually nothing to show for it.

Education special interests and the politicians who represent them have lost the battle. Their last resort is to say we are not spending enough money. But we don't need a bidding war. What we need are reforms that will bring results.

President Bush's original plan contained a number of worthwhile reforms in existing education programs. It called for cutting Federal redtape while bolstering accountability through meaningful assessments.

In addition to its accountability provisions, that plan contained a modest school choice provision. To the President's great credit, the Bush blueprint recognized that competitive pressure, and the threat of it, is essential to triggering the meaningful accountability that can spur improvement. That is the insight upon which we should be building.

We know that the benefits of education freedom are real and they are dramatic. One talented researcher, Harvard's Caroline Hoxby, has found that expanding choice raises the demand for teachers with initiative and strong academic backgrounds. Currently, these are the teachers most likely to leave the profession.

Professor Hoxby also found that when families are given a real choice of schools—as, for example, they have been in Cleveland and Milwaukee—significant improvements in test scores, graduation rates, and future incomes are registered by the students who leave their old schools and by those who stay because those schools have responded to the challenge of competition and have improved accordingly.

Unfortunately, efforts to ally public policy with an agenda of promoting freedom in education have had only limited success. I am very proud that Arizona was ranked No. 1 last year on the Manhattan Institute's Education Freedom Index, which ranked all 50 States. My State's reforms, for example, have led the way with the type of reforms I think we need at the Federal level, including the most liberal charter school law in the country, a law

that has led to the opening of more than 400 charter schools in Arizona, which is about a third of all the charter schools in the country; open enrollment, which allows parents to enroll children in any public school and has the funds to follow the student; finally, an idea I plan to propose as a Federal policy—a tax credit that offsets contributions Arizona families make to organizations that help give students the opportunity to attend a school of their choice.

This tax credit proposal builds on an idea that has already taken off, thanks to private philanthropists. In 1997, two distinguished business leaders, Ted Forstmann and John Walton, invited applications for 1,000 partial tuition scholarships for families in the District of Columbia. Nearly 8,000 applications were received. In 1998, they formed an organization called the Children's Scholarship Fund to apply the idea on a national basis. They planned to offer 40,000 scholarships, and 1.25 million applications were received.

This is an idea whose time has come. It is a concept Americans embrace. As impressive as these numbers are, these testimonials were offered by parents who have been pleading for better options.

One mother said the following about her experience:

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

Here's another mother's testimony:

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

Yet another mother wrote,

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

This particular mother goes on to say,

I have chosen a school that will help nurture the seeds of greatness in them. I am sure that with this opportunity to succeed, my children will be successful and contribute greatly to society in the future.

In 1997, leaders in my state settled on a plan to help the private sector to satisfy that vast unmet demand for options.

They instituted a state credit that allows Arizona residents to claim a dollar-for-dollar income tax credit for donations to school tuition organizations—like the Children's Scholarship Fund.

Thanks to that program, 4,000 Arizona students—nearly all of them from

disadvantaged backgrounds—have received scholarship assistance that has made it possible for them to enroll in a school of their choice.

The number of organizations offering scholarships in the state has shot up from two to 33.

Arizona's leaders understand the need for adequate resources for education.

Last fall, Arizona voted to spend an additional \$438 million on education.

But first they laid the predicate to ensure that the money would be well-spend by reforming the system.

We should do the same.

If we define success as success in sending more of taxpayers' money to sustain a system that cannot improve and will not change, we may do great things for the buildings and personnel involved in education, but we will have left behind the children.

We should be judged by our willingness to make changes that promote innovation, competition, and parental choice—in short, freedom.

Those are the changes that will ensure no child is left behind.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask, of the hour I have, I be allowed to take 10 minutes as in morning business to introduce a bill.

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

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 805 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Perhaps the best way to talk about this legislation and why I have been opposed to the way we are proceeding, is to do two things. I will start by reading. I don't want to plagiarize. I was a teacher.

I say to my colleague from Rhode Island, I can be relatively brief and do this in 15 or 20 minutes—is that not brief? I was a teacher; that, for me, is brief. I know Senator REED from Rhode Island has come to the floor.

I will speak about what we are and are not doing in this legislation, first of all, by quoting Jonathan Kozol. Jonathan Kozol has unbelievable credibility because this man has written some of the most eloquent and powerful books ever written about children and education. I don't think there is any question about it. It is what the book reviewers say. It is what people in education say. Jonathan's first book was called "Death at an Early Age" and was about him having lost his job as a teacher in Boston for assigning a poem by Langston Hughes because the children were all African American, and he wanted them to know about Langston Hughes.

He has written so many books. I will quote some of what Jonathan Kozol has had to say about this legislation and where we are heading. His words are better.

He starts out:

Standardized tests in the third grade measure 7 years of learning for privileged children, but only 4 years for lower income kids who got no Head Start opportunity.

Think about that for a moment. In other words, the wealthiest children typically receive 3 years of rich developmental preschool education at an average cost of about \$15,000 a year, while half of the eligible children of poverty don't even get one year of Head Start.

And in the poorest areas, as Jonathan's last two books have been about the PS 30 school in the South Bronx, 75 percent of the children, not one of whom comes from a family with an income of over \$10,000 a year, are excluded from Head Start. So any standardized tests given in the third grade is not a test of "school's success." "It is a test of wealth or poverty. A third grade test for children whom we rob of Head Start is not school reform but punitive hypocrisy."

Those are the words of Jonathan Kozol. Believe me, I wish they were my words. I agree with them. That is why I come to the floor and state I could not believe I heard some colleagues on the other side talking about how, if the schools do not succeed after 1 or 2 or 3 years, then there will be severe consequences, and on and on and on. I will say it again. Some of the harshest critics of these teachers in these schools could not last 1 hour in the classrooms they condemn. But at age 8, let us be clear about this, for these third graders, this is not a test of school success. It is a question of which kids by age 8 had rich prekindergarten education—which kids were able to come to school ready to learn. How many children were challenged, nurtured, and all of the rest. So basically you have one group of kids who had it all. You had another group of kids who did not even have a chance to be in Head Start because we fund Head Start at 50 percent of what is needed for 4-year-olds even less for three year olds and only 3 percent of what is needed for 1 and 2-year-olds. And the Head Start program is to do what—to give children from disadvantaged backgrounds a head start.

Jonathan's conclusion: A third grade test for children or for the school, which is also supposed to be a reflection of how the teachers do, is not school reform but "punitive hypocrisy."

I will offer an amendment that will say that we will not mandate these tests in every school, in every district, in every State until we fully fund title I.

Another amendment is going to be we should not do it until we fully fund Head Start. I will be interested to see how colleagues vote.

Jonathan Kozol goes on and says—"and, please, this is my battle cry. This is my plea. This is my prayer." He says: "Nationally enforced testing with no national guarantee of equal opportunity to pass the test is ethically unjust." I would like to see a Senator come out here and argue with me on

that. So you have school funding for pupils in the poorest school districts of America that range around \$6,000 per child, and you have school districts in the richest communities that range in the area of about \$24,000 per child. In New York City, poor kids in the Bronx last year got \$8,000 to pay for their education while children in the wealthy suburbs got \$18,000 to \$20,000. Teachers in the richest districts got \$20,000 more in annual pay than New York City teachers.

So the White House bill will test the poor against the rich and then announce that the poor are failing. Federally required tests without federally required equity amounts to clubbing these children over the head after systematically cheating them. I want to say this in this Chamber because that is exactly what we are doing. That is exactly what we are doing. We know in advance which kids will fail. So this is a plan not for reform, not for equality, but for guaranteed humiliation children.

I am sorry, I know where "leave no child behind" comes from. That is the mission statement of the Children's Defense Fund. I heard a colleague—I will not use names because we are not supposed to be personal—come to the floor and say the money is not the answer. We need to give the children tools to do well. And then this colleague jumped to talk about the tests. Does the test assure a good teacher? Does the test assure that we are going to be paying teachers well so we have good teachers? Does the test assure a smaller class? Is the test the tool that brings about the technology in the schools or the good textbooks? Does a test rebuild a crumbling school building? Does the test assure that the children come to kindergarten ready to learn? The test does not assure any of that.

We cheat these children. We do not even fully fund Head Start, and then we fail them and club them over the head and we call this reform. I want nothing to do with this unless we are going to have an honest commitment of resources.

My friend Jonathan Kozol goes on to say that the testing advocates assume that teachers are afraid—I have heard some of this discussion—to be held accountable. He says this is a liability against the future. And he is right. No good teacher—I have two children who teach. I am a proud Jewish father. I think they are great teachers—No good teacher is afraid to be held accountable for what she does or what he does with children, but it is manifestly unfair to ask accountability from teachers when the Congress is unwilling to be held accountable for its behavior in short-changing kids and basically cheating them from the hour of their birth, and then clubbing them over the head with a punitive exam.

Senators should be ashamed to go along with this.

Now, I am going to make one other point from Kozol, although I could go

on and on. This excessive testing is degrading and it is distorting instruction. Teachers, and I quote from Kozol, are turning to robotic drill and grill routines because they are terrified of sanctions—loss of funding—if their student scores are not high enough. And this mandate from the Federal Government, an unfunded mandate, is going to require every school and every school district, every child from age 8 every year to be tested. And what is going to happen is the teachers are not going to be able to encourage the students to have questions. They are not going to be able to encourage curiosity or humor or delight of any kind. All those trips to the museum and all that art and all that music and all of those other activities, they will go by the wayside as everybody will be drill teaching to drill tests. And this passes for reform?

I wish there were more colleagues present so they could get angry at me. I think people in these school districts, people down in the trenches think we are crazy. I go to a school about every 2 weeks and I do not find people coming up to me, whether it is in rural or whether it is suburban or inner city, saying we need more tests. I have people come up to me and say: God, we need more teachers, or we need more counselors; we need affordable housing because our third graders are moving three and four times during the year and it is hard for them to do well in school.

It is hard when the children come to school hungry. It is hard when they come to school with an abscessed tooth because they do not have any dental care and can't afford it. We need after-school programs. Why can't you invest in Head Start, child care, and make sure the kids are kindergarten ready. We need smaller class sizes. Our buildings are dilapidated. I wonder how U.S. Senators would do if the toilets didn't work, or if it was cold during the winter, or there was no air conditioning, or we didn't have access to the fax, or we didn't have the books we needed, and we didn't have adequate facilities. How would we do as Senators?

A lot of children are having to learn under these conditions.

That is what I hear about. I do not hear people coming up to me saying: Please, Federal Government. Mandate that we have tests every year.

But this is what we call reform.

Then, to add insult to injury, the estimates that we are getting from our States is, wait a minute; to do the testing the right way, if there is a right way, is going to cost at a minimum over \$2 billion. Some estimates are as high as \$7 billion. The White House has a few hundred million dollars for this.

Whatever happened to my Republican colleagues' outrage about unfunded mandates?

In addition, in St. Paul, MN, after you get to a school where only 65 percent of the kids are low income, or, say, 60 percent, there is no title I

money left. We fund about 30 percent of the children who can get the help.

The President is calling for a total increase of \$670 million or thereabouts because we have to have these Robin-Hood-in-reverse tax cuts with over 40 percent of the benefits going to the top 1 percent. Now we hear we are going to have several hundred billion over X number of years spent on the Pentagon. Then there will be missile defense, and all the rest.

Where are the resources?

My final point today is that I am disappointed. I said before we actually brought this bill up, and certainly before we proceed with this bill I am going to keep saying this. We should have an agreement on some of the policy questions that I know Senator REED and others are going to talk about, and also whether or not there is going to be a commitment on resources because this will just be a mockery. Senators will rue the day they voted to mandate this and made every State, every school district, every school, every kid, and every teacher go through this and they did not provide the resources for IDEA and for kids with special needs or for title I or so kids can be kindergarten ready. You will rue the day.

Democrats, my colleagues, this is not reform. You should stand up against it. If there is not a commitment—I don't mean authorization, I mean the commitment of resources, appropriations, and I mean now—we should fight this all the way. We should say to people in the country: God knows we are committed, but we are not going to let this be an unfunded mandate, where you will have to raise your property taxes.

As Jonathan Kozol said, we are not going to have a Federal mandate for testing without a Federal mandate of equal opportunity for the children to get a good education to do well.

So I will offer an amendment to title I which says that the new testing set to go into effect in the school years 2005 and 2006 shall not be required to go into effect in that year unless title I has been appropriated at \$24 billion, nor will it have to go into effect in subsequent years until such sums are necessary are appropriated to fully fund title I.

This is put up or shut up time. If you are serious about accountability, but you are equally serious about making sure children have the same opportunity, then I think you should vote for it.

There will be seven test quality amendments, which are really important so that we do this right.

I have another amendment that says the assessment should be used for diagnostic purposes only.

That is basically what we are talking about right now. That is what we should be using the tests for, diagnostic purposes. Let's not talk about using these tests to start bashing these kids over the head and these schools and teachers over the head.

Finally, a transition teaching amendment that I have been working on which will be a bipartisan effort which expands and enhances the current transition teaching program to ensure that funds are targeted to the high-poverty and high-need school districts. The program will ensure funds are used on activities that have proven effective in both recruiting and retaining teachers. This is critical because so much of the need for teachers is rooted in the high attrition rate in the field. 73% of teachers in Minnesota leave the field for reasons other than retirement.

Mr. President, I ask unanimous consent that the notes that Jonathan Kozol sent to me be printed in the RECORD.

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

Standardized tests in 3rd grade measure seven years of learning for privileged children, but only four years for low-income kids who got no head start opportunity.

The wealthiest children receive typically three years of rich developmental preschool, at average cost of \$15,000 a year, while half the eligible children of poverty get not even one year of Head Start and, in the poorest urban areas, 75 percent are excluded from Head Start.

Any standardized test given in 3rd grade, therefore, is not a test of "school success"—it is a test of wealth or poverty. A 3rd grade test for children whom we rob of Head Start is not "School Reform" but punitive hypocrisy.

Nationally enforced testing with no national guarantee of equal opportunity to pass the tests is ethically unjust. School funding per-pupil ranges from \$6,000 in the poorest districts of America to \$24,000 in the richest. In the New York City area: poor kids in the Bronx last year got \$8,000 while children in the wealthy suburbs got \$18,000 to \$20,000. And incidentally teachers in the richest districts get \$20,000 more in annual pay than NYC teachers.

The White House bill will test the poor against the rich—and then announce "The poor are failing." Federally required tests without federally required equity amounts to clubbing children over the head after systematically cheating them.

We know in advance which kids will fail. So this is a plan, not for reform, not for equality, but for guaranteed humiliation of our victims.

We will learn nothing from another year of tests that we do not already know. Kids in the Bronx, for example, already take six standardized exams beginning in 3rd grade: three sets of tests in math and reading each, year after year.

These tests, according to the principal of P.S.30, take up one quarter of the year. Twenty-five percent of teaching time is lost to tests, pre-tests, and test preparation.

In other words, one-fourth of the school budget is already being wasted by repetitive exams. Another set of tests will simply waste more money. Every week devoted to a test is a week of lost education.

Some of my colleagues in the Senate are under the impression that "tests" represent a "form" of education. They do not! Tests do not teach reading: Only well-paid teachers in small classes do. "Testing" is a symbolic substitute for "educating." Don't substitute a symbol for the real thing.

Kids who are cheated of Head Start, Title I, small classes, and well-paid teachers learn absolutely nothing from a national exam ex-

cept how much their nation wants to punish and embarrass them.

Standardized tests are the worst kind of tests, but these are inevitably the ones the White House will require, because they are the easiest to compare numerically.

Many of the brightest kids can write beautifully and read perceptively but cannot regurgitate answers for a multiple-choice exam.

A friend of mine once taught to a student, a boy named Anthony from New York City. He failed every standardized exam he was given, but today is in college because his teacher took time to read his stories!

Nationally standardized exams will stereotype boys like Anthony as "failures" and convince them to drop out of school before we even recognize their gifts. No standardized exam will ever identify the true potential of a gifted child—only his "test-taking savvy." We'll lose too many kids as a result.

Standardized exams will also take the highest toll on poor black and Latino kids.

The most poorly funded urban districts are overwhelmingly black and Hispanic. Giving more tests, instead of more opportunity, will simply drive more minority children out of school and push larger numbers of black adolescents into the streets—then into the prison system.

New York already spends 10 times as much to incarcerate a child in juvenile prison (nearly \$90,000) as to educate that child in public school. In California, prison guards get higher salaries than teachers. Testing without educational equality will increase the prison population while it demoralizes and stigmatizes kids of color.

Testing advocates also assume that teachers are afraid to be held "accountable." This is a libel against teachers.

No good teacher is afraid to be held accountable for what she does each day with children.

But it is manifestly unfair to ask "accountability" from teachers when Congress is itself unwilling to be held accountable for its perfidious behavior in short-changing kids to start with—cheating them from the hour of their birth—then clubbing them over the head with one more frankly punitive exam.

"One-way accountability" is unacceptable. Senators, we should be ashamed to go along with this.

Excessive testing is already degrading and distorting instruction. Teachers are turning to robotic "drill-and-grill" routines because they're terrified of "sanctions" (loss of funding) if their students' scores aren't high enough. The White House plan will make this even worse.

Teachers are increasingly afraid to encourage questions, curiosity, humor, or delight of any kind during the school day because they're being told that every minute must be calibrated to an item that may be on an exam.

Urban schools, as a result, are being turned into pedagogic bootcamps in which children lose not only equal opportunity but also all the joy and sweetness that should be a part of childhood. In this way, we rob the poorest kids twice.

And it seems that the best teachers hate the testing agenda most. They will not remain in public schools if they are forced to be drill-sergeants for exams instead of educators. Hundreds of the most exciting and beautifully educated teachers are already fleeing from inner-city schools in order to escape what one brilliant young teacher (a graduate of Swarthmore) calls "Examination Hell."

The dreariest and most robotic teachers will remain. The glowing and passionate teachers will get out as fast as they can.

Who will you find to replace these beautiful young teachers?

This is another way of robbing urban and poor rural children of the opportunities that Senators give their own kids.

Mr. WELLSTONE. Mr. President, I yield such time to the Senator from Rhode Island as he requires. I will reserve the remainder of my time, if there is any, for parliamentary remarks.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank Senator WELLSTONE for his articulate and very passionate discussion of the issues today. I, too, am concerned that we are moving forward on legislation that has not yet been finalized. Technically, we voted this morning to proceed to S. 1, this piece of legislation. But we recognize and understand that this piece of legislation, the committee print, has already been overtaken by events and negotiations, and that what we will ultimately be confronted with on the floor is still being written.

When there are so many important and outstanding issues that have yet to be resolved, it is, indeed, premature and, I think, unfortunate that we would begin this debate.

S. 1, the committee bill, was carefully and thoughtfully considered in committee, and it represents accommodation between the administration's proposal and the ideas of the committee members in both Republican and Democrat caucuses. I hoped it would come to the floor as the vehicle by which we could discuss educational reform in the United States. But as I indicated, this has been overtaken. The few hundred or so pages, for all practical purposes, are irrelevant.

What is being discussed today is how we will deviate from the agreed-upon committee print. That committee product represented a balancing of several important principles.

First, there was the principle of enhanced accountability, the principle that I recognized, indeed, in the last ESEA reauthorization in 1994 and fought strenuously for to increase accountability, recognizing that unless we had agreed-upon educational standards and ways to evaluate those standards, we were not going to make significant educational progress in the United States.

The second principle is flexibility, to give the States more discretion and authority to ensure that their plans are developed, carried out, and evaluated.

The third principle is increased resources, because without adequate resources, testing and flexibility will lead, in my view, to very little progress, and may be even detrimental, as my colleague from Minnesota suggested.

But today we still do not have a resolution of the funding. We have an agreed-upon authorization number in this bill. But we have not seen the administration come forward and pledge the same kind of resources that they

are about to announce for the Department of Defense and for other areas.

If this is truly the No. 1 domestic priority in the United States—the education of our young people—then we can put our money where our mouth is; we can put the resources to work. To date, we have no real resolution. So, we are in danger of having a testing scheme and flexibility but without the resources to make it all work.

But in addition to that issue, there is still the issue to be resolved in terms of accountability. What I think we would all concede is a tough accountability standard within this legislation is now being watered down and diluted because, frankly, it has suddenly dawned on many people, particularly the State education officials and Governors, that real accountability costs money, and not just Federal money.

When we really measure the progress of education and the progress of individual schools throughout this country, and we commit to making these schools all successful, we are not just talking about some extra Federal dollars, we are talking about a profound shift in spending at the State and local levels, to make sure that truly no child is left behind. So it comes as no surprise to me that suddenly, having figured it out, the States are very concerned about accountability.

So you have three major issues which form the core, the foundation of this legislation, that are now in flux subject to continuing negotiation. In that context, I believe it is inappropriate to proceed. That is why I voted this morning not to proceed to the bill, so we could wait until we have real language we can talk about, debate, and study before we consider the bill in the Chamber. We should wait until we have real resources committed—not just reauthorization language but a real commitment to appropriations. When we do those things, then I think we are ready to move forward. But we have, in any case, taken up this debate.

We have seen over the last several weeks and months an attempt to work on a bipartisan basis to develop legislation, understanding that when we came to the Chamber more controversial elements would be introduced, such as the Straight A's Program, which is essentially a block grant for the States rather than categorical programs. There would be discussions on school vouchers and charitable choice. We understood that those issues would be debated in this Chamber. But the assumption was at least we would start with the language we had worked on, the language we agreed upon, the language in the committee proposal of S. 1. That, again, seems to be overtaken by events, overtaken by pending negotiations, and, as a result, rendering this particular version of the legislation obsolete as we begin.

We have seen in these negotiations language on some of the controversial elements, but we have not seen a resolution yet. For example, with regard to

Straight A's, this is a proposal that essentially would provide a block grant to the States to operate the educational programs without regard to the categorical provisions of existing programs.

One of the problems of the Straight A's proposal is that it is not yet clear whether States participating in this program on an experimental basis could use Federal resources for vouchers. I think that is an important point that should be resolved before we consider it in this Chamber, not hurried in while we are still in the midst of the debate.

Also, there are additional problems we have. It is not quite clear whether key provisions with respect to title I will still be part of the Straight A's Program if the State is operating under one of these pilot programs.

One of the provisions that is particularly important is parental involvement. In the 1994 ESEA reauthorization, in title I, we understood that parents were a critical aspect of education. But the existing title I law before that was merely suggestive of parental involvement. So in 1994, we put in real requirements for parental involvement, authorizing the States to use a certain amount of their title I moneys—in fact, we directed them to use it for parental involvement, to develop parental involvement plans.

I believe the title I moneys, the title I program, should be infused with parental involvement. But as the current draft of the Straight A's seems to suggest, they are going back, prior to 1994, and making parental involvement simply something that might be done, could be done, should be done. I think we know enough about the role of parents in education to make this an important part of education, not simply an optional provision of educational policy in the United States.

As I mentioned before, there still is this issue of accountability. What will be the standards? Who will set the standards? It is clear that there will be increased testing. This testing raises significant questions. Most of the States, if not all the States, engage in rather elaborate testing already. Most of the States are acting under the provisions of Goals 2000.

The 1994 ESEA reauthorization embarked on a very elaborate process of setting State standards: What a child should know, developing evaluations so those standards are tested, and imposing a scheme of evaluations—not every year for every child, but a scheme that made sense to a particular State.

Now we are saying, no, one size does fit all for every child, every year, for grades 3 through 8. That puts a lot of practical pressure on the States because if you are trying to harmonize your standards with your evaluation, it takes time. Some States have found out it is not practical to give a test to every child every year because the tests have to be very individualized to capture all the nuances of those standards.

My sense is—and I have talked to educational experts in the States—the sheer requirement to test every child every year for grades 3 through 8 will inexorably leave the States to adopt standardized testing which may or may not capture the standards in that particular State. So this testing regime could unwittingly move away from one of the central elements we all agree on—standards carefully thought out and evaluations that measure those standards.

In these ongoing discussions, there is also included the notion of supplemental services, the idea that in failing schools there will be money given for supplemental services. It seems to me that raises a very profound question: Are you interested in merely giving a few children this option, because given the caps on this program, all children, even in the failing schools, may not be able to realize this program? Or are you interested in fixing the schools so that not only that class of children but succeeding classes of children will enjoy excellent education in a reformed, revitalized school? It seems to me we are diverting resources from the main point, to fix our schools, giving some children access to some supplementary education alternatives. That is another issue.

Then there is the issue of charitable choice, which will come up, which raises profound issues about civil rights. What is the policy if we are going to use this approach by encouraging charities and religious groups to become more involved, more directly involved in Federal funding? Does that impose requirements on these groups to recognize civil rights laws in hiring? Does that impose requirements in the type of curricula they can use?

All of these are very difficult questions, and they have to be addressed. I believe they should have been addressed as best we could before we brought this bill to the floor.

There are some other practical issues here, too. It goes back to the overarching concern. The overarching concern is, who is going to pay for all this? It has been estimated by the National Association of State Boards of Education that testing alone of every child in grades 3 through 8 could cost between \$2.7 and \$7 billion over 4 years. That type of money is not in the appropriations language I am seeing in the President's budget. That type of commitment is certainly not there. And that is just for testing alone. That is just to diagnose the problem.

But we all recognize that simply identifying children who are falling behind and schools that are falling behind is just the first step, the hardest step of fixing the problem.

As my colleague from Minnesota pointed out, we hear time and time again money is not the problem. Well, it is a refrain we seldom hear from other departments when they come in and say they have to confront new issues, new changing forces in the

world. The classic example is the problem with defense. We are all reading this week that it is likely the Secretary of Defense will recommend an increase of \$25 billion a year in defense spending to adjust to new threats, new technologies, new opportunities. I am not hearing anyone say to him: Money is not the problem. Reorganize, evaluate your forces better.

Resources is not the sole answer, but it is an important part of dealing with the issue. So we have to do that.

Again, we are not seeing that type of commitment, that real commitment. Without that real commitment, we will not be able to attract the kind of teachers we need; we will not be able to provide continuous professional development so that teachers stay current on teaching techniques; we will not be able to fix school buildings so that children believe they are going to a place that is held in esteem by their community, a place that is treasured enough so that it is maintained. If you go to the schools in many parts of this country today, you find they are decrepit, that they are obsolete. They are places that no one would go voluntarily and certainly no one would go with the sense of excitement and joy that every child should bring to school. We will need more money to fix those schools.

We are going to proceed on this debate. One of the presumptions of this debate, for those who are suggesting that we engage in a regime of testing without adequate resources—one of the presumptions is the sense that our schools are failing America. There is another perspective. The perspective is that this Congress and preceding Congresses, State Governors, and State assemblies have for years and years been failing our schools. We have not been giving them the resources they need. We have not been recognizing that educational problems today, in many cases, result from problems of health care for children, problems of poverty for children, problems of housing for children. Until we recognize these issues and until we confront these issues, not just rhetorically but, more importantly, with real resources and a real commitment, to say that our schools are failing America is missing a much larger point.

What have we done truly to give these embattled teachers and students, these difficult schools, the help they need to succeed, not just a mandate to test and evaluate, but the support so that every child goes to school ready to learn? That was the first core principle of our reform movement, which President Bush's father began a decade or more ago.

There are still too many children going to school without adequate health care, coming from homes that are dangerous because of exposure to lead in paint on the walls. There are still too many children who will fail because they don't have these types of supports and these types of help. As we

consider this bill, we have to recognize that group as well.

There are many things that will be debated in the course of the next few days in terms of education reform. I hope we can debate and I hope we can successfully adopt provisions that will decrease the size of classrooms throughout the country, knowing that children perform better when they have a smaller ratio between the teachers and the students. I hope we improve the quality of the physical condition of our schools—better classrooms, modern classrooms, and safer schools. I hope we can improve the quality of our teachers and principals by providing real professional development. I hope we can improve our school libraries, and add additional school counselors. If we can do that, then we can take this legislation and make a real contribution to the quality of education in the United States.

I hope we can do that. I hope we can do that on behalf of the thousands and thousands of youngsters who are going to school today and the generations to come.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that the time from 4:15 to 6:15 be equally divided between the two leaders or their designees for postcloture debate. Further, I ask unanimous consent that Senator CARPER be recognized first for up to 15 minutes, to be followed by Senator ENZI for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, my grandparents were born around the beginning of the 20th century and lived for much of the 20th century. In the early part of the last century, my grandparents and their generation—actually my parents and their generation—were able to find jobs and become employed not so much because of the strength of their minds but because of the strength of their backs.

As we moved throughout the 20th century, the time came when more and more it was important that we knew how to read and how to write, knew how to do math and eventually to use technology, if we were going to get some of the better jobs available in our country. As we now move into the 21st century, that will be only more true.

The last century has been called by some the American century. If the 21st century is to be another American century, it is important that our young people have the kind of skills that will enable our employers to be successful in an increasingly competitive world marketplace.

I believe among the reasons we have been remarkably successful as a nation over the last century is that we have taken our core democratic values, our democratic principles, combined those with the free enterprise system, and

added to that a belief in free public education now for just about everybody in our country. Blending those disparate elements together, we ended up with an economic engine, as we close one century and walk into the next, that is, frankly, unrivaled by any other on the face of the Earth.

That was yesterday's news. The question is, How are we going to fare for the next 100 years? For the past decade or so, we have heard increasing cries of concern that too often the skills our young people are bringing out of the high schools from which they in many cases graduate are not preparing them for college, not preparing them adequately for the workforce. We have heard calls from all levels of government, particularly State and local, to do something about it.

As a Governor for the last 8 years, I know full well we have done a lot more in the States than just wring our hands and cry in anguish. We have done a great deal to try to ensure that my children and the children of the generation of kids in school with them and those to follow, when they graduate with that diploma, will really mean something. It will mean that they do know how to read and understand what they have read, that they do know how to do math—in some cases pretty complex math—they know how to use technology, they know how to think, and they are prepared to go on to be successful in college and in the world and in life.

Throughout the country over the last 7 years—maybe the last 8 years—States have been involved in adopting academic standards. What is an academic standard? It spells out in a State such as Delaware, or any other State, what we expect students to know and to be able to do, such as standards in math, science, English, social studies, and in other subject areas as well. If you look at the 49 States that have adopted standards, most of them spell out clearly what they expect their students to be able to do in math, science, English, and social studies.

In recent years, maybe a bit more than half of our States have developed tests to measure student progress in the standards in math, science, English, and social studies that those States have adopted. They give those tests usually every year. In our State, it is annually in the spring, and it is given to students in grades 3, 5, 8 and 10.

Now, almost half of the States have taken the next step toward developing accountability. What is accountability? There is a lot of confusion about what is accountability. Accountability says there ought to be consequences—some positive and some maybe not so positive—for students who fall short of the mark or for those who do well or for schools or districts that fall short or do well. There ought to be accountability for parents as well and also for politicians and for educators.

As we take up the education debate in the Senate this week, we are literally trying to figure out what is the appropriate Federal role with respect to the education of our children. My boys play soccer in a YMCA rec league in Wilmington, DE. They play on a variety of fields around the city of Wilmington. One of the fields is a field that is not level. In fact, if I can use this folder as an example, about half of the game they are running downhill on this one field. Teams like to be running downhill. At the end of the first half, they switch and they have to go in the other direction. The team running downhill for the first half ends up having to run uphill for the rest of the game.

A lot of kids in life don't have the luxury of changing sides of the field. For a lot of their lives, they play the game running uphill. The role of the Federal Government, for kids who spend a whole lot of their lives running uphill, is to try to level that playing field a little bit. For the kids born in tough situations, maybe with parents not engaged in their lives, or who don't value education, or maybe they don't even have parents, we must make sure those kids aren't hopelessly behind when they walk into kindergarten at age 5. If they are hopelessly behind and are coming from a real difficult situation in their home lives, they may need help to catch up with their other classmates.

I don't think anybody in Washington expects the Federal Government to be the primary funder or mover and shaker in education in America. That is not our role. Our role is to try to level the playing field and to help ensure that States adopt academic standards for their students, and that not just some kids have a chance to meet the rigorous standards but that all kids have a chance to meet the standards their States have adopted.

As we debate this issue this week, and perhaps next week as well, we are trying to figure out what can we do that is helpful, that builds on the reforms being adopted and implemented in the States. It does no harm; in fact, it does a lot of good.

We have to consider that between 0 and age 5, kids will learn about half of what they know in their lives. If we waste the first 5 years, it is tough to get them back. We know that there is a lot more we can do in terms of parent training. A lot could be done in our States with respect to ensuring that healthier babies are born and raised. We can try to provide assistance with respect to quality child care and programs such as Head Start and make sure kids - and parents—are given a bit of a boost at the age of 3 or 4 and find themselves better prepared to be successful at the age of 5.

Those are appropriate roles for the Federal Government. When kids walk into kindergarten at 5, what is an appropriate role? The Congress and the President have said it is to provide hope in smaller class sizes.

We have also said it is important to provide extra learning time for kids who need extra time. We are joined in the Chamber by Senator SPECTER of Pennsylvania and Senator GRAHAM from Florida. Senator SPECTER may be able to learn a little faster than the Senator from Delaware, but the Senator from Delaware can learn, too. I might just need some extra learning time.

One of the things we have done in Delaware and in other States, through programs such as title 1, is we provide extra learning time for kids who need it to reach the academic standards that have been set.

We also know that one of the best things that could happen to ensure that a kid is successful in school is to have a terrific teacher such as Mrs. Anderson, my first grade teacher, and Mrs. Swane, my fifth grade teacher—teachers who really make an impact. Mrs. Anderson helped me read at the age of 5 and 6 in my first grade class. We need teachers who love kids, who can teach and who know their stuff. One of the things that we can do at the Federal level, working with State and local school districts, is to help recruit the best and brightest to be teachers, to make sure they have the tools that will at least help them have a shot at being successful in the classroom and to ensure that their professional development continues.

Another area where the Federal Government has been involved is in technology—trying to infuse technology into public school classrooms. Delaware was the first State to wire a public school classroom for access to the Internet. I think we have the best ratio of computers to kids in the country. We spend a lot of money to train teachers to use the technology effectively in the class, to integrate technology into their curriculum, to bring the outside world into the classroom and make the learning come alive.

I am pleased that the legislation coming before us focuses, in part, on technology. One of the best things it does is to say we encourage teams in schools across America to figure out how to work at their schools, how they can incorporate technology into their curriculum. That is a perfectly appropriate role for us.

Among the other things we can do is provide some help when students are disruptive. An amendment will be offered later this week by JOHN KERRY and myself that will say if a school district wants to use some of the moneys in this legislation for establishing alternative schools for chronically disruptive students, they would have the ability to do so.

Lastly, our legislation, in providing for accountability and consequences for schools that do well and those that don't do well, says we want to put schools on sort of a 10-year glidepath to making sure that all the students are able to come closer to meeting the standards set by their States, and each

year that a school district fails to meet the State's own progress chart—imagine a stair step, if you will, of 10 steps. The first year that happens, the school gets some extra money for assistance. The second year, if they fall short, we provide more technical assistance. By the time the fourth year comes, we require that school district to institute public school choice to provide, for that child who is in a failing school, their parents an opportunity to send them to another public school that is not failing or to take advantage of extra learning time provided, in some cases, by a private vendor after school.

We say if a school is failing after 4 years, that school has to be reconstituted as a charter school or turned over to a private sector vendor to run that school or simply the school is reconstituted with a new administration and new faculty. But while we call for some serious steps in our accountability plan in this legislation to require public school choice when schools are failing children in some cases, and to require as one of three options the establishment of charter schools, transforming existing schools into charter schools, those are options that cost money.

One of the amendments that will be proposed by Senator GREGG, myself, and others is legislation saying if we are going to mandate public school choice, we need to provide assistance. If we are going to require, as one of the three options, turning a failing school into a charter school, we need to provide resources there as well.

Let me close with this point as I approach the end of my 15 minutes. I honestly believe there is more before the legislation that we will be debating this week to unite us than divide us. Most Members, including Democrats and Republicans, and I believe this President, understands the need to invest more money in programs that work to raise student achievement, targeted to kids who need the help the most. I will not quarrel whether 10 percent, 15 percent, or 20 percent increases, or more, are enough, but we all understand we need to invest more resources targeted to the kids who need it, in programs that work to raise student achievement.

The second area where we are in agreement, generally, is that the money we provide from the Federal Government should be provided flexibly. We should not try to micromanage what is going on in the schools. We should say, here is the money to use; target it for kids who need it most. You figure how to best use it in your school and school district to help your kids.

As we provide more money and we provide the money more flexibly, it is critically important we demand results, that we call for and require accountability. There have to be consequences. They do not have to be negative. There have to be consequences to make sure we are not throwing good money after bad money.

We will debate a lot of issues in this Senate Chamber this year. For my money, I think for our taxpayers' money, this is maybe one of the most important issues we will consider. It will go probably as far in determining whether we will continue to be the superpower in the world we have today 100 years from now. All the rest that we do, we can debate and decide.

I look forward to joining my colleagues in this debate, doing what is best for kids. The approach we take, I hope, is what I call the "tough love" approach, demonstrated when we took up welfare reform 5 years ago. A certain toughness in the approach was adopted and there is a lot of love and compassion, as well. There will be a similar approach. We will be successful and our children will be successful not just in this debate but in what follows.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset I commend my distinguished colleague from Delaware for his statement on the issues of flexibility and local control and accountability. In a few months in the Senate he has made a distinct contribution. It is good to share the train with the Senator from Delaware. I have done so with his distinguished colleague, Senator BIDEN, for many years. Those hours on the train enable some Members to learn more about each other and to come to bipartisan agreements on a great many of the issues. At the outset, I compliment the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I rise today to support S. 1 and to talk about the motion to proceed on which we have gotten cloture and are now debating, with some limitations on each Senator's time, but still debating whether to proceed on debating education.

I haven't heard anybody who hasn't said that education is the most important thing on which we have to work. For a week we didn't get to debate education. Now we are only getting to debate proceeding to education. We ought to be talking about the issues and the amendments and getting a bill done and through here.

Talking to the folks back in my school districts, right now what they are concentrating on is the end of the year, graduation for seniors. Immediately after that happens, they need to be planning for next fall.

We are talking about elementary and secondary education reauthorization, which is where we outline in what programs schools can be involved. Don't you think they kind of need to know that when they start planning for fall? If they do not know by the time they start planning for fall, then they have to delay what we are talking about for a year. So it could be a year and a quarter before any of the reforms that all of us agree on can go into effect.

When I listened to the debate this morning, the discussion was over how

much money would be put in this bill. This bill is not an appropriations bill. This is an authorization bill. This is where we talk about what programs can be done. Later we talk about how much money to spend on those programs.

One of the reasons I find it particularly fascinating that the Democrats have done a little filibuster on the amount of money is that this is the first time the Republicans have been in charge when we have gotten to do a reauthorization of education. I have to tell you, we are really excited about it because there is some tremendous potential in education out there.

We are talking about the amount of money in the authorization bill. I find that particularly interesting because I went back to see how much they talked about money the last time this was authorized. The last time this was authorized the Democrats were the majority and the President was a Democrat. Do you know how much additional money they insisted be put in for the authorization of programs? No additional money. Money was not part of authorization. The Democrats have been in the reauthorizing lead for 35 years, and the amount of money has not been the issue in the authorization bills.

So what is the difference now? A little chance to pound on the Republicans and reduce the amount of civility and bipartisanship that has already been shown on this bill. That should not happen.

The plain truth is that without reform any increase would be just another drop in the \$400 million—\$400 billion; I have to start thinking in these Washington terms—a drop in the \$400 billion education bucket. If money were our answer, we would not be here today. So we did not talk about it for 35 years. We did not talk about it the last time.

The Federal Government provides 6 percent of the education dollar. We force 50 percent of the paperwork. We are the time waster generators.

So we are going to increase that a little bit. Even under most circumstances it will not get much higher than that, and that is because we do expect the States to make the major effort. That is where the people live. That has been the tradition and the method for funding education.

This is a difficult area. One of the reasons it is difficult is because everybody has been to school, so that makes each of us and everybody who listens to any debate on education an expert. We do have people in our lives who have influenced us tremendously. Some of the greatest influence we get is in that period of time we spend in school, which is some of the most contact we get with adults when we are kids.

Besides having gone to school, I also get some input from my daughter, who is a seventh grade English teacher in Gillette, WY, an outstanding English teacher. I am really pleased with the

progress she makes with her students. I get to see that firsthand and hear about it. I have to say, while she has been teaching, she has also earned two master's degrees. She just finished up the master's degree in administration so she can at some time be a principal. She would much rather be a teacher, but she has seen where a lot of the money goes.

We do need to get more money into the classroom for teachers so we can recruit and retain good teachers. My wife has a master's degree in adult education and emphasizes education quite a bit.

Some of my best mentors in my life have been people with whom I worked in the legislature who worked in education. On the State level, it is a much bigger deal than it is here because that is where the money comes from and that is where the decisions are made for the kids. Even at the State level what they do is defer the decisions, some of which we are trying to do, to the school boards themselves. That is a very important trend, and that is provided for in this bill.

We are not talking about the amount of money, although some would like to distract the discussion so it talks about the amount of money. We need to be talking about how we are going to educate our kids, how we are going to reform the process.

I do, first, want to applaud the entire committee for unanimously advancing this important bill before the full Senate. We did invest tremendous resources in attempting to reauthorize ESEA last year, and I am pleased we made it our first priority this year. I am also impressed with the support of the new administration in seeing President Bush's No. 1 priority take the next step in the legislative process. In the history of Presidential initiatives, I believe the work of this administration will serve as a model for bipartisanship on policies of national significance.

Frankly, I was stunned to hear the suggestions last week that our President has not taken any bipartisan initiatives. At both the staff and principal level, the White House has been actively engaged for weeks on negotiating this powerful education reform bill that we have before us today. I applaud the product. I thank all the parties for their investment of time, energy, and willingness to compromise—the necessary ingredients for bipartisanship without which we would not be advancing the bill today.

This is my fifth year on the Education Committee. The normal Education Committee process is to have a markup that lasts 2 to 3 weeks and then come out along party lines. This, one of the most innovative bills that we have worked on, took 2 days and it came out unanimously. That has to be a record for the Education Committee on any of the bills with which we deal. That is bipartisanship. Unanimous is about as close as you can come.

This education reform bill, the BEST Act, reflects an understanding of the variation in needs between urban, suburban, and rural schools. The bill arguably addresses the concerns of all stakeholders in our children's education, and it does so in a bipartisan way. I believe the bill has struck meaningful compromise and reflects a strong but appropriate role for the Federal partnership in elementary and secondary education.

The State of Wyoming has invested tremendous amounts of time and money in developing high standards for learning. That has been a priority for quite a while—high standards of learning, reliable assessments, strong parental involvement, and other research-based education innovations. The BEST Act builds upon that work and solidifies the shared commitment to academic achievement for all children.

The State of Wyoming also has a Web site where you can check on the grades of any of the schools. They take the testing they do and they show how well, by school, the report cards come out for those schools. So they have had strong assessments.

The State of Wyoming is currently facing a crisis in education. We call it a teacher shortage. It is not about class size. It is about teachers' salaries and a dwindling supply of qualified educators, particularly in light of the new high standards which the students must meet, which are on this Web site. But this is a problem for which the Federal Government can help provide a solution.

Under title II of our bill, the focus is not only on preparing teachers but on helping schools recruit and retain high-quality teachers. Reducing the class sizes will be an allowable use of funds under this title, if that is the unique need of the particular school.

I have to say, in Wyoming a lot of the schools have small class sizes. Even if they combined all of the classes into one class, it would be a very small class. We have some very small towns in Wyoming. It has been very important through this process to maintain the capability for those small schools to operate as well.

This bill also emphasizes the need to improve the access to education technology and to use it in the process of improving academic achievement. I like to think our State is a forerunner in that. Again, that is because of our distances. It is a way that kids who are not in our urban centers—and our biggest urban center is now 53,293 people—will still be able to get a diversified education.

The goal of eliminating the duplicative administrative application process and allowing schools to have one pot of funds for the range of technology uses, including teacher and administrative staff teaching, will make a difference. The digital divide will shrink and technology will become even more relevant as an educational tool.

I have to divert for a moment and talk about some of the innovations in technology.

About 10 days ago I happened to tour a school that deals with migrant workers. I found that they had received a grant for laptops. The laptops are assigned to these children of migrant workers, and I suspect to other workers as well. But it has all of the course work on it. It plugs into a modem that dials an 800 number to give their homework to the teacher to grade. It allows them to talk on line with the teacher. There is also an 800 phone number they can call to talk to the teacher. It is a very successful program. It was started with an old blue school bus that went around to migrant worker camps and followed the migrant workers. They gutted the bus. They put in a desk and some folding chairs. They started a school. They have progressed now to the point where they can accommodate a lot more kids using this laptop network and some teachers who can be accessible at any time the students have an opportunity for it.

There are some technological innovations out there that will help rural students and ones who move a lot. They are included in this bill.

Very importantly, the bill clarifies the purpose of the President's requirement that States expand existing assessments and take on the new practice of participating annually in the NAEP test, which is the National Assessment of Educational Progress test, which many States, including Wyoming, currently administer to students.

These clarifications go a long way in addressing the fundamental concerns by all parties that the Federal Government not enact additional unfunded mandates and that the States continue to retain the flexibility to design their own standards of learning for students versus nationalized standards or tests. We will have to debate a little bit this interaction between anything that looks like a national test and a State test which follows the things kids in that area of the country need besides their basic education.

While it is not a part of the reauthorization, we would be remiss in meeting our commitment to the education of all children if we did not also prioritize funding of the Individuals with Disabilities Education Act.

As we advocate meaningful education reform, I look forward to the continued support for strong increases in funding of IDEA but recognize that is part of the appropriations process and not part of the authorization process. Fully funding this important but costly Federal requirement is as critical as requiring academic success in our classrooms. It is something we have been working toward and will continue to work toward.

Throughout the consideration of the different elements of the BEST Act, I plan to discuss in more detail those that will most help Wyoming's children succeed.

In spite of increases in the Federal investment in elementary and secondary education, it does remain a fraction of the overall expenditures—less than 10 percent. I think the figure being used here is 6 percent, and also 7 percent has been used.

I remind people that 50 percent of the paperwork is generated by our very small funds. We force people to spend a lot of time for the money that comes from the Federal Government.

I had a high school principal who took a leave of absence and came back to Washington to work in my office for a semester. He spent most of that time down at the Department of Education. He had been filling out these Federal forms for what seemed to him a lifetime, and he wanted to know what happened to them.

Let me tell you what the results were. He was pleased to find out that the forms are scrutinized in detail, that every "t" has to be crossed and every "i" has to be dotted; everything has to be on the form. He was disappointed to find out that was the last use of that form. It isn't used to help any kid anywhere, but it maintains a job in the bureaucracy in Washington for that person who is making sure the form is completely filled out. That is not helping any kid in my State.

If they do not put that information together and package it somehow so it is helpful to them, we ought to eliminate the form—actually, a lot of forms. I mentioned that 50 percent of the paperwork is generated in Washington.

We have to help the schools maximize their dollars. I believe we can help improve our kids' academic experience because of this.

Planning for next year requires quick passage. I mentioned that. If we don't have quick passage, we are getting past the planning stage for the next academic year; we will be forced to have the reform kick in 1 year later.

We need to get on with this process. I hope we can have everybody get on board, end the filibuster that is in process, compromise on some time, and get the bill debated and move on to a better treatment of the kids of this country.

I look forward to seeing this bill overwhelmingly adopted by the Senate and signed into law as quickly as possible. We cannot afford to shirk our commitment to reform and putting children first.

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

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

Mr. LOTT. Mr. President, I say to the Senator from New York that I do have a unanimous consent request I want to offer. I believe that we will be having

some Senator from the other side of the aisle to discuss it with me briefly. It should not take too long. I thank the Senator for her courtesy in letting us do this now.

Mr. President, obviously we need to go forward with the discussion, the general debate, and the amendment process on the education reform package. Earlier today, the vote on the motion to proceed was an overwhelming 96-3. I thought that was a clear indication that we were ready to go to S. 1, the Elementary and Secondary Education Act.

I had the impression that we would have time spent this afternoon discussing education—not actually on the bill because time is allowed postcloture to talk about the bill in general, but that we would be able to go to the bill itself and begin debate on the bill at 6:15 or 6:30 this evening and tomorrow we would actually be into the amendment process. That seemed a fair way to proceed.

I am being told now that there is objection to us even proceeding to general debate on the bill itself. Also, I have the impression—and I am glad to see Senator DASCHLE in the Chamber; maybe he can clarify this for me—part of the reason is, Senators do not want to go to the bill and begin the amendment process until the substitute has been offered because they do not want to offer an amendment to the underlying bill and then have to offer it later to the agreed-to compromise bill. But I would be glad to ask consent or work out an agreement that any amendment that is offered before then would be applied to the compromise managers' amendment that might be offered later.

My concern, I say to Senator DASCHLE, and to Senator KENNEDY, who I see just coming into the Chamber, is that a lot of good work has been done. It has been bipartisan. The administration has been involved. It has been understandable that it took some more time. My attitude on that is, if more time is needed, let's take it. But now we are on the verge of going through a second week without actually getting on the bill.

I know a lot of Senators are going to want to speak in general debate and will have amendments to offer, and it is going to take some time. The idea that we could spend, hopefully, time tomorrow on general debate and begin the amendment process, decide how we are going to deal with perhaps amendments on Friday, and begin to make progress seemed to be a very positive thing.

So I hope we can go to the bill and begin debate on it this afternoon, tonight, and then be prepared to have more time tomorrow in general debate, if we need to, and then go to the amendments.

Before I ask consent, I will yield to Senator DASCHLE to see if we can get an agreement worked out so that if there are amendments that are offered,

they would apply to not only the underlying bill, S. 1, but to any compromise amendment that is agreed to. I did discuss that with Senator KENNEDY, and he did not think that would be a problem.

I would be glad to yield to Senator DASCHLE for a response.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate the majority leader yielding. Let me say, he has attempted to reach me earlier, and I have been tied up in important meetings. I did not know he was trying to reach me until just a few minutes ago. But I apologize for not getting back to him sooner.

Mr. LOTT. I understand. We both are running from meeting to meeting.

Mr. DASCHLE. Senator LOTT and I talked about this very question last week. I understand his desire to move to the legislation. I said I would be supportive of an effort to do that. But there are two outstanding issues. The one that we talked about last week, and continues to be a very big concern, is what kind of a commitment we can get from the administration on overall funding. I had indicated at that time when we discussed this matter last week that even though that is critical to all of us, and even though many of our colleagues believe more strongly in that than any other question, that I was prepared to move to the bill even if we had not yet completed our discussions with the administration and our Republican colleagues about that, in spite of the fact that many of our colleagues were very concerned about taking that approach.

The second issue, of course, has to do with having the language. The majority leader puts his finger on one of the concerns we have, but there are two. The first concern, of course, is what happens if you offer amendments. And, of course, that is subject then to a unanimous consent agreement that we accommodate Senators who have offered amendments in good faith. And I guess there isn't the confidence, at least right now, that we might even be able to get a unanimous consent agreement that allows Senators the confidence of knowing that even though they are amending the substitute that they have not yet seen, that it would be accommodated if ultimately we agreed to that substitute.

So I think the larger question is one that many of our colleagues have expressed to me personally, even as late as in the last half-hour, and that is that they are just uncomfortable moving to a bill for which we have not been given any information. I think a lot of our negotiators are talking back and forth, and they are attempting to resolve the outstanding differences.

The problem is that I will say at least 90 percent of our caucus has not seen even the first draft of the substitute. They are understandably concerned about committing to a motion to proceed before they have had a

chance to even look at it. I think what I made clear to the majority leader last week was that we had to at least resolve the language issue before we could make the motion to proceed.

I also supported, as 95 of my colleagues this morning did, the motion on cloture to proceed. But I am very uncomfortable asking my colleagues to accept language that they have not seen yet. I am told that we are very near this point of agreement that would then allow us to print a document that we could share with all of our colleagues and I think substantially increase the confidence levels about what it is we are agreeing to on the motion to proceed.

So I hope that our colleagues could work extra hard in the next few hours and through the night and present us with an agreed-upon substitute tomorrow that we could share with our colleagues on both sides of the aisle so that we could all vote for the motion to proceed. I think there would be a strong vote for it. But that is really the essence of my concern.

I am willing to put aside, for the moment, the funding question, even though, as I say, I cannot tell you the depth of feeling there is in our caucus about proceeding without some agreement. But I think it is very difficult for us to agree on a substitute prior to the time we have even seen it.

So I again reiterate what I thought I expressed to the majority leader was my concern last week, and that would be the reason we would have to object at this time.

Mr. LOTT. Mr. President, if I could respond, Senator DASCHLE mentioned to me last week that there was a need to see the language. I passed the word that certainly that should be made available. I am surprised. While I have not been directly involved in all the negotiations, I thought that everybody was familiar with all that was going on and that basically Senator KENNEDY and others have the language, know the language, and if there is any outstanding language, they would know what that is.

So for a week we have been saying, let's share the language, and let's move on. Maybe the problem is that the language is continuing to be modified. But how long does that go on? We talk about the regular order, the legislative process. The way you usually do it is you call up a bill, and a managers' amendment is offered, amendments are offered. I do not know if we can ever get every word agreed to. I assume there are going to be Senators on both sides of the aisle who are going to offer some amendments to make further changes.

But my urging would be—on both sides of the aisle—let's give them the language. Somebody has some language somewhere. I am being assured Republicans are not hiding in the corner, holding back language that they won't share. If there is anything that Senator KENNEDY is not aware of, I am

not aware of it. I would urge that we get that language agreed to.

Mr. DASCHLE. I ask the majority leader if he would yield for just a short response?

Mr. LOTT. Sure.

Mr. DASCHLE. The majority leader is right. I think part of the language is agreed to, and I think a lot of our colleagues have seen that. But I think it is fair to say that both sides of the aisle would agree that a very significant part of this whole effort is the issue of accountability. And it is on accountability that we are still hung up, that we have this moving target. We have evolving language that still has yet to be nailed down.

Were it not for the fact that accountability is so important, I think there would be a lot more interest in trying to see if we could resolve this matter. But it is a key question. Because it is, and because this moving target seems to be one that continues to change as we go from hour to hour and day to day, that is the issue.

However, I will join with the majority leader, I would love to see both sides come together, finalize the language, and offer amendments if we are not satisfied with it.

Mr. LOTT. I have always observed in a legislative body you have to have a closer. You have to have somebody who says: This is good enough; let's go for it. We have had all of last week and now half of this week. We continue to negotiate.

I guess I will have to assume some responsibility because if I had known we were not going to be able to go to the education bill—the No. 1 priority in almost everybody's mind in the country—we could have been considering other legislation.

I have continued to hope that with one more half day, one more day, we could get going; we could have a full debate and offer amendments.

If I had known we were going to be stalled out on education, I would have gone to other issues, and maybe that is what we ought to do now. If I understand correctly, Senator DASCHLE indicates he doesn't think this idea that any amendment would be considered to be applicable to the bill or the substitute, that we might not get an agreement to do that, but would it help if we could do that?

Mr. DASCHLE. Again, that would help a good deal, but that does not solve the other problem. There are many on our side who feel so strongly about this issue of accountability that they want to be able to see the language prior to the time they are asked to vote on the motion to proceed.

I have to respect the wishes of those colleagues who have made that fact known to me. Clearly, it would help if we had that language. It would solve part of the problem.

Mr. LOTT. Mr. President, parliamentary inquiry: How much time is remaining postcloture on the motion to proceed?

The PRESIDING OFFICER. It will take 1 minute to calculate.

Mr. LOTT. I assume there must be 24, 25 hours remaining.

The PRESIDING OFFICER. Twenty-six hours 15 minutes.

Mr. LOTT. I guess if we run off all of that time, it would be tomorrow night or Friday before we could get to general debate on the bill. I hope we will not have to do that. Maybe there is some plan to have language available tonight for some press conference announcing that language tomorrow. Is there some indication that maybe we could go to the general debate in the morning? Do we know? I guess what I am asking is, are we going to have to run off the full 24 or 25 hours?

Mr. DASCHLE. If the majority leader will yield, that is not my expectation. As I said, both sides have been working to try to resolve the outstanding difference. I was hoping by now we would have resolved it. I was hoping we would be able to say that we now have a draft we can share with everybody. Unfortunately, that is still not the case. I can't imagine that this is going to go on much longer.

Mr. LOTT. Could I inquire of Senator DASCHLE, would it be his recommendation that we set aside education and try to go to other legislation for the balance of this week? I hate for us to let the rest of this evening, tonight, and tomorrow go without making progress on education or any other bill. If he thinks we should consider that, maybe he and I could talk after we leave here.

Mr. DASCHLE. I would be happy to talk to the majority leader about possibilities we might entertain.

Mr. LOTT. I confess, what I am trying to do is to put pressure on all parties, not just on the Democratic side or the administration, everybody. Let's come to some sort of agreement one way or the other. Let's get started.

I had planned to ask unanimous consent that we would yield back all time and proceed to the bill itself at 6:15, but it is obvious Senator DASCHLE believes now that he would be in a position to have to object, so I will not go through that exercise.

I do emphasize to all that everybody agrees we have a monumental, historic opportunity to get major education reform and increases in funds for education. I hope we can get to the bill itself within the next half a day at a very minimum.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I appreciate the dialog that just occurred between the leaders because, certainly, it is critical that the debate on education commence and that we do everything within our power to provide more resources, greater opportunities, and accountability to our children around the country.

As a new Member to this body, I am one who shares the concern about actu-

ally seeing the language of the bill and trying to be sure that we know what it is we are debating and that the people back in our States who we represent have a chance to be part of this debate by being able to read and study and provide comments about what it is we are considering in the Senate. I know it may, from time to time, be a little frustrating, but until we actually have a bill with language that will determine the future of education funding from the Federal Government for 5 to 7 years, it is a wiser course for us to be prudent and thoughtful and to wait until we actually know what it is we are debating and what the potential impact of these provisions could be on the lives of real children. After all, this debate is going to set the stage for how much or how little we as a Nation will do for elementary, junior high, middle, and high schools.

I am particularly concerned about the impact we will have on our neediest children, those who are too often left behind. We still have too many children who are not reading at grade level and who are being taught by uncertified teachers, and too many who are in overcrowded classrooms and dilapidated school buildings. I know that all of us on both sides of the aisle agree that we can do better than this. We can't just sign a blank check or decide that we can proceed on bill language we have not even seen and discharge our responsibilities to the children we represent in this body.

Many of my colleagues and I have serious concerns about the substance of the bill. For example, the block grant demonstration program, so far as we are aware of it without having seen the language of it, does not target enough funds to our highest-need districts and will mean less control for local school districts on how best to invest their Federal education dollars. Because we have not yet seen the final version of the bill we are considering, we don't know whether there is a genuine commitment to devote the resources necessary to make the promise of greater accountability a realistic outcome.

Just as we expect teachers, administrators, and students to abide by a high standard of accountability, we should bring our backroom negotiations to the floor of the Senate for all of us to hear. That is why I voted to proceed with the bill. But we should do it on the basis of an actual bill. I, for one, am willing to wait and to be patient until we actually get the bill and then to proceed in an expeditious manner.

If we look at where the negotiations are and what we are attempting to achieve, we have a great opportunity to accomplish some very important goals for the people of this country. We all share the goal of improving our Nation's schools. We agree that everyone should be held more accountable for turning around failing schools. There is a bipartisan agreement that is very strong for ensuring that all children should be taught by high quality teachers and that parents should know the

quality of the schools their children attend.

This bill, so far as it is reported to us, does a tremendous job of strengthening accountability. I applaud Senators KENNEDY and BINGAMAN for leading the negotiations that have resulted in important accountability provisions.

Some have asked: Why don't we just call it quits. Let's just put in more accountability. Let's just test our children every year from third through eighth grade. We don't need to do any more than that.

I ask: What is it we are attempting to achieve? If all it does is to put more accountability on the already existing testing systems that every one of our States have employed, what is it we hope to achieve?

The answer is that in order to have real accountability, we have to marry those accountability measures with targeted additional resources, invested wisely, that will really make the difference as to whether the tests actually create better educational outcomes.

Resources would make a difference for children such as Delano Tucker, a fifth grader from PS 41 in the Bronx, who wrote me that his entire fifth grade class was asking for help to improve education. Here is what Delano said:

We need more books, but we can't do that without more money. My second reason is we need more teachers because classes are too crowded. The third reason is children are passing without knowing how to read.

We don't need to get a bunch of experts or Senators who can come up with a better analysis than what Delano just gave us. We need better teachers, more books, less crowded classrooms, and we should not be passing children who don't know how to read.

Resources would make a difference for the nearly 168,000 children who go to school every day in overcrowded classes in New York City. We are losing teachers every single day because teachers can't teach in the kind of circumstances that we are presenting for the state of education in many of our cities.

One New York City parent recently shared her thoughts with me, writing that:

I am a parent of two young children—one in kindergarten and one in third grade. They are both bright, but they suffer from learning difficulties, in part, because they are trying to learn in classes of 28 children. They are unable to get the individual attention they need because they are competing for the teacher's attention with so many.

How can we expect children in classes that are that crowded, given the difficulties and issues that children bring to school today, to be able to get the same quality of education that we know works so well when classes are smaller in the early grades?

Resources would have made a real difference for the fourth grade teacher at the 82-year-old Mechanicville Elementary School, just north of Albany, NY, who last year was struck in the

head by concrete from the ceiling as she was teaching because the school was in such disrepair.

My colleagues and I have heard similar stories from students and teachers in every State around the country. Although education is, and always will be, a local issue, it has to be a national concern. Some of the most severe problems in education today require national solutions. I think that is why we are here today debating education.

How will investing in school repairs and renovations help to raise student achievement? I think the answer is self-evident, especially if you have a teacher hit in the head with concrete falling from the ceiling. We know from research that children benefit when they attend school buildings that are in good physical condition.

A 1996 study of large urban high schools in Virginia found that student achievement was as much as 11 percentile points lower in substandard buildings as compared to standard buildings.

Another study found that the quality of air inside public school facilities may significantly affect students' ability to concentrate. In fact, the evidence suggests that children under 10 are more vulnerable than adults to the types of contaminants found in school facilities. We have seen reports and studies about working conditions in urban schools, concluding that they "have direct positive and negative effects on teacher morale, their sense of personal safety, their feelings of effectiveness, and on the general learning environment." That kind of scientific conclusion is reinforced by the experience of students in Mount Vernon, NY, who go to school with air ducts that are so old and so clogged up and filled with pigeon and rat droppings that they can't even breathe decent air; or the students in Cohoes, NY, who go to a school that banned the use of chalk because they have inadequate ventilation, and the chalk dust would hang like a curtain in the air.

Too many of our students are trying to learn in cramped trailers such as in this photo taken in Queens. These may be so-called "temporary" trailers, but they can end up representing a big part of a child's educational experience.

Too many of our children are in hallways with many distractions and far too little room. This photo represents a common sight in schools in New York. This is not a classroom. This is a hallway. The children aren't in a classroom that you and I remember, where there is a chalk board, a teacher's desk, and the desks of the children, and bulletin boards with pretty displays. This is a hallway and this is their classroom.

I don't know how much longer we can keep hearing stories about hallway classrooms, falling concrete, conditions in the classroom that are unhealthy, and not recognize that we should be helping our school districts, many of which cannot possibly afford to raise their property taxes. We can't

ask hard-pressed parents to put even more money into the property tax base. We should be helping the parents in those school districts.

During this debate, I will do everything I can to urge my colleagues to support Senator HARKIN's efforts to include authorization for an emergency renovation and repair fund that would certainly make a difference for some of the schools we just saw.

I will also be offering my own amendment to examine the impact of dilapidated schools on the health of our children. It is simply unacceptable in America in the beginning of the 21st century that our children should have to attend schools that not only impair their ability to learn but even make them sick.

Mr. REID. Will the Senator from New York yield for a question?

Mrs. CLINTON. Yes, I will.

Mr. REID. It is my understanding that the Senator from New York has had experience in the past in dealing with issues such as we are trying to deal with here. Is that true?

Mrs. CLINTON. Yes, that is.

Mr. REID. Would she tell the Senator from Nevada some of the things she has worked on in the past?

Mrs. CLINTON. As the Senator points out, I have been involved in improving education and reforming our accountability measures since 1983, when "A Nation At Risk" was first issued by then-President Reagan's Commission on Education. I was one of the first in our country to ask for much stricter accountability, to test not only students but also teachers, and to hold schools to a very high standard. If they did not succeed in passing 85 percent of their children beyond a level of acceptable learning outcomes, the school would be in danger of being taken over. That was 18 years ago.

So there is really nothing new in what we are discussing today, as the Senator from Nevada knows so well. We want to do the best job we can in raising standards; yes, we do. That is something many of us have worked on, and we have actually seen some positive results in some of our schools over the last 18 years. But we know there have to be the kind of conditions in learning circumstances in our classes, in our schools, that will enable these accountability measures to be successful.

Mr. REID. I will ask one final question to the Senator from New York. We know that there has been talk from the other side saying throwing money at the problem doesn't solve anything. The Senator from New York realizes that. But would the Senator also acknowledge that money is going to help some of these problems?

Mrs. CLINTON. As the Senator knows, when somebody says money doesn't make a difference, they are talking about somebody else and somebody else's money. Every one of us in this body goes to the extra length of

making sure that our children and any children we care about are given those kinds of resources that will enable a child to learn.

Money is not the only answer to what we need to do if we are serious about zeroing in on those children most in need. Most of our schools in this country are doing a fine job.

I live in a district in New York that is one of the best in the entire country. Many of the other districts in our suburbs and rural and city areas are producing good students who care about learning. Our real problems are in those areas with concentrated poverty.

I have seen the Senator from Connecticut come into the Chamber. He has a passion about getting our resources targeted where they can do the most good. So to anybody who says money is not the only answer, of course, I say money is not the only answer, but money helps when married to accountability and invested in getting rid of conditions such as the ones I am showing here on the picture where there are so many children in this classroom, where it is impossible for even the best trained teacher to be able to communicate effectively with these children. This is a classroom where the children are coming from backgrounds where English is not their first language, coming from concentrated poverty, often difficult family situations.

So when somebody says we don't want to throw money at it, I say, that's right. I want to target money to make sure we clean up our dilapidated classes and schools and that we provide lower class size so that the teachers who are willing to go into our hard-to-teach areas will be able to have a decent chance to reach these children; to recruit and retain teachers who come in with idealism and find themselves in situations such as this and within a year or two are gone.

For me, there isn't a contradiction here, as the Senator from Nevada knows so well. We need to have the kinds of accountability that is effective and will work but without the resources we are not going to be successful.

We are going to find, as I have said in the past, that we are just passing out thermometers in the midst of an epidemic. We are going to find that everybody has a raging fever, but we don't have the resources or the will to help them get well. We can do both. That is what this opportunity provides.

I appreciate the concern of the Senator from Nevada. We have to have a good debate. It is only fair, if we are asking that we invest more dollars in education from the Federal Government, we be able to justify the use of those dollars and we tell our constituents and our colleagues where they will go. I have pointed out they go to helping clean, repair, and construct schools we need. Second, they go to reducing class size. The situation shown in this picture is unacceptable.

We are under court order in New York City to have only certified teach-

ers in the classes. That sounds great, and I am for it, but in order to have certified, qualified teachers go into a situation such as this, we will have to make a contract with these teachers that this situation will improve; they will find they will have a chance, actually, to teach; otherwise, they will vote with their feet and either leave to go to a suburban district where they are paid a lot more, in a lot better situation, or they will leave teaching altogether.

I am not talking about something that is anecdotal. We have research from Project STAR in Tennessee that demonstrates children assigned to smaller classes in grades K-3 received better grades, higher test scores, and were less likely to drop out of school or be held back through their entire educational careers. This is a research study that has gone on for 15 years in the entire State of Tennessee. I applaud the State because they made the investment to evaluate what they were doing.

We found that the children who benefited the most were poor and minority children. By all means, test them and find out if they are failing. But be fair and give them a chance to succeed. That is what we are calling for when we ask for reduced class sizes.

We know if we don't recruit teachers we will not be able to continue teaching anybody. Right now we have a national crisis when it comes to recruiting and retaining teachers. There isn't any more important factor than teacher quality in improving student achievement. Yet if you are a young teacher placed in a situation such as this, if your classroom is a hallway, as I have seen in some schools in New York, a closet, that makes it very difficult to teach.

I recently heard from a constituent in Farmingdale, NY, who told me their elementary school alone needs 16 new teachers for kindergarten. In Buffalo, 231 teachers retired last year, compared with an average of 92 retirees in each of the preceding 8 years.

We can't just mandate that school districts go out and hire certified, qualified teachers without providing some resources to make that possible. We tried that in New York City. The court order said hire only certified teachers and put those certified teachers into the classes where the kids are most at risk. So the school district went out, hired 2,000 certified teachers, assigned them to schools as depicted in this picture and the previous pictures, and the 2,000 certified teachers wouldn't take the job. Who can blame them? They are certified teachers, qualified; they pass the tests; they have taken the courses; they are assigned to a school where the conditions to teach are impossible.

If we are going to say let's only have certified, qualified teachers, then for goodness' sake, provide help to districts such as those I represent so we can actually recruit and keep those certified, qualified teachers. I strongly

believe this bill should include a teacher recruitment section. I am working with a bipartisan group to offer an amendment to help school districts meet the demands for certified teachers.

Let me turn now to title I. I would like to paint a picture of what full funding for title I means for the children of New York City. Yesterday, several of my colleagues from the other side of the aisle came to the floor to talk about the failure of title I to improve student learning and dismissed the idea that fully funding title I could result in increased student achievement.

I want to be sure the American people have the facts about title I. The real fact, as presented by the independent, nonpartisan Congressional Research Service, is that in fiscal year 2001 Congress provided school districts with only one-third of the resources needed to fully serve eligible students in order to help close the achievement gap. Even with this limited Federal investment, our school districts have shown real gains in reading and math.

In 1999, the Council of Great City Schools found fourth and eighth graders in urban schools boosted their performance in reading and math. In fact, 87.5 percent of the urban school districts showed reading gains in Title I schools and 83 percent showed math gains. Moreover, the study found that the percentage of title I students in urban schools below the 25th percentile had been declining over 2- and 3-year periods while the percentage of title I students between the 25th and 50th percentile was increasing.

There are those who will still deny these facts and make the claim that title I doesn't make a difference. I often think Washington is the only evidence-free zone in our country. The facts are the facts. Title I does make a difference. Imagine the results if cities such as New York, Buffalo, Rochester, or Syracuse were able to assist all our title I eligible students rather than just a third of them. It would mean, for example, in New York City, we could lower the current threshold and serve an additional 99,295 children. The city could invest in strategies that work better. We could provide extended time initiatives that we know make a difference with children. We could expand early literacy intervention, and intervention strategies, have classroom professional development for teachers.

As we look at the bill, we need to look at a full investment in title I. It is not just a game of imagination but a real investment in student improvement that will pay off down the road. I will support Senator DODD and Senator COLLINS in their efforts to include full funding of title I in this bill.

Finally, let me touch on the issue of testing. In 1983, I called for student tests, high-stake student and high-stake teacher tests. I take a back seat to no one when it comes to using testing and other measures of accountability to find out how well we are

doing and hold ourselves accountable. But let's be sure the tests are actually going to accomplish the purpose for which they are intended. We need to look at how children do from year to year, to help teachers modify and individualize curriculum, and provide parents with timely information. We have to make sure that if they take a test in the winter, they get the results that winter, not the following fall when the children have moved on. We have to help schools know what the standard should be so they are not teaching to the tests but they are trying to measure the standards they have set. And we have to help pay for the tests.

In New York alone, it would cost \$16 million to comply with these new Federal testing requirements. Only \$8 million would be provided by the Federal Government; the other \$8 million is from scarce State resources. We need to be sure we are fair to our States. If we are going to mandate testing, let's not make it an unfunded mandate. Let's provide the resources needed. If we do develop and implement the tests, we need to have the resources to ensure that our children from the most disadvantaged circumstances can pass and excel in those tests. I think that means smaller classrooms, modern schools, quality teachers.

As we go forward in this debate, I hope we will think hard about the impact we will have on our children, and that we do everything we possibly can to make sure we don't just pass a bill but we really do provide the resources to reform education and produce better results across our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. How much time remains on each side?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Twenty-five minutes remains on the Republican side and 22 minutes remains on the Democratic side.

The PRESIDING OFFICER. Who yields time? If no time is requested, it will be deducted from both sides equally.

Mrs. HUTCHISON. 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.

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

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

Mrs. HUTCHISON. Mr. President, I would like to be notified when I have taken 3 minutes because I think it is very important that we discuss education reforms.

I think all of us have the same goal. Every one of us believes that public education is not meeting the standards we envisioned for this country when we established public education as the basis for democracy. The question is,

How do we do better? We have been adding more money for education for the last 50 years, but we have not seen an improvement in test scores or in the actual quality of education of our children who are graduating from public schools.

There are some public schools that are terrific. Those are the schools where parents and teachers and principals work together, where there is an openness, where the principal welcomes the parents to be a part of the process. But the schools that are failing are the schools that are afraid of accountability. There are teachers who do not want to have tests. Why don't they want to have tests? You can only assume they are concerned that they will not pass and that their students will not pass. That is not acceptable.

We have to have accountability. We have to have information for parents. Parents must know which schools are failing. If those schools are failing, we need to know how to bring them up to the higher standards. The best way to do that is to look at other schools that are alike in demographics, to allow them to see what the good schools with those demographics are doing: What are they doing right? That is what our reforms are meant to do.

We are focusing on accountability. Yes, it will hurt in some ways. It will hurt if you fail. But wouldn't we rather have a failure early in a school career, so we can correct it and give that child the real chance in life? Or do we want to continue social promotions with failing programs so the child never has the chance to reach his or her full potential? I do not think that is what we want. We want to let the child succeed. To do that, we need accountability. We might need failure so we know what the problems are and we can bring them up to standard.

That means we need to support the programs that work. We need to reduce bureaucracy. We need to increase flexibility. We need to empower parents. There is an absolute tie between parents who are involved and students who are successful. That is not based on the intellectual capacity of the student. When the parent is involved, the student does better.

The PRESIDING OFFICER. The Senator's time has elapsed.

Mrs. HUTCHISON. Mr. President, I am going to yield the floor and suggest the absence of a quorum because I have two more speakers on our side. Until I hear they are not going to make it, I am going to reserve their time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I ask to be notified when we have 15 minutes left. I assume that will give me about 7 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mrs. HUTCHISON. Mr. President, I would like to talk about what the President's education plan does. The Democrats are claiming they have offered more spending on education. In fact, the President has proposed an 11.5-percent increase in overall education spending for fiscal year 2002. This is an increase of \$4.6 billion, to almost \$54 billion next year.

Included in this spending increase are key areas that we think will target the young people who need the help the most. It triples funding for children's reading programs, because we know if a child cannot read at grade level, that is a child who is going to fail. There is no question about it. Time after time after time, when high school dropouts or junior high school dropouts have been talked to and listened to, the problem is they can't read. Of course they are frustrated if they can't read. Of course they miss the key points in a history lesson or geography lesson or a math lesson. If they can't read, they don't have a chance. So we are targeting the spending increases at reading programs at the very earliest level.

That is why we want to test at the third grade level to see if a child is falling back at the third grade, because we can catch that child, we can save that child, if we can test at the third grade and give the child the extra help so he or she will have the chance to read at grade level and compete and absorb what is being given as their educational opportunities.

A 30-percent increase is in this budget for Hispanic-serving institutions and historically black colleges and universities. Those are two areas that are doing great work. I have worked very hard for Hispanic-serving institutions because I know if we put the money there and we give them the counseling they need in those universities, we will have good, productive citizens. Our high school dropout rate among Hispanics is the highest of any ethnic group in our country, and that is unacceptable. So we want to go for the Hispanic-serving institutions and give them that extra help so they will be able to graduate their young people into the good jobs that are available in our country.

The historically black colleges and universities do great service. I am going to give a graduation speech this weekend at Paul Quinn College, a historically black college that is doing a wonderful job of educating young people. They have a program at Paul Quinn College where the young men go out and mentor the high school students in some of the disadvantaged areas of Dallas. It enriches both the student who is being mentored and the mentor himself.

I see my colleague, Senator COLLINS, has arrived. I am going to ask her to talk about this subject because she is one of the leading Senate experts in

this education field. She is on the committee. She is making the contributions. She knows this bill, and she knows what it can do for public education.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me start by thanking my good friend and colleague from Texas for her kind comments and for her leadership in this area. I have enjoyed working with her on a number of educational issues. We will be bringing one up later this week.

No endeavor is more important to our Nation's future than ensuring that all children receive a good education. In a real sense, the future of our country rests on the shoulders of our Nation's educators and depends upon the decisions we make today on how best to educate our leaders of tomorrow. I believe that this comprehensive education reform bill may well be the most important legislation the Senate debates this year. I am hopeful that we will pass a bill that keeps the inspirational promise made by President Bush "to leave no child behind."

In many cases, education is the difference between prosperity and poverty, hope and despair, dreams fulfilled and lost opportunities. Between Silicon Valley and Wall Street, many Americans still live in the shadows of the new prosperity. Education is the best, perhaps the only way, to close the every-widening economic gap in America. Indeed, the economic gap in America is largely an education gap. And, education is the best way for us to stoke the fire of our nation's economic engine.

The President deserves tremendous credit for making education his top priority and for setting a goal that inspires us all. This should not be, and I hope will not be, a partisan debate, but rather a bipartisan discussion on how we can best achieve the goal of leaving no child behind. I am convinced that, working together, we can help states, communities, local school boards, educators, and parents improve our public schools significantly.

The Better Education for Students and Teachers, or BEST, Act is an excellent start. The BEST Act demands a great deal from all of us. It would require parents, teachers, principals, superintendents, school board members, state legislators, governors, and federal officials to work together to ensure that our children reach high standards of academic excellence. It would give our schools more flexibility in spending federal funds while holding them accountable for what really counts: improved student achievement. The legislation requires schools to answer the fundamental question: "Are our children learning?"—rather than, "Was that federal paperwork completed correctly?" It changes the focus from paperwork and process to results and accountability.

During the past four years, I have visited more than 60 schools all over

the State of Maine, from Kittery at the southern tip, to Jackman in the west, Rockland on the coast, and Fort Kent in the north. I have seen firsthand the excellent work of Maine dedicated teachers. The quality of instruction taking place in Maine schools is impressive, and it is producing results. Maine's scores on national tests prove that our State's public schools are among the best in the nation. Moreover, Maine's public schools strive to provide a good education for all of our children regardless of their family income or where they live in our State.

A report issued last year by the Council of Chief State School Officers shows that, low-income students in Maine are performing nearly as well as the average of public school students in our state. Yet even in Maine, nearly one in four students has not acquired a level of literacy that is acceptable by most standards. Even in our strongest states, too many children are being left behind!

Eighteen years ago, the landmark study, "A Nation at Risk," warned of declining performance in American schools and turned the nation's attention toward reforming public education.

Today, however, too many schools, particularly in our inner cities, continue to fail to provide a solid education to their students. Although the United States spends more than \$660 billion a year on education, nearly 60 percent of our low-income fourth graders cannot read at a basic level.

The Federal Government takes a secondary role to States and communities in terms of funding and overseeing our public schools, and that is how it should be. The Federal role is, nevertheless, important, particularly for helping disadvantaged students.

Unfortunately, Washington has not always been helpful, nor has it been successful in achieving that goal. After spending \$125 billion of title I funding for disadvantaged students over 25 years, there is little to suggest that we are making progress in narrowing the achievement gap. Fewer than a third of fourth graders can read at grade level. If you look more closely at test scores, over time, you will notice the better students improving their performance while the worse students are getting worse. You also see a persistent achievement gap between students from a disadvantaged families and their more affluent peers. Although title I was created to put economically challenged students on even ground with their peers, recent data from the National Assessment of Education Progress (NAEP) prove that the program has not achieved the goal of narrowing the gap in achievement.

A state-by-state analysis of scores from the National Assessment of Educational Progress, the only test to measure student achievement nationwide, reveals troubling statistics that should give us pause, and that should cause us to ask what we should do dif-

ferently. Many of us believe that more money and more resources are needed, but we can't pour more money into a failed system. We need to increase the dollars, but we also need to demand change.

For example, let's look at the scores. There has been virtually no change since 1992 in fourth grade reading scores. As you can see from this chart, the line is flat despite the increase in expenditures over this 30-year period.

The analysis found that only two states—Georgia and Massachusetts—reduced the gap between white students and black or Hispanic students in fourth-grade math. No state did so in eighth grade, leaving gaps as wide as 56 points in Washington, DC, and 35 points in New Jersey. In reading, only Delaware reduced the gap.

Overall, only 32% of fourth-graders were deemed to be "proficient" or better in reading in 2000. Nearly four in 10 students nationally continue to read below a basic level, meaning they have serious problems understanding even simple texts.

Sixty-three percent of African-American fourth-graders, 60 percent of children in poverty, and 47 percent of children in urban schools fell "below basic" in their skills, meaning they have less than even a "partial mastery" of the material.

Again, look how flat these scores are, whether you are looking at the 4th graders, the 8th graders, or the 12th graders. This is the system that cries out for change. We have increased the amount of money we are spending. I support more investment in education. But we need to face the reality that what we have been doing in far too many cases has not been working. It has not focused on improving student achievement or on ensuring that every child gets a good education.

The Federal Government has spent a great deal of money on education programs over the past 35 years without a great deal to show for it. These statistics show that a new approach is needed, and a part of that new approach needs to be an increased focus on reading and literacy.

These results are particularly distressing given that researchers in recent years have reached a consensus on the best practices to teach reading. The research, however, has yet to find its way into many classrooms.

This is one reason why the Reading First Initiative in S. 1 is so very important. We need to put proven teaching methods into the hands of our educators. We know that if our classroom teachers are not offered extensive training in the area of literacy, then many of our children will not learn to read to the best of their ability. The Reading First Initiative makes professional development a top priority and it establishes an early reading intervention program that, I believe, will make a real difference.

I have worked extensively with the President and the Department of Education in this area, and I am very

pleased with the results that we have come up with. Earlier this year, I introduced the Early Reading Intervention Act to address the urgent need to improve reading skills. The reading portion of the BEST Act is a synthesis of the President's plan and my legislation.

It simply does not make sense to test a child's reading ability for the first time in third grade and discover the child's reading skills are far below his or her peers, when, at that point, the chances of the student learning to read at grade level by the end of elementary school are less than 25 percent. Yet, that is what occurs far too often with far too many of our children. By contrast, if a child is tested and receives help in kindergarten or first grade, that child has a 90 to 95 percent chance of becoming a good reader. Since reading is learned more easily and effectively during the early grades, it makes sense to identify reading problems and language-based learning disabilities early when intervention can make a difference.

Our goal—the goal set forth by the President—must be for all students to read by the third grade. By achieving this goal, we can decrease the number of students who will need special education and ensure that every child—all of our students—have the necessary tools to handle the curriculum in the future years.

An investment of \$5 billion to ensure that every child in America can read by the third grade is a serious and long-term commitment. It is a significant first step toward improving our Nation's failing report card for the best way to ensure that no child is left behind is to ensure that every child knows how to read.

I am also very pleased that the BEST Act contains the Rural Education Initiative, which I introduced with my colleagues, Senators CONRAD, GREGG, ENZI, HUTCHINSON, ROBERTS, DORGAN, BURNS, HAGEL, ALLARD, and THOMAS. This important legislation will give small rural school districts more flexibility by allowing them to combine small, categorical grant programs into a single grant that can be used to target local needs. It will also provide these rural schools with supplemental funds to compensate them for their inability to compete with larger school districts for a number of Federal education grants.

As I look forward to the important education debate ahead, I see great opportunity. I see a constructive debate not about whether the Federal Government has a role to play in educating our youth but about how it can best promote excellence in all of our public schools and for all of our children. I see a President with a vision for how we can reshape and reinvigorate our educational system and a commitment to doing what it takes to help our students succeed. And I see Senators, all of whom have listened to those who know best—our parents, our teachers,

our school board members and our administrators back home who have ideas on how to make the BEST Act even better.

Now is the time for us to lay a new foundation for the education of America's youth. It is time for us to seize this tremendous opportunity and to unite behind the inspiring goal the President has set forth of leaving no child behind.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. All time under the control of the majority has expired.

Mr. JEFFORDS. The minority manager has offered me 5 minutes of his time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, first of all, I commend the Senator from Maine for not only her excellent presentation but for her work on the committee. She is an invaluable member of our committee. I want to give her the accolades she deserves for what she has done to help us during this difficult time of trying to define how we can best improve the educational capacity of our Nation.

Today, the Senate begins its consideration of the Better Education for Students and Teachers Act. The BEST Act is an opportunity to combine our efforts with those of President Bush to guide the course of the No. 1 issue facing our Nation today: the education of our children. The BEST Act represents a bipartisan blueprint for meaningful education reform. We are putting forward an elementary and secondary education initiative that provides the necessary tools for every child to receive a quality education.

The BEST Act will strengthen accountability across the board to improve student performance, expand assessment programs so that parents and schools will have an accurate measurement of how well their children are learning, provide the funds necessary to prepare, recruit, and train highly qualified teachers, develop reading programs to ensure that all students will be able to read by the third grade, create partnerships for States and colleges and universities to strengthen K-12 math and science education, and provide for emerging technology activities that will boost student achievement.

BEST builds upon current law and requires States to create a single accountability system which will provide the mechanisms for moving all students toward proficiency. States must assess students in grades 3-8 annually in mathematics, reading and science. The results of these assessments will provide parents and the public an effective, highly visible measure of success and failure. Just as parents receive report cards to see how their children are performing in school, they will now be

able to get report cards to see how the school is performing for their children.

If schools are not measuring up to the standards, BEST requires States, local education agencies, and schools to improve overall performance. These tough, new accountability standards are the cornerstone of BEST.

BEST creates new programs to help our children learn to read at an early age. These programs are Reading First and Early Reading First. President Bush has set as a goal for the Nation that all students be proficient readers by the end of the third grade. This is critically important. An engineer will tell you that without a deep and strong foundation, you cannot build a tower. An educator will tell you that without strong and deeply rooted reading skills, you cannot reach a high academic level. Young students who cannot read—with speed, accuracy and understanding—are likely to fall further behind from their peers in reading ability and in all other subjects. Research has proven that the sills which make learning to read possible develop at a much earlier age. The Early Reading First demonstration program in BEST will provide preschool-age children who are 3 and 4 years old with the opportunity to gain the important language and pre-literacy skills identified by rigorous research.

BEST also recognizes that an investment in better teachers is an investment in our Nation's young people. Children can make greater academic gains if they have a knowledgeable and caring teacher leading their classroom. The bill takes a flexible approach that allows States and educational agencies to adopt successful models that will best meet their needs. Previous programs are combined to lessen the burden on schools and States. BEST puts an emphasis on innovative professional development program to maximize opportunities for teachers. At the same time, the bill requires professional development to be tied to effective strategies for increasing teacher performance and student achievement. BEST demands strong accountability in combination with effective approaches to get the best from our teachers and students.

Student achievement in the United States has fallen behind many other countries in the areas of math and science. BEST includes important new initiatives designed to improve upon performance here.

An enormous improvement in math and science education at the K through 12 level is necessary if today's students want good jobs and the U.S. wants to stay competitive in the world economy. If American students are not prepared to fill high-tech jobs that require advanced math and science skills, then those jobs will go elsewhere or people will come from other countries to fill them. To achieve this, BEST will allow for the establishment of math and science partnerships between institutions of higher learning, States, and

school districts. These partnerships will help our teachers become more effective, improve student achievement, and help keep our economy strong and vital.

BEST will also provide assistance to help eliminate the digital divide in the nation's schools. It is very important that we not separate technology from learning. Technology must not be used for its own sake. Technology must be used to improve student outcomes. BEST contains strong accountability provisions to ensure that this occurs.

We are faced with an opportunity to do what is right for the children of our country. We have a chance to improve their education, and to improve their lives. This bill increases accountability in the education delivery system on all fronts. It provides strong new assessments to ensure that all of our children are well served by their schools. It authorizes the necessary resources required to have first rate educational opportunities available to all children in this nation.

Mr. President, we are starting today on bringing forward the President's proposal which is the cornerstone of the future of this Nation's ability to improve its education. I praise the President for bringing this very excellent bill forward. We have worked hard on it on the committee. I am confident we will pass it and that it will become law.

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

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. I ask unanimous consent that I be allowed to speak until someone from the Democratic side comes to reclaim their time.

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

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee that is going to bring forth the education bill. I am very optimistic we are going to have a bill. I thank him for working so hard in a very bipartisan way to produce a bill. The reforms are pretty well agreed to. Both Republicans and Democrats in the Senate are coming together to say: We need a change. Business as usual in our education system is not going to cut it anymore. There are too many children falling behind and nobody in this country wants that to happen. Every one of us knows our democracy depends on a well-educated populace.

Most people would agree that the variations in the standards of our public schools across the country mean we are not succeeding in the mandate for a quality public education system. That is why Chairman JEFFORDS and Senator KENNEDY, Senator COLLINS,

Senator FRIST, Senator GREGG, Senator HUTCHINSON of Arkansas, Senator SESSIONS of Alabama, and Senator ENZI have worked so hard to make sure this bill does not fall by the wayside.

I am a little frustrated that it has taken so long to get this bill to the floor. After all, this is a bill we have debated before. We actually debated it last session. It was not passed. We are back again. Surely there are divisions, but let's get the divisions out there. Let's get them out there. Let's make the decisions and let's reform public education so that every child in our country will have the opportunity to reach his or her full potential with a public education. That is our goal.

Mr. President, I ask the Senator from Oregon if his State has a testing program with accountability that would be something we would want to have as a nation. Has he had experience with accountability in the State of Oregon?

Mr. SMITH of Oregon. Mr. President, we do have testing. I do not think it is on the scale that we are contemplating in this bill.

What I hear, as I travel the State of Oregon, over and over again from parents is: We would like to give more resources to education. We would like more accountability for that. We would like better results for that.

I commend the Senator from Texas and others on the committee, Senator COLLINS, and our friends on the Democratic side who are focusing on some very significant reforms in this bill. If I can cut through the arguments I am hearing, as I have listened and presided today, often we tend to confuse what we are about, whether we are about developing a system of employment for adults or whether we are about developing a system for educating children. If we can keep the focus on educating children, there are all kinds of things that become possible in terms of testing, not just kids but teachers as well, to make sure we are delivering results, that we are giving parents more choices so we give their children more chances.

In a nutshell, that is what I want to vote for: more resources but also more reform. If we do that, the American people will look at our work as Republicans and Democrats and thank us for generations to come. There is not a single thing we could do more significantly for the future of our country, for the parents and their children, than to provide more resources and to demand more reform. We keep our stewardship then.

Mrs. HUTCHISON. I thank the Senator from Oregon. That is why President Bush has worked so hard to make this a priority to say that there is nothing more important we can do than to provide a quality public education for every one of the young people in our country.

I ask the Senator from Oregon if he would like the floor. If so, I am happy to yield.

Mr. SMITH of Oregon. Mr. President, I gave my speech because of the ques-

tion of the Senator from Texas. I thank her for that opportunity.

Mrs. HUTCHISON. I thank the Senator from Oregon. I am pleased that he, too, is committed to reform. All of us know that if we are going to give every child a chance, we are going to have to make some changes. And some of those are going to be hard changes, there is no question about it.

Some of the people who are in the system today don't want testing. They don't like testing. I can understand that. But what is the alternative to accountability? What is the alternative to finding out what is wrong in our system?

If we can't admit that we have some weaknesses in the system and try to correct them, we will never get any better. What we want to do is find the weaknesses in the system and correct them while there is still a chance.

Let's correct the reading weaknesses in the third grade rather than in junior high school because we will have wasted years if we are not able to give a child a chance with the full capability to read in the third grade. Instead, if we wait until junior high school, we have wasted 6 years—6 years. Why would we do that?

It is time to take the bold steps. The President has asked us to do so. We have a bipartisan, general consensus in Congress, and I think it is time for us to act. I don't see any reason to start saying, well, if we amend one bill, then maybe we are going to have a substitute and what would that do to the amendment? Come on, can't we figure that out? Can't we say that all of the amendments passed by this Senate will go on to the final bill after the amendments are made, and if there is a substitute, they would go to that substitute? That is not rocket science. If we can't figure that out, then we have no business being here.

So I think it is time for us to act. We are wasting time. We have been talking about going to the education bill now for a week and 2 days. We are going to lose another day today if we don't start immediately to actually debate this bill. I hope that we will do that.

I want to outline a few more of the points of the bill, and I think this is a very important one. The plan is going to allow students who are trapped in failing schools to leave those schools by using title I funds to transfer to a higher performing public school or a private school if that is passed. I would like to see that because I want a parent to have all of the options. I don't want only parents who can afford private schools for their children to have the best. I want every parent to have the best. What could be more frustrating for a parent than to see their child in a school that is not performing and know that that child is never going to have the full chance in life and the parent can't change the school because the parent can't afford a private school or a parochial school. Why would we do that? We have the alternative.

In addition, education savings accounts will be increased to \$5,000 and expanded from K through 12, not just college anymore.

We also include additional dollars for States to use to control violence and other crimes in schools because there is no doubt that in our country, if children are not safe and secure in their schools, they are not going to have the optimum learning environment. No doubt about it, they must have secure schools and drug-free schools.

Parents will be given a greater flexibility for their child's best interest. School districts will be given greater flexibility. This will be accomplished by decreasing administrative costs and paperwork. When I do townhall meetings in my State, teachers come in and say: Get rid of the paperwork. Let me teach. Let me spend my time with the students finding out what they need and helping them learn.

One teacher came to a townhall meeting that I had with a stack of papers this big and said that is what she had been working on all week. Instead of being in the classroom or counseling children after class, she was filling out forms this thick. That is not what is going to improve public education. It is the attention a teacher can give to children, to assess what their weaknesses are and bring them up to speed.

We are going to provide technology assistance, and math and science instruction will be reemphasized, as well as basic literacy. Partnerships between schools and higher education institutions will be encouraged, and new Federal initiatives such as Reading First K through 12, and Early Reading First Preschool will offer States incentives to implement rigorous literacy education.

We have solved a problem in my home State of Texas. The University of North Texas has an accelerated math course for high school math prodigies, so that high school students with math aptitude can go to the University of North Texas and take college courses and get their high school degree with accelerated capabilities to go into college. This is so that you don't hold back the students who are already beyond high school competency. You give the child a chance to grow at his or her level and competency capability. It is quite exciting. I would love to see that happen all over our country, where an innovative, higher education institution would offer programs for high school students. I hope we will be able to encourage that by passing the bill that is before us.

We are also going to try to help teachers help themselves. They deserve recognition and assistance. The President's plan will allow teachers to make tax deductions of up to \$400 to help defray costs associated with out-of-pocket classroom expenses. I don't know a teacher that doesn't spend money from his or her own pocket to try to help the child get the tools the child needs in class, the crayons, or a ruler, or a tab-

let to write on, because the child comes to school without the proper school supplies. Many times, the child's family doesn't have the money for the school supplies. The teacher digs in her pocket and puts the money out and buys the supplies for the kids. That teacher does it because that teacher is dedicated. But we want to help defray those out-of-pocket costs. We want to give those young people the opportunity to have everything they need but not at the personal expense of the teachers. We don't pay teachers enough for the work they do anyway. The last thing we should expect is for them to defray the cost of their young people's school supplies out of their own pocketbooks.

Mr. President, as I close today, I want to say that there is nothing more important that we will do in this session of Congress than to reform public education, to make sure that public education gives every child the opportunity to reach his or her full potential. Yes, we think private schools are great and, yes, parochial schools are great, and they are a part of the option that a parent might have. But what we are responsible for is to make sure that every child has access to a public education that is quality and that competes with any other school in the world. That is what will keep our democracy strong, and that is what will fulfill our responsibility as Members of the U.S. Senate.

I can't wait to get to this bill because I have some amendments I want to offer that would provide creativity for our school districts, that would try to encourage more people to come into the classroom with expertise in an area—maybe not a teaching degree but someone with an expertise. I want to offer single-sex school classes in public schools as another option, which is now available in private schools but not in public schools to any great degree. I am going to talk about those amendments later.

I want to get on to this bill so that we can pass these reforms and so that the next school year that starts in September will be a school year that is different from the past 25 years and will have more options and more creativity and more capabilities for the young people of our country to excel.

I thank the Chair. I yield the floor.

Mr. WARNER. Mr. President, I join my colleague in entreating to get this bill moving. I am proud to serve on the committee. It is badly needed.

Mrs. HUTCHISON. I respond to the Senator from Virginia and mention that he, as a very senior member of the Senate, asked to go on the Education Committee because of his interest in improving our public schools. I appreciate he made that a priority. His contribution is very much one that has helped this process this year.

Mr. WARNER. If I may say to my colleague, at the time our conference was allocating that last seat, I knew of the interest of the Senator from Texas.

She extended to this Senator certain courtesies I shall not forget, enabling me to have that as my third committee. I thank the Senator.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

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

BOB KERREY, DISTINGUISHED OFFICER

Mr. WARNER. Mr. President, I address the Senate with regard to Senator Bob Kerrey. I do this out of, first, a sense of duty. I was Under Secretary of the Navy beginning in February 1969, together with our most beloved and distinguished former colleague who sat behind me many years, Senator Chafee, who was the Secretary. Senator Chafee and I, then Secretary of the Navy and Under Secretary WARNER, were a very close working team. I have searched my mind many times as to what he would say were he here today. I think I can safely represent to the Senate that my remarks today would be very close to, if not exactly, what my dear friend, our former Senator and former Secretary of the Navy, would have said about our colleague, Bob Kerrey, this distinguished officer of the U.S. Navy.

I came to know him in the many years we served together in the Senate. We often sat together on the floor. I remember distinctly going over to his side of the aisle. We reflected on those days together of Vietnam. He shared with me some very personal insights with regard to that conflict and how they affected his life.

I am also very respectful of Senators MCCAIN, CLELAND, HAGEL, and JOHN KERRY. I have, likewise, had the benefit of listening to them and sharing with them my recollections of that incredible period of American history. I served in the Pentagon beginning in February 1969, leaving in 1974, for 5 years plus a few months during some of the most intense periods of that conflict. I visited Vietnam on occasions, as did Secretary of the Navy Chafee, and then when I became Secretary of the Navy, succeeding Chafee, of course, my visits continued. I have been on the fire bases, in the hospitals, where the wounded were brought back.

I remember one story, the former Commandant of the Marine Corps, General Krulak, came to see me just before his confirmation to review various procedural matters with regard to his confirmation. We were there with General Mundy. He was then Commandant of the Marine Corps. We spent an hour together in a very thorough analysis of his background. I was doing it on behalf of then-Chairman STROM THURMOND. General Krulak got up to leave. This is a moment I shall never forget in my career as a Senator.

He said: Senator WARNER, this is not the first time we met. I was a little taken aback. I was thinking, where had I met this fine officer? I had known his father. He said: I was wounded in Vietnam, and I was in the process of being evacuated. I was on a stretcher with other men who had just been wounded, and the helicopter was coming in to take us out. Someone came up and grabbed me by the big toe and shook that toe. He said to me: Captain, you are going to be all right; you are going to make it. He said: I am here today to say, I made it, and you were that gentleman, as Secretary of the Navy, who grabbed me by the toe.

I had no recollection because I visited with so many wounded and injured in that period on my visits to Vietnam. But it is a personal recollection of that period that I shared with another distinguished combat veteran who did a wonderful job as Commandant.

Bob Kerrey and I traveled together, I remember so well, on a trip to Bosnia. We were coming into that zone where the war had just passed through not more than a day, if even as much as a day. Homes were burning. The ordnance was clearly visible, and the escort officers we had were somewhat concerned. I remember Kerrey fearlessly walking through areas. I was there by his side. We visited with a number of detainees who had been captured. You learn about an individual when you do a trip such as that. I became very close to him. We bonded together in many respects on that trip to that war zone on that particular day, the several days we were together.

I reposed unquestioned confidence in his judgment, his honesty, and his integrity, being his boss in 1969, as Under Secretary of the Navy, at that time when these incidents happened. Indeed, the Medal Of Honor came up through the Navy Secretariat. I remember it quite well. Senator Chafee and I sat down, and Senator Chafee, then being the Secretary, affixed his name to that citation for his heroic actions.

This has been a personal experience to watch very carefully, to study and read the many pieces that have been written, to watch him in his public appearances and study his face very carefully, his eyes and his mannerism, as he, I think in a very forthright manner, shared with the American public, and, indeed, those in Vietnam who watched, his heartfelt expressions about this incident. It was a tragic incident.

I ask unanimous consent two articles which appeared in today's media be printed in the RECORD.

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

[From the Wall Street Journal, May 1, 2001]

THE CONSEQUENCE OF WAR

(By James Webb)

The Vietnamese government is happy to trot out witnesses from the supposed atrocity conducted by Bob Kerrey's Navy SEALs at Thanh Phong. It is doubtful that they

would be so cooperative if questions were asked about Communist killings in places such as My Loc.

In April 1969, the Marine rifle company to which I was assigned was operating in the An Hoa Basin of Vietnam, west and south of Danang. In addition to our routine of long-range combat patrols and defensive positions along a vital and heavily contested road, it was decided that we would provide security for a "town meeting" hosted by the South Vietnamese government's district chief, who had been criticized for living in the distant and more secure confines of Danang. Over the space of a few days, visits were made to nearby hamlets, where 30 delegates were chosen to attend the meeting. After that, the district chief and his senior aide were brought in on the morning convoy.

A thatch-covered "hooch" at the bottom of our perimeter, about the size of a typical American living room, was chosen as the meeting place. Shortly after the meeting began, a Viet Cong assassination team raced through the thick foliage, hit the hooch, and fled. My rifle platoon was returning from a combat patrol as explosions rang out to our front. In seconds a Viet Cong soldier sprinting down the trail collided with my point man. I can still see his young face, adrenalized and madly grinning, as he was captured. And I remember the sight of the others as we reached the hooch.

The floor inside was covered with an ankle-deep mix of blood, innards, limbs and bodies. I and several others waded into the human mire, emptying bodies from the hooch and finding medical care for those who had survived. Nineteen people were dead, including the district chief and his aide. The aide's right arm was blown off near the elbow, its tendons like slim white feathers, as if he had been reaching to catch a grenade.

Nearby an older woman sat motionless against a wall, her face stunned and her dark eyes piercing, untouched except for a small, square hole in her forehead. I thought she was alive until I grabbed her arm. The wounded squirmed on the floor, reaching past dead bodies as they crawled in the muck, covered thickly with blood and twisting among each other like giant fishing worms.

We cleaned out the hooch, evacuated the wounded, washed at a nearby well, and went back to our war. By the next day this incident was over, a little piece of history in the long and ugly journey of a combat tour. But in the coming months as I reflected on them, the killings at My Loc raised an important distinction, which has become even more relevant with the media firestorm over Bob Kerrey's ill-fated SEAL patrol in the Mekong Delta.

Civilians have a terrible time in any war zone—fully one-third of the population of Okinawa was killed in 12 weeks of fighting on that island in 1945. But in a guerrilla war, the support or control of the local population, rather than the conquest of territory, is the ultimate objective. Civilians become enmeshed in the actual fighting, inseparable from it.

They fight among themselves for political dominance of a local area. They form an infrastructure and quietly support one side or the other when it moves through their village. They suffer greatly when battles are fought on top of them, and when emotions overcome logic and troops snap, as at My Lai. But the villagers of My Loc and others like them, clearly noncombatants, were killed purely as a matter of political control, for having met with a South Vietnamese government official and given some legitimacy to his authority.

Any American who directed a similar slaughter, or participated in it, would have

been court-martialed. This distinction was basic to our policy in Vietnam, and it seems to have been lost by many over the past week. The body language and word choices of many media commentators indicates clearly that a larger issue—how history will judge our involvement in Vietnam—is still very much in play, and a big part of that issue is to continue to demean the American sacrifices in that war.

Words like "atrocious" and "massacre" are routinely being thrown about, with some even calling for Nuremberg-like trials for Americans' war crimes in Vietnam. Aggressive reporters have played "gotcha" with every Kerrey statement. How could he say it was a moonless night when the charts say it was a half-moon? (Try clouds. Or canopy. Or vegetation.) Did he take one shot or many shots at the first outpost? Did he kneel on a guy when his throat was getting cut?

For many who went through extensive combat in Vietnam, such parsing brings back an anger caused by memories not of the war but of the condescending arrogance directed at them upon their return, principally by people in their own age group who had risked nothing and yet microscopically judged every action of those who had risked everything and often lost a great deal. Combat in a guerrilla war requires constant moral judgments, in an environment with unending pressure, little sheep, and no second chances for yourself or the people you are leading when you guess wrong. Were we perfect? No. Were we worse than Americans in other wars, or our enemy in this one? Hardly.

Which brings us to the recent attention given the Kerrey patrol. There is much in the New York Times magazine story to make one uneasy. They key "witness" from the village where the incident took place is the wife of a former Viet Cong soldier, who now has told Time magazine that she did not actually see the killings. She and the other Vietnamese witness, who was 12 at the time of the incident, live in a communist state where propaganda regarding America's "evil" war efforts is one of the mainsprings of political legitimacy—not the best conditions to produce honesty in cases with international implications.

The one member of Mr. Kerrey's SEAL team to allege extreme conduct did not pass the credibility test with Newsweek magazine when the story was considered there. CBS's "60 Minutes," which co-sponsored the investigation, seems to have an affinity for stories about Americans committing atrocities, having rehashed My Lai as the best way to remember the 30th anniversary of 1968, the year that brought the worst fighting, and highest American casualties, of the war.

Most important, to one practiced in both combat and journalism, a key and possibly determinative piece of information seems vastly underplayed. According to the Times magazine story, archive records of Army radio transmissions indicate that two days after the incident, "an old man from Thanh Phong presented himself to the district chief's headquarters with claims for retribution for alleged atrocities committed the night of 25 and 26 February 69. Thus far it appears 24 people were killed. 13 were women and children and one old man, 11 were unidentified and assumed to be VC."

Given the tone of the story, this radio transmission was probably included because it refers to the Kerrey patrol as having committed an atrocity. But a closer reading would appear to confirm the position of Mr. Kerrey and the five others on the patrol that they took fire and returned it, with the loss of civilian lives an unfortunate consequence.

This piece of evidence is perhaps the most objective account available of the results of the Kerrey patrol, coming as it does from a

time near the incident, from a man who was asking for retribution and thus was hardly trying to cover things up. It also coincides with Mr. Kerry's recollection of 13 or 14 dead civilians in the village before the team left the scene, as any Viet Cong soldiers would most likely have been on the other side of the villagers who were killed, perhaps even using them as a screen while attempting to escape.

As has often been said over the past week, we will never know the exact details of what occurred. But is a seven-man patrol operating independently at night far inside enemy territory killed 11 Viet Cong soldiers after coming under fire, it would seem they hit their assigned target. And the loss of civilian life that accompanied this brief but brutal firefight adds up not to an atrocity or a massacre, but to a tragic consequence of a war fought in the middle of a civilian population.

[From the Washington Times, May 1, 2001]

SCALES OF CULPABILITY

[(Georgie Anne Geyer)]

In days long gone by, when we lived far simpler lives, according to the corny but nevertheless accurate truism, we agreed that to genuinely know another human, you needed to walk awhile in his moccasins.

In those days, too, the press in particular held as its central maxim the idea that we journalists were blessed with our wondrous positions in order to tell the relative truths that keep people sane (journalism is news, not "truths") and to relate rather than judge. Walk in anyone else's moccasins today trying to understand another's life? Not really interested.

Instead, in journalism and in politics as well, the response to trials, scandal and tragedy has boiled down to most news-gatherers (1) having no common experience with the prolific targets of their fleeting attention, and (2) not hesitating to publicly reveal every delicious tidbit they can unearth. Thus, they become prosecutor, judge and jury.

As you may perhaps have guessed, I'm being so critical because of the evolving case study of Nebraska's respected senator, Bob Kerrey.

The retired senator, now president of the New School University in New York, has long been one of our most responsible public servants. Thoughtful, intellectual, known for his integrity: Those are only a few of the small accolades he has merited in a capital so often these days filled with incompetence and greed.

Recently, in a series of revelations whose genesis, at least as of this writing remains unclear, a tragic story has been unfolding about him in different venues of the press.

In short, the story is that, in a midnight raid on a supposed Viet Cong village in 1969, Mr. Kerrey led a Navy SEALs raid. He believed his nervous and inexperienced unit had been fired upon by the village, and so they bombarded it. But when they entered, they found only the bodies of 13 Vietnamese women and children or more.

For those of us who were in Vietnam (I was there for a total of 10 months as a foreign correspondent for the Chicago Daily News in 1967, '68, '69 and '70), such accidents of war were so common as to be barely commented upon. In fact, what exactly did Americans at home expect of these young men and women, having sent them into such a hopeless and agonizing morass, barely prepared and on such an imprecise, futile mission?

On any given night there, our soldiers were in dark jungles or mountain ranges. They didn't know where the "enemy" was—or why in God's name they were there at all. They

didn't speak the language, understand the culture, or see the great "geopolitical importance" their leaders safely at home in their air conditioned Washington offices seemed so insistent upon giving to "Vietnam."

There were some sadists and psychopaths in the U.S. military then—and there were plenty of them in the anti-war movement, as well—but Bob Kerrey was certainly not one of them. Indeed, in all of the reporting on his bleak and tormenting memories of that night, Mr. Kerrey has spoken repeatedly of how he has "never made by peace with what happened that night."

Nor should the fact that his own fellow SEALs offer different versions of that night by really surprise anyone. Thirty-two years ago, a moonless night in a strange and unknown country, told the enemy was all around them. . . . Why, most of the families I know would tell different stories about what they had for dinner last night.

Still, even having said this, at least two additional points need to be made: about the men truly responsible for those moonless missions in Vietnam and about the coverage of this Bob Kerrey story.

For there are people who deserve to suffer as Mr. Kerrey has—haunted and profoundly regretful for what he did under his country's orders in the name of his people. They had the real responsibility. Robert McNamara, the supercilious weapons maven, Lyndon Johnson (remember how he just resigned midstream when the war wouldn't go his way?), the fall-in-line joint chiefs of staff, not one of whom resigned over the war, even John F. Kennedy and Harry S. Truman. I haven't heard of much trauma or many sounds of remorse from these men, let alone any seeking of forgiveness. And, remember, too, that the American people voted enthusiastically for many of these "strategists" of war.

There are also people in the media for whom "Vietnam" is less a country or even a war than another way to "get" public officials.

Most of the media do not cover stories overseas these days. (If you watch the news discussion shows, few of the participants go out in the field to actually report anymore.)

That's precisely why they can be so judgmental of the men and women our country sends out to do its dirty work. Judgmentalism is fun. It builds bylines and reputations, and if it hurts a few public lives here and there, well, that's what those guys should have expected when they went into public office. Given all of this, Bob Kerrey continues to look like the hero everyone has thought him.

Mr. WARNER. I was personally impressed by these articles, the first written by former Secretary of the Navy Jim Webb appearing today in the Wall Street Journal, and the second in the Washington Times, written by Georgie Anne Geyer. I have not sat down with Ms. Geyer in some time, but in my course of these 23 years in the Senate, I have had the opportunity to be interviewed by her. She is a very thoughtful and careful journalist. In this article she recounts that she spent some 10 months in country covering that war.

Jim Webb, of course, was a highly decorated combat Marine officer: Navy Cross, second highest decoration next to the Medal of Honor; Silver Star; Purple Heart; and, coincidentally, he was a naval aide to me and to John Chafee as a young captain and major in the Marine Corps in that period of time. He briefed me prior to trips I

would take to Vietnam. Through the years I have valued his friendship enormously.

I also had another personal experience. I remember one day there was a knock on my Senate door and in walked Jan Scruggs, who asked if I would help his group in their struggles to build the Vietnam Veterans Memorial. I cannot think of a greater honor I have had as a Member of the Senate than working, as I often refer to myself, as a private in the rear ranks of Jan Scruggs' group of individuals, who conceived and put together this magnificent memorial to the men and women who sacrificed so much in that conflict.

I think I worked with him 6 to 7 years. I went to many meetings with many stormy sessions in either my Senate office or across the hall in the Armed Services Committee, and in the Veterans' Affairs Committee. I remember we would thrash out, in a highly contentious way, certain aspects of the design and development of that historic memorial. Now it stands as just an extraordinary reminder of that period. Its symbolism is different to every person who comes up to look at it.

But in the course of those years, I relived, with so many of those people, their experiences in that conflict. Therefore I have had, if I may say, some modest association with the men and women who fought in that conflict, and I have shared with them many times their thoughts and concerns and recollections of the stresses and hardships that they have carried with them to this day.

So I find these articles to be very compelling and I urge my colleagues to read them. I think they provide thoughtful, objective thinking to help in the interpretation of that chapter in history which was so difficult to understand, particularly Senator Kerrey's mission on that fateful night in Vietnam.

Americans must understand that war is a terrible thing. Since the beginning of history, wars have imposed the harshest of consequences, not only on the combatants in uniform but so often on the innocent civilians who get entrapped between the lines or in the path of the advance or in the path of the retreat. And they have paid a price. I thought both Jim Webb and Ms. Geyer treated that subject thoughtfully based on their own firsthand observations and experiences in country in Vietnam.

So I attribute a great deal of credibility to these two authors, particularly because of my long personal knowledge of Jim Webb. I say, with great respect to him, his career in the military far exceeded anything I ever did with my two brief periods of active duty, one just in the training command at the close of World War II, and the second for a brief tour of duty in Korea with the 1st Marine Air Corps.

To the extent I was able to observe others in a combat situation in Korea,

as basically a staff officer—I never put myself in the category of those who rightfully claim combat status, but I did stay in the same tents, eat in the mess, slept in the bunkers with them—they are a very special breed, these young men and women who fought wars in harm's way to preserve our freedom.

Today I do my very best as a member of the Armed Services Committee to provide for a means of showing my respect for them and, indeed, my gratefulness to the American military for training me as a young person and for providing me with the GI bill of rights.

I have many emotions as I stand before the Senate tonight to express these views. I got to know Jim Webb well when he was in the office of the Navy Secretary and I tried to counsel him as best I could on his decision to leave active duty—which largely was not of his choosing but was dictated by facts very personal to him. Had he stayed in the Marine Corps I think he was destined to the highest of rank and the greatest of responsibility. He had to make a tough decision to leave the Corps and pursue other challenges. I mentioned, of course, for a brief period he became Secretary of the Navy. I was very proud of his service as Navy Secretary.

Several facts which I note from these articles and which I note from my own observation, again, are unquestioned. So many statements have been made by my distinguished colleagues about the honor and integrity of Bob Kerrey. His bravery and valor have been recognized many times, including being awarded the Congressional Medal of Honor.

I know during the Vietnam war we asked many young men—I repeat that, we, the United States of America, we the Congress of the United States and the President, the Presidents of the United States—asked many young men, and some women in a combat support status, to undertake very difficult missions under the most extreme and dangerous of conditions. They put their lives at risk to accomplish sometimes unclear missions while trying to minimize casualties within their own units.

Recently, I discussed this with members of the Armed Services Committee staff, combat veterans from Vietnam. We followed these stories about Senator Kerrey. We sat down and exchanged our own views. I deferred to them because two of them were in the thick of battle and they talked about the number of times throughout that war as veterans of ground combat that they took risks, themselves, personally, and risks to their men who were with them, to provide some measure of protection to the innocent non-combatant persons who had gotten entrapped in those battles in the dark nights and dusty days in that deep canopy.

Yes, they did take personal risks themselves. As near as I can determine, then-Lieutenant Kerrey, Robert Kerrey, took those risks himself.

They did so to protect the civilians in the combat zone. In that period of time, it was very difficult to determine who the enemy was; imagine that—who the enemy was. It was a very complex conflict into which we injected our men and women.

So we will never know exactly what happened that February night in that Thanh Phong, Vietnam, battle. But I respect the word of my former colleague, Robert Kerrey, and I urge other Senators to read these articles and decide for themselves. I believe each of us ought to make our own determination about this situation.

I conclude my remarks with a salute to the men and women who fought in that conflict and share with them my complete understanding, as near as I can base it on my own experiences. I salute them.

RESIGNATION OF DIRECTOR FREEH

Mr. SPECTER. Mr. President, the principal reason for my seeking recognition is to comment briefly on the announced resignation of FBI Director Louis Freeh. He has tendered his resignation effective in June of this year. I believe Director Freeh has done an outstanding job in a very difficult position.

I had considerable opportunity to work with Director Freeh in my capacity as chairman of the Subcommittee on the Judiciary and when I chaired the Senate Intelligence Committee. The Judiciary Subcommittee on Terrorism in 1996 had extensive hearings on Ruby Ridge, with Randy Weaver isolating himself, and action by the Alcohol, Tobacco and Firearms units and FBI that led to a shootout which regrettably caused the death of a U.S. Marshall, Randy Weaver's wife, and Randy Weaver's young son.

During the course of that investigation, FBI Director Freeh had the courage to stand up and change very deeply ingrained policies in the FBI, changing their rules of engagement and their use of deadly force. I think that took some doing in the face of institutional opposition.

He led an outstanding FBI investigation into the bombing on Khobar Towers, personally making a number of trips overseas. That is a matter which has yet to see a final resolution, but there has been very able and excellent investigative work done by the FBI in that matter in a very difficult circumstance, working with officials from Saudi Arabia.

Director Freeh did a good job in campaign finance reform, taking positions which were sometimes in conflict with the Attorney General, technically his superior, in the Department of Justice, although the FBI Director has unique status, really, in that he has a 10-year appointment. So there were times when Director Freeh found it necessary to take stands in opposition to the Attorney General of the United States

and sometimes even in opposition to the President of the United States. While I didn't always agree with some of the details, it was my view it was a strong performance on the part of FBI Director Louis Freeh.

I think the Director also did an outstanding job in expanding the FBI's role in combating organized crime internationally, and his tenure has seen a vast expansion of FBI offices around the world carrying on very important counterespionage work and counterterrorism work. There has been an excellent level of cooperation established between the FBI and the CIA under the CIA leadership of George Tenet and, before that, John Deutch, with the FBI directorship under Louis Freeh.

There have been difficulties during Director Freeh's tenure with the FBI crime lab and with the investigation of Dr. Wen Ho Lee—on that subject, the Judiciary Subcommittee on Administrative Oversight and the Courts is continuing the inquiry—and also with the allegations as to the Hanssen case, the alleged spy.

But I think, overall, Director Freeh's tenure with the FBI has been outstanding. He brought to the position unique credentials, having been an FBI agent and assistant U.S. attorney, a Federal judge, and he had the capacity to know law enforcement while also understanding civil rights. When the problems arose in Ruby Ridge, he did not hesitate to change the long-standing FBI policies on the use of deadly force in recognition of civil rights, at the same time maintaining very strong law enforcement standards.

I think the President will have a difficult replacement assignment in finding another Director who can measure up to what Director Freeh has done. It is certainly a fact when law enforcement has faced tough issues, they have moved ahead and made many assignments to the FBI. Director Freeh's response on changing the FBI's use of deadly force was in sharp contrast to the refusal of the Alcohol, Tobacco and Firearms units, and even the Secretary of the Treasury, to make changes when there had been clear-cut fault established as to the Alcohol, Tobacco and Firearms unit.

I salute Director Freeh on the announcement of retirement and note his very excellent work and say we will have a tough time finding someone to fill those big shoes.

MIDDLE EAST PEACE

Mr. SPECTER. Mr. President, I ask unanimous consent to have printed in the RECORD a "Commentary" on the mideast peace process.

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

[From the Philadelphia Inquirer, Apr. 27, 2001]

MIDEAST PEACE PROCESS MUST RESUME
(By U.S. Sen. Arlen Specter)

Escalating violence has deadened the Middle East peace process. As usual, all sides look to the United States to influence the parties to end the violence and resume the quest for peace.

In mid-April, at the request of Egyptian President Hosni Mubarak, I met with Palestinian Chairman Yasir Arafat in Cairo. When I arrived for our 10:30 p.m. meeting, Arafat said that as we spoke, Israeli helicopters and missiles were attacking Palestinians in Gaza. He did not mention that the Israeli action was in retaliation for mortars fired into Israel earlier that day.

Our discussion, which lasted until nearly midnight, was interrupted every few moments by aides bringing him the latest dispatch on the fighting. I told Arafat I was convinced Israeli Prime Minister Ariel Sharon would not resume the peace process until the violence ended.

Since the sequence of events demonstrated that Israel was responding to Palestinian provocation, it was up to Arafat to demonstrate his best efforts to stop the violence. After all, it was Arafat's famous letter of Sept. 9, 1993, that induced then-Prime Minister Yitzhak Rabin and Foreign Minister Shimon Peres to shake Arafat's hand at their historic meeting with President Clinton on the White House lawn four days later. In that letter, Arafat renounced violence and promised to punish any Palestinian who violated that commitment.

Arafat responded that he had made an unequivocal declaration at the recent Arab summit. When his statement was examined, it was obvious it was so conditional as to be meaningless. I then asked Arafat why he had rejected former Prime Minister Ehud Barak's generous settlement offer on major concessions on Jerusalem and additional territory on the West Bank. Arafat said he had accepted the Barak proposal. Again, on examination, there were so many ifs, ands and buts that his response was meaningless. Our meeting ended with no realistic hope that any significant action could be expected from Arafat.

The situation was equally bleak when I traveled on to Beirut and Damascus. Hezbollah, backed by Iran and Syria, had continued to attack Israeli border settlements from Southern Lebanon, leading Israel to bomb Syrian radar. Beirut once touted as the Paris of the Middle East, has not recovered from Lebanon's civil war because of factional quarrels and Syria's continuing dominance of the country.

In Damascus, Syria's foreign minister Farouk Shara agreed with Sharon that Israeli-Syrian peace talks on the Golan Heights would be pointless at this time. Before President Hafez al-Assad's death, the parties had come very close to a settlement but were now back to square one.

Notwithstanding the bleak prospects, the Bush administration, aided by Congress, must push the parties back to the bargaining table. There is no doubt that the countries involved listen to Uncle Sam. When Secretary of State Colin Powell criticized Sharon's tough retaliation as "excessive and disproportionate," Israel modified its tactics.

Congress has spoken emphatically: 87 senators and 209 House members wrote on April 6 to the President calling for the closing of the Palestinian office in Washington if the Palestinians did not stop inciting violence. I have urged President Bush to appoint a special envoy for the Middle East just as President Richard Nixon used Henry Kissinger for

shuttle diplomacy and Presidents Jimmy Carter, Ronald Reagan, George H.W. Bush and Bill Clinton assigned envoys such as Dennis Ross to the peace process. President Bush may soon find it necessary to become personally involved like his predecessors.

The escalation of Israeli-Palestinian violence may encourage other terrorist groups, such as Hamas and Islamic Jihad, to attack not only Tel Aviv and Jerusalem, but also U.S. interests around the world. The peace process cannot be abandoned; one way or another, a way must be found for Israelis and Palestinians to live together on that tiny parcel of hallowed and historic land. Our vital national interests in the region make it imperative that the United States actively pursue a resumption of the Middle East peace process.

TRIBUTE TO BILLIE PENN

Mr. NICKLES. Mr. President, I rise today to recognize Billie Penn, a friend and member of my staff for the last 18 years. Billie is one of the most energetic, friendly and sweet people I know. Today this bundle of energy with a heart of gold is retiring.

Billie opened my Lawton office and has managed it for the last 18 years. As my field representative for Southwestern Oklahoma, she has worked diligently for the people of Beckham, Washita, Caddo, Greer, Kiowa, Harmon, Jackson, Tillman, Comanche, Cotton, Stephens, and Jefferson counties.

Billie's enthusiasm is contagious. I think we'll have to hire four or five people just to fill her spot. Besides working for me, Billie finds energy to golf with Bill, her husband of 41 years, visit her kids—William and Allison—and spoil her grandkids, Alisa, Skyler, Nathaniel and Ashlyn. She's active in Lawton's Chamber of Commerce, her church, Grace Fellowship, and probably any other cause that asks for a helping hand.

Today, there was a surprise retirement party for her that I'm sorry I could not attend. I can only imagine the numbers of people that showed up to celebrate the great job Billie has done. There is no one else like her and she will be missed.

Billie is a true friend and a real treasure. I am grateful for her outstanding service to the people of Oklahoma. We all have benefited from her hard work.

Today, I wish her all the best as she begins her retirement.

LOCAL LAW ENFORCEMENT ACT
OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, Mr. President, I would like to detail a heinous crime that occurred July 29, 2000 in Mahwah, New Jersey. A man who allegedly attacked two men

after calling them gay was arrested and charged with aggravated assault, bias harassment, and bias assault. Witnesses told police that the alleged perpetrator, William Courain, 26, was at an apartment complex party when he began making remarks to several of the guests about their sexual preferences. He left the party and confronted two men in the parking lot, making obscene comments about their sexual orientation, before attacking them. Witnesses say he began punching and kicking the two victims, one of whom suffered bleeding from the mouth and eyes and was treated at a local hospital. (The RECORD, August 1, 2000)

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.

JOINT TASK FORCE FULL
ACCOUNTING

Mr. BINGAMAN. Mr. President, recently, in a remote area of Vietnam, a helicopter with 16 passengers and crew aboard went down in a central Vietnamese jungle. Vietnamese officials reported that there were no survivors. The passengers on this aircraft included seven American heroes. One of those heroes, I am sad to report, was from New Mexico, Major Charles Lewis II. Major Lewis was an Air Force ROTC graduate of Mayfield High School and New Mexico State University in Las Cruces, NM. He was an outstanding student and deeply committed to his country through his service with the Air Force. We are shocked and saddened at the loss of Major Lewis and these American heroes.

In connection with the recent "National Former Prisoner of War Recognition Day", I salute Major Lewis and his downed colleagues. Moreover, I salute the heroic contributions of all those who serve in the Joint Task Force Full Accounting, JTFFA, and the U.S. Army Central Identification Laboratory Hawaii, CILHI, whose noble mission is to resolve the cases of Americans still unaccounted for during America's wars. We especially honor the unsung victims of this tragic accident who were carrying out our nation's abiding commitment to account for and honor the lives of POW-MIAs lost in the conflict in Southeast Asia three decades ago. They were part of an advance team scheduled to begin recovery work at six MIA sites in Vietnam beginning this month.

Since 1973, the JTFFA and CILHI have conducted investigations and excavations that have accounted for 603 American POW-MIA personnel. Since 1985, with the full support of cooperative Vietnamese assistants, members of the Joint Task Force and the Central

Identification Laboratory have undertaken the most challenging assignments to locate and identify former American prisoners of war or servicemen missing in action. Some excavations have consumed months of painstaking labor under very difficult conditions to retrieve the smallest items of evidence to help identify American casualties. Much of the work is done by hand in order not to disturb potential evidence. Our service personnel such as those who lost their lives last month have routinely exposed themselves to significant dangers in the quest for honoring our former POW-MIAs. Sadly, they lost their lives in their deeply patriotic quest.

I call on all Americans to pause and remember Major Lewis and the brave men and women of the Joint Task Force and Central Identification Laboratory who have given their lives in such a noble cause.

DEDICATION OF THE PAUL G. ROGERS PLAZA AT THE NATIONAL INSTITUTES OF HEALTH

Mr. NELSON of Florida. Mr. President, I rise today to honor and recognize the achievements of a distinguished Floridian and former congressman, the Honorable Paul Rogers. The National Institutes of Health is dedicating the Paul Rogers Plaza at Bethesda, MD on June 12, 2001 in recognition of his phenomenal efforts and ardent advocacy for public health and medical research.

Paul Rogers represented Florida's 11th District in the House of Representatives from 1956 to 1979, where he earned the distinguished and fitting title, "Mr. Health." During his twenty-four years of service in Congress and eight years as the Chairman of the House Subcommittee on Health and Environment, he consistently demonstrated his heartfelt commitment to improving medical care and technology and preserving our fragile environment. His extensive list of legislative accomplishments and contributions is too great to fully recount, but there are several legislative achievements that are particularly noteworthy. The National Cancer Act, the Clean Air Act, the Safe Drinking Water Act, and the Medicare-Medicaid Anti Fraud and Abuse Act are just a few of Paul Rogers' endeavors that continue to impact our nation today.

It is fitting that the National Institutes of Health has chosen to honor him with a permanent plaque at the Paul Rogers Plaza, as I am certain that the beneficial effect of his public service on the health of American people will continue to be felt for many years to come. Paul Rogers' foresight in the areas of medical research and environmental regulation brought about cutting edge policies that continue to protect Americans everyday. His prolific efforts helped bring these critical issues to the forefront of our nation's agenda.

As we continue to debate and develop new legislation aimed at improving the health of Americans and our environment, we should take a moment to consider and thank the men and women, like "Mr. Health," who initiated this crusade. I am extremely pleased that Paul Rogers' tireless efforts are being duly recognized by the National Institutes of Health.

U.S. POLICY TO CHINA AND TAIWAN

Mr. BAUCUS. Mr. President, these past few weeks have been eventful ones in our relationship with China.

President Bush announced a robust arms sale package for Taiwan. It included several major weapons systems and, of greater long-term significance, it provides for increased cooperation and coordination between our two military forces. He also announced the end of the annual review of arms needs, putting our support for Taiwan's defense on a more regular and less political setting.

We secured the release of our reconnaissance plan's crew that was being held on Hainan Island. Subsequently, there were several important, albeit inconclusive, meetings with Chinese representatives about the return of the plane and about establishing future rules of engagement to ensure that there will not be a repeat of this irresponsible Chinese action.

President Bush made a potentially dangerous gaffe in an interview where he seemed to reverse precipitously a two decade old policy that has resulted in relative stability across the Taiwan Strait. I believe that the trilateral relationship among the PRC, Taiwan, and the United States, and the "One China" policy must adapt and evolve. But change must be made with extreme care.

The United States approved a visa for former Taiwan president Lee Teng-hui to visit for a month, and we have agreed to issue a transit visa for current Taiwan President Chen Shui-bian, although the conditions set on President Chen's visit are still under negotiations.

China continues to hold as a prisoner Gao Zhan, an innocent scholar who is a permanent resident of our country with a U.S. citizen husband and son. They also hold several other American citizens of Chinese origin.

Some of these developments are infuriating and frustrating. After our plane was downed, some in Congress called for revenge, retaliation, and retribution. Proposals include that congress reverse its approval of PNTR, Permanent Normal Trade Relations, for China; that the United States oppose holding the 2008 Summer Olympics in Beijing; and that we reduce or cease military-to-military relations with China.

Our long-term interests with China require a carefully measured course of action. We cannot allow emotion to ob-

scure our policy objectives. And we cannot determine China policy based on vague ideological images.

Like all Americans, I am outraged by the behavior of the Chinese Government in holding the crew of our reconnaissance plane and demanding an American apology, when the blame was so clearly with a reckless Chinese pilot following reckless orders.

I congratulate President Bush on his handling of the first foreign policy crisis of this administration. He kept emotions in check. He rejected the advice of those who wanted to take precipitous action. He secured the safe release of our crew without giving China the kowtowing apology they demanded.

President Bush's decision last week on which defense items to transfer to Taiwan was also responsible and correct. It will provide Taiwan with the hardware and the "humanware" it needs to defend itself, while avoiding actions that would have been unnecessarily provocative vis-a-vis China. Unfortunately, he followed this measured decision with a "shoot from the hip" comment on a possible U.S. response to Chinese military action against Taiwan. That remark has created unnecessary confusion uncertainty, and potential instability across the Taiwan Strait.

We need to look at what is good for U.S. interests, not what is bad for China. There is no room for emotion as we defined the relationship we want with China and determine how to move them in the right direction.

Last year Congress approved, by a wide margin, legislation granting Permanent Normal Trade Relations status to China once they join the World Trade Organization. The benefits of incorporating China into the world trade community were clear.

American farmers, businesses, and workers would be well served by a growing and liberalized economy in China. Economic growth in China would, over the long term, lead to a larger middle class making its own demands on the government for greater accountability and personal choice, just as happened in South Korea and Taiwan. Membership in the WTO would bring international disciplines to the Chinese economy. And the reformers, led by Premier Zhu Rongji, would be strengthened.

The events of the last few weeks have not changed this calculation. If anything, nurturing growth in our economic and trade relationship with China is more important than ever.

Let's be clear about what happened in China while our crew was detained on Hainan Island.

The delay in releasing our crew members was a reflection of a monumental struggle for China's future between reformers led by Premier Zhu Rongji and President Jian Zemin, on one side, and the old guard, including the People's Liberation Army, the managers of most state-owned enterprises, and many entrenched politicians, on the

other side. That is, a battle between those who we hope will be China's future and those who should be made part of China's past.

One manifestation of this struggle is political and perhaps increasing military friction with the United States. Taiwan remains the No. 1 flashpoint. Add disputes over human rights, political prisoners, arrest of American citizens and permanent residents of Chinese origin, Tibet, regional policies, weapons transfer. These issues will remain with us for years, if not decades.

Our decisions must be measured through one optic: What are the core American strategic and economic interests vis-a-vis China?

First, we want stability in the Asian region. We must ensure that China does not threaten this stability. That means committing the United States to being a full participant in Asia—economically, politically, and militarily. This includes ensuring peace across the Taiwan Strait, and that means providing Taiwan with the tools necessary for its defense and assisting with the peaceful resolution of the China-Taiwan issue.

Second, we want to help in the transformation of China from a totalitarian state with a nonmarket economy toward a more liberalized political and economic regime. That means incorporating China into the world trade community while insisting on respect for basic human rights.

Third, we want full access for American goods and services to the largest country in the world with the fastest growing economy. That means completing China's accession to the WTO, granting them PNTR, and supporting our businesses' efforts to penetrate the Chinese economy. It does not mean revoking China's established normal trade status.

To isolate China and to seek retribution might feel good, but it would not do good. Even worse, it threatens our core long-term interests. We should responsibly protect our interests and confront China when situations warrant. But reason, not emotion, must guide our decisions.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 30, 2001, the Federal debt stood at \$5,661,347,798,002.65. Five trillion, six hundred sixty-one billion, three hundred forty-seven million, seven hundred ninety-eight thousand, two dollars and sixty-five cents.

Five years ago, April 30, 1996, the Federal debt stood at \$5,102,049,000,000. Five trillion, one hundred two billion, forty-nine million.

Ten years ago, April 30, 1991, the Federal debt stood at \$3,445,059,000,000. Three trillion, four hundred forty-five billion, fifty-nine million.

Fifteen years ago, April 30, 1986, the Federal debt stood at \$2,008,271,000,000. Two trillion, eight billion, two hundred seventy-one million.

Twenty-five years ago, April 30, 1976, the Federal debt stood at \$601,974,000,000. Six hundred one billion, nine hundred seventy-four million, which reflects a debt increase of more than \$5 trillion, \$5,059,373,798,002.65. Five trillion, fifty-nine billion, three hundred seventy-three million, seven hundred ninety-eight thousand, two dollars and sixty-five cents during the past 25 years.

ADDITIONAL STATEMENTS

THIRTIETH ANNIVERSARY OF AMTRAK

• Mr. KERRY. Mr. President, today marks an important day in the history of national passenger rail transportation. Today is the thirtieth anniversary of the American National Passenger Rail Corporation, Amtrak. As we mark Amtrak's birthday, we need to understand that the demands on our national passenger rail system are changing. Amtrak can no longer be solely a link to a bygone era, when a long train ride was the only way to get from one city to another. The Amtrak of the next 30 years must be a faster, more competitive transportation option for the American traveler. A population that is more mobile than ever before but faces gridlock on our highways and capacity limitations in our skies demands this of Amtrak. Our Nation's passenger rail system has already begun to change in the Northeast Corridor, where in just four months, Amtrak has shuttled over 55,000 people between Washington and New York on four daily high-speed trains. This unexpectedly high ridership has helped Amtrak beat revenue estimates for the Northeast Corridor by four percent. Overall, ridership in the Northeast is up eight percent over last year.

It is my hope that the Congress commemorates Amtrak's thirtieth birthday by passing legislation this year that allows Amtrak to continue to improve high-speed rail service in the Northeast Corridor and replicate that success in the Northeast. The High Speed Rail Investment Act is Amtrak's future. This legislation would allow Amtrak to sell \$12 billion in tax-exempt bonds to finance the development of high-speed rail corridors throughout the country, and would allow for continued track improvements in the Northeast Corridor. Though Amtrak will raise \$12 billion, the High Speed Rail Investment Act will cost taxpayers only about one-third of that amount. I am proud to be working closely with my colleagues Senators BIDEN and HUTCHINSON, as well our leaders, Senator LOTT and Senator DASCHLE, to enact this legislation this year, and I am excited to see that the bill has 55 cosponsors and wide bipartisan support.

On Amtrak's birthday, I hope each one of us will take a serious look at the importance of inter-city passenger rail

to our Nation. Inter-city passenger rail is a critical link to our Nation's history, reminding us of how we used to travel this glorious country. And that's a link which many members of Congress have taken great pains to maintain in their states and districts. At the same time, in many places, such as the northeast, a modern inter-city passenger rail network is not a luxury, it is a necessity. Amtrak's challenge of late has been to satisfy both of these roles while trying to act like a profit-making company. This task has not been easy for a quasi-independent government agency that, for its whole life, has operated under many Congressionally-imposed burdens but has received sporadic and insufficient financial support from the federal government.

I think we are all aware that Amtrak is subject to unique political pressures that private companies do not face. And I think we all know that those pressures, which often require the company to operate unprofitable routes, influence the company's bottom line in a negative way. But high speed rail has proven to be a financial success in the Northeast, and is projected to add \$180 million annually to Amtrak's bottom line when all 20 Acela Express trainsets are in operation. High speed rail is a good investment for Amtrak, and it's a great investment for our nation's transportation infrastructure.

It is time to bring Amtrak into the 21st century by creating an effective, truly inter-modal transportation network. Let's make high speed rail service an indispensable element of our transportation infrastructure—our overburdened highways and skyways require it and the traveling public demands it.●

TRIBUTE TO SUE HENSLEY

• Mr. HUTCHINSON. Mr. President, I rise today to say thank you to Sue Hensley for all of her efforts on my behalf to serve the people and the State of Arkansas during the past six years. In those six years, I found her counsel to be invaluable and of great aid, and I am proud to say that she is not only a former employee but also a good friend. She worked long hours and did whatever was required to competently fulfill her duties as my Communications Director. I am indebted to Sue for her service and I wish her the best of luck in her new position as Director of Communications of the Department of Labor and continued success in her career.●

TRIBUTE TO THE ROTC PROGRAM AT PROVIDENCE COLLEGE

• Mr. REED. Mr. President, I rise today to recognize the achievements of the ROTC Program at Providence College on the occasion of their 50th Anniversary.

ROTC dates back to 8 January 1951, when the Very Reverend Robert J. Slavin, O.P., President of the College,

received word that the Department of the Army had approved the establishment of a Reserve Officer Training Corps within the curriculum. On 19 September 1951, Colonel Roy P. Moss, officially opened the Military Science Department of Providence College Transport Corps Unit. In 1951–52, the original student enrollment was 512 cadets and in 1953, the first class of seven received commissions in the Transportation Corps.

In the 1954–55 academic year, the unit was re-designated as a General Military Science program. In 1956, a rifle range was built and had its official inauguration as Company K-12. During the Vietnam era, the ROTC program at PC provided many qualified officers and as a result of the ROTC Vitalization Act of 1964, students from local colleges without programs became eligible to participate. The act also resulted in both four-year and two-year ROTC scholarships going into effect.

In the late 60's and early 70's, changing public opinion lead to a decline in enrollment in programs throughout the country until the revitalization of ROTC began in the 1973–74 academic year as women were allowed to enroll. In 1982, Bryant College was added to the Patriot Battalion and along with Brown University, Johnson & Wales University, UMASS Dartmouth, Rhode Island College, the Community College of Rhode Island, Bristol Community College. As of May 2000, 1,690 officers have been commissioned through the Providence College Program.

The ROTC Program at Providence College was recognized in 1996 as one of the top programs in New England and the New York area. As it celebrates this milestone in the history of the program, we pause to recognize the many students who have learned about the history and structure of our military and who have gone on to study tactical operations and military instruction as well as advanced techniques of management, leadership and command. These proud cadets have earned scholarships and upon graduation are Commissioned Officers in the Army.

The strength of this program lies in patriotism and dedication to duty. The Patriotic Battalion faculty and staff are indeed to be commended for the success of the program and for the significant part they play in instilling leadership and good citizenship in these young people. I would respectfully ask my colleagues to join me in honoring the proud tradition of the Providence College ROTC Program on the occasion of its 50th Anniversary.●

CONGRATULATIONS TO ED HILL

● Mr. HARKIN. Mr. President, I would like to take a few minutes to congratulate Ed Hill, the new president of the International Brotherhood of Electrical Workers, IBEW, on his election.

You know, when I think about all the hard work and long hours presidents

Hill and Barry have put in over the years, I am reminded of a story that one of my heroes, the great Hubert H. Humphrey liked to tell.

It was Humphrey's 65th birthday, and he was celebrating with his grandchildren. One of the grandkids looked up and said, "Grandpa, how long have you been a Democrat?"

Humphrey thought about that for a moment, and replied, "Well, I've been a Democrat for 70 years."

His grandson said, "Grandpa, how could you have been a Democrat for 70 years when you're only 65 years old?"

"Easy," Humphrey answered, "I've put in a lot of overtime."

Well, Ed Hill has put in a lot of overtime on behalf of the IBEW and on behalf of all Americans.

You know, I like to tell people you go to any town in America rural or urban, big or small and you will see the IBEW's work on display. Whether it is lighting our homes, or heating our schools, or bringing the Internet to our libraries, it is clear that the IBEW's work is critical to our families and our economy.

Ed Hill hails from Beaver County, PA, and he is got a long history with the IBEW. Ed joined IBEW Local 712 in his hometown back in 1956 and worked his way up to business manager in 1970. He became part of the IBEW staff in 1982, and, by 1994, he was a vice president in charge of operations in Pennsylvania, New York, New Jersey and Delaware.

In 1997, Ed became the IBEW's second highest-ranking officer, and he worked hard to bring the latest technology to IBEW's operations. He also spent long hours building the membership of IBEW-COPE to record levels and making new strides in grassroots activism and communications.

For over 100 years, the IBEW has been a leader in the union movement in America. Whether they were providing energy to our war efforts during World War II, creating one of the best apprenticeship programs around, or providing workers with the cutting edge skills they need to keep up with current electricity needs—IBEW was always ahead of the times.

I know that Ed Hill will continue this proud tradition. I thank him for his dedication and commitment, and I look forward to working with him in the coming years.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate to Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry withdrawals and nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 256. An act to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. REED for the Committee on Armed Services.

Dov S. Zakheim, of Maryland, to be Under Secretary of Defense (Comptroller).

By Mr. WARNER for the Committee on Armed Services.

Charles S. Abell, of Virginia, to be an Assistant Secretary of Defense.

Victoria Clarke, of Maryland, to be an Assistant Secretary of Defense.

Powell A. Moore, of Georgia, to be an Assistant Secretary of Defense.

William J. Haynes II, of Tennessee, to be General Counsel of the Department of Defense.

Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. WARNER. Mr. President, for the Committee on Armed Services.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald A. Lamontagne, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lance W. Lord, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Brian A. Arnold, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Timothy A. Kinnan, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard V. Reynolds, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William J. Begert, 0000

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

Rear Adm. Malcolm I. Fages, 0000

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

Rear Adm. Keith W. Lippert, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Garry L. Parks, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning Gregory O. Allen and ending Wayne Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Air Force nominations beginning Steven D. Carey and ending Richard R. Lemieux, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Army nominations beginning Donald M. Adkins and ending X0268, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning James R. Gusie and ending Dennis J. Sandbothe, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Army nominations beginning Michael Child and ending Leland Gallup, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Army nomination of Joe L. Smothers, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Army nominations beginning Louis A. Abbenante and ending James M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Army nominations beginning Margretta M. Diemer and ending Mary A. Witt, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2001.

Navy nominations beginning Manuel E.R. Alsina and ending Vincent S. Shen, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Navy nomination of David C. Barton, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nomination of James W. Hudson, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nomination of Sheila C. Hecht, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nomination of Paul R. Faneuf, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nominations beginning Daniel L. Bower and ending Tedman L. Vance, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nominations beginning Kyle P. Durand and ending Jeffrey J. Truitt, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nominations beginning Eduardo C. Cuison and ending Robert K. McGaha, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Marine Corps nominations beginning Walter T. Ellingson and ending Michael J. Kantaris, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Marine Corps nominations beginning Dennis G. Adams and ending Lawrence R. Woolley, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Marine Corps nominations beginning Charles E. Brown and ending Daniel R. Westphal, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

By Mr. Grassley for the Committee on Finance.

David Aufhauser, of the District of Columbia, to be General Counsel for the Department of the Treasury.

Kenneth W. Dam, of Illinois, to be Deputy Secretary of the Treasury.

Faryar Shirzad, of Virginia, to be an Assistant Secretary of Commerce.

Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.

John B. Taylor, of California, to be an Under Secretary of the Treasury.

Scott Whitaker, of Virginia, to be an Assistant Secretary of Health and Human Services.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. LIEBERMAN (for himself, Mr. BURNS, Mr. BINGAMAN, Mr. FITZGERALD, Mr. DASCHLE, Mr. MCCAIN, Mr. CARPER, Mr. DURBIN, Mr. JOHNSON, Mr. KERRY, Mr. LEAHY, and Mr. LEVIN):

S. 803. A bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. SCHUMER, Ms. COLLINS, and Mr. REED):

S. 804. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE (for himself, Mr. COCHRAN, Ms. COLLINS, Mr. BENNETT, Mr. BREAUX, Mr. BUNNING, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. MIKULSKI, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 805. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 806. A bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act with an accurate annual cost-of-living adjustment; to the Committee on Finance.

By Mr. CORZINE:

S. 807. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. THOMPSON, Mr. CRAIG, and Mr. BURNS):

S. 808. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 809. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and for other public uses; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself and Mrs. LINCOLN):

S. 810. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mr. CRAPO):

S. 811. A bill to amend title 36, United States Code to designate the oak tree as the national tree of the United States; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. 812. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mr. GRAHAM):

S. 813. A bill to amend title XVIII of the Social Security Act to increase payments under the medicare program to Puerto Rico hospitals; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CRAIG:

S. Res. 78. A resolution designating May 2001, as "Older Americans Month"; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CARNAHAN, Mr. CLELAND, Mrs. MURRAY, Mr. DURBIN, Mr. KERRY, and Mr. FEINGOLD):

S. Res. 79. A resolution designating May 1, 2001, as "National Child Care Worthy Wage Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 104

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as a cosponsors of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 133

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 214

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 214, a bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 217

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Vermont (Mr. JEFFORDS) were added as a cosponsors of S. 217, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 258

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

At the request of Ms. SNOWE, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Michigan (Ms. STABENOW) were added as a cosponsors of S. 258, supra.

S. 268

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 268, a bill to amend the Internal Revenue Code of 1986 to allow nonrefundable personal credits, the standard deduction, and personal exemptions in computing alternative minimum tax liability, to increase the amount of the individual exemption from such tax, and for other purposes.

S. 281

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. ALLEN) 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. 284

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 327

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DUR-

BIN) was added as a cosponsor of S. 327, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 338

At the request of Mr. REID, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. TORRICELLI) were added as a cosponsors of S. 338, a bill to protect amateur athletics and combat illegal sports gambling.

S. 403

At the request of Mr. COCHRAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 403, a bill to improve the National Writing Project.

S. 501

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 587

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 592

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 611

At the request of Ms. MIKULSKI, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Nevada (Mr. REID), and the Senator from Massachusetts (Mr. KERRY) were added as a cosponsors of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the

total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

S. 664

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 664, a bill to provide jurisdictional standards for the imposition of State and local tax obligations on interstate commerce, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 694

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 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 Alabama (Mr. SHELBY) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. BAUCUS, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as a cosponsors of S. 697, *supra*.

S. 706

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. MILLER), the Senator from California (Mrs. FEINSTEIN), and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 723

At the request of Mr. SPECTER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as a cosponsors of S. 723, a bill to amend the Public Health Service Act

to provide for human embryonic stem cell generation and research.

S. 742

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. NELSON, of Nebraska), the Senator from Illinois (Mr. FITZGERALD), the Senator from Kansas (Mr. ROBERTS), and the Senator from South Carolina (Mr. HOLLINGS) were added as a cosponsors of S. 742, a bill to provide for pension reform, and for other purposes.

S. 758

At the request of Mr. HUTCHINSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 758, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the wetlands reserve program through 2005, and for other purposes.

S. 777

At the request of Mr. ALLEN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Hampshire (Mr. GREGG) were added as a cosponsors of S. 777, a bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

S. 778

At the request of Mr. HAGEL, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Connecticut (Mr. DODD) were added as a cosponsors of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S.J. RES. 13

At the request of Mr. WARNER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 24

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 24, a resolution honoring the contributions of Catholic schools.

S. RES. 63

At the request of Mr. CAMPBELL, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Rhode Island (Mr. CHAFEE) were added as a cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 74

At the request of Mr. DAYTON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Res. 74, a resolution expressing the sense of the Senate regarding consideration of legislation

providing medicare beneficiaries with outpatient prescription drug coverage.

S. RES. 75

At the request of Mr. HUTCHINSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 75, a resolution designating the week beginning May 13, 2001, as "National Biotechnology Week."

S. CON. RES. 8

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. CON. RES. 33

At the request of Mr. GREGG, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution supporting a National Charter Schools Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. BURNS, Mr. BINGAMAN, Mr. FITZGERALD, Mr. DASCHLE, Mr. MCCAIN, Mr. CARPER, Mr. DURBIN, Mr. JOHNSON, Mr. KERRY, Mr. LEAHY, and Mr. LEVIN):

S. 803. A bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am pleased to introduce with my colleagues the "Electronic Government Act of 2001". Members of both parties understand that using new information technologies wisely can create a better

government more in touch with the needs of the public. That's why I am happy to be joined in this endeavor by such a distinguished group of original co-sponsors, namely Senators BURNS, BINGAMAN, FITZGERALD, DASCHLE, MCCAIN, CARPER, DURBIN, JOHNSON, KERRY, LEAHY, and LEVIN. Our legislation will provide the leadership, coordination, expertise, and resources necessary to utilize the Internet and create a more efficient, citizen-oriented government. Harnessing the Internet and other information technologies to deliver government programs, services, and information more effectively is critical to ensure that the Federal government remains a vital, positive presence in society.

Efforts to promote electronic government, which is still in its infancy, are advancing around the world. Federal, state, and local governments are using web-based technologies to enhance citizen access to information, provide round-the-clock services, save money on procurement and other transactions, and stimulate citizen participation. Citizens who have discovered the benefits of conducting business with government from their homes, and when it is convenient for them, are using the Internet to file their taxes, renew licenses and registrations, apply for college loans, and bid on government contracts. In some cases businesses are able to use the Internet to get advice about existing regulatory requirements and citizens to comment on proposed rules.

These examples are exciting and encouraging. However, the reality is that all but a handful of the applications now being put online by Federal agencies are developed in relative isolation. E-Government currently is a loose-knit mix of ideas, projects, and affiliations often not well coordinated, sometimes overlapping in its goals and redundant in its expenditures. Though there are some remarkable innovations championed by visionary government employees, many other efforts are hampered by traditional models of government management, and "stove-pipe" conceptions of agency jurisdiction. We are in essence taking the often confusing, overlapping and inefficient maze of government programs as they now exist and simply transferring them onto the Internet.

This is not the best way forward. We can and must take full advantage of information technologies to overcome the often arbitrary boundaries that exist between agencies, and to provide the public with seamless, secure online services. A functional approach focuses on delivering services to the citizen, organized according to the citizens' needs, and without regard to where the jurisdiction of one agency stops and another begins. The greatest challenge in many cases is realizing how the new technologies have created new opportunities, and reconfiguring government processes accordingly. Seizing these opportunities will require leadership,

coordination, and meaningful communication with agency decision-makers.

This legislation is designed to help accomplish that goal, first by establishing a Federal Chief Information Officer, or CIO, in the Office of Management and Budget. As many have pointed out, a Federal CIO is essential to provide government-wide coordination, leadership, and visibility to e-Government efforts. In fact, a recent survey revealed that 49 state governments already have Chief Information Officers to address government-wide information technology issues. The Federal CIO will have the necessary ties to relevant government agencies so that she or he is able to lead e-Government efforts, and will also work closely with state and local governments, with the private and non-profit sectors, and with the public. The Federal CIO will review agencies' information technology planning and performance, will ensure compliance with existing information statutes, and will be empowered to address other issues of concern such as online privacy and computer security.

The CIO will also direct expenditures from an E-Government Fund, which would promote the innovative, cross-agency projects that are extremely difficult to fund at present but absolutely necessary for the kind of integrated service delivery possible today. The legislation authorizes \$200 million for each of the next three years for the Fund, and contains criteria governing its use. Every year the federal government spends \$40 billion on information technology, and not always efficiently. In comparison the E-Government Fund represents a modest investment in a new kind of government venture: the virtual realignment of government services and information in pursuit of citizen-centered government.

Many of the improvements achieved by this legislation will be accessible from a centralized online government portal, which will build on the FirstGov website launched last year by the General Services Administration. The FirstGov website is an important first step, but there is much room for improvement. In those instances where agencies have cooperated to create truly integrated websites, as with Students.gov, the portal provides a demonstration of how citizens accessing the government through a single website may easily reach a wide range of information and services. But this type of site is the exception. Our E-Government bill will lead to more integrated sites, linked to the centralized portal. It will also create a directory of government web pages, so that citizens can easily find the help they need with a few clicks of the mouse rather than with cumbersome searches that often produce hundreds of thousands of results, sometimes in no discernable order.

New information technologies can be harnessed in many creative ways to better serve the public. Among other

provisions, the legislation will expand online access to judicial information, establish an online national library, and promote research into how information technologies can be used to improve our planning for and response to natural disasters. The Internet can also be used to facilitate public participation in democratic processes, as the Department of Transportation has proven; its docketing system has been placed entirely on-line, so that individuals can easily find the rulemaking that interests them, review comments, and file comments of their own from a home computer. Our bill requires other regulatory agencies to establish similar systems. Of course, the provisions in our bill only scratch the surface of what is possible. More importantly, the legislation establishes a process by which our government can transform itself.

Our citizens will not be fully comfortable engaging in transactions over the Internet unless they are confident that their personal information is kept secure and private. That's why the E-Government Act contains strong new protections requiring agencies to complete detailed assessments of privacy considerations when they procure new information systems or initiate new collections of personal information. The bill also empowers the Federal CIO to review agencies' computer security plans.

This legislation is a work in progress. The bill already reflects the input and insights of many individuals and organizations, including those who participated in the E-Government interactive web site launched by Senator THOMPSON and myself last year. I also want to acknowledge the important contribution made by Senator BINGAMAN; we have incorporated his share-in-savings legislation from the last Congress as a provision. Because this is a work in progress, we will continue to seek comments and feedback on the legislation, and I expect that this bill's provisions will change as we work to achieve a broad consensus. E-Government should not be a partisan issue; it concerns how we will respond to the opportunities of today and tomorrow to achieve a more responsive government for us all. I hope to work with the Administration, which has already expressed an interest in e-government, with Senators from both parties, and with others committed to this issue, to develop a bill that we can all support.

I ask unanimous consent that the text of the legislation and a section by section analysis be printed in the RECORD.

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

S. 803

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 "E-Government Act of 2001".

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

- Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

- Sec. 101. Federal Chief Information Officer.
Sec. 102. Office of Information Policy and Office of Information and Regulatory Affairs.
Sec. 103. Management and promotion of electronic Government services.

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

- Sec. 201. Federal agency responsibilities.
Sec. 202. Compatibility of executive agency methods for use and acceptance of electronic signatures.
Sec. 203. Online Federal telephone directory.
Sec. 204. Online National Library.
Sec. 205. Federal courts.
Sec. 206. Regulatory agencies.
Sec. 207. Integrated reporting feasibility study and pilot projects.
Sec. 208. Online access to federally funded research and development.
Sec. 209. Common protocols for geographic information systems.
Sec. 210. Share-In-Savings Program improvements.
Sec. 211. Enhancing crisis management through advanced information technology.
Sec. 212. Federal Information Technology Training Center.
Sec. 213. Community technology centers.
Sec. 214. Disparities in access to the Internet.
Sec. 215. Accessibility, usability, and preservation of Government information.
Sec. 216. Public domain directory of Federal Government websites.
Sec. 217. Standards for agency websites.
Sec. 218. Privacy protections.
Sec. 219. Accessibility to people with disabilities.
Sec. 220. Notification of obsolete or counterproductive provisions.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

- Sec. 301. Authorization of appropriations.
Sec. 302. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

- (1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.
- (2) The Federal Government has had uneven success in applying advances in information technology to enhance Governmental functions and services, achieve more efficient performance, and increase access to Government information and citizen participation in Government.
- (3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function.
- (4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of funding mechanisms to support such interagency cooperation.
- (5) To take full advantage of the improved Government performance that can be achieved through the use of Internet-based technology requires new leadership, better

organization, improved interagency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

(b) PURPOSES.—The purposes of this Act are the following:

- (1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget.
- (2) To establish measures that require using Internet-based information technology to enhance citizen access to Government information and services, improve Government efficiency and reduce Government operating costs, and increase opportunities for citizen participation in Government.
- (3) To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related function.
- (4) To promote interagency collaboration in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

SEC. 101. FEDERAL CHIEF INFORMATION OFFICER.

(a) ESTABLISHMENT.—Section 502 of title 31, United States Code, is amended—

- (1) by redesignating subsections (d), (e), and (f), as subsections (e), (f), and (g), respectively; and
- (2) by inserting after subsection (c) the following:

“(d) The Office has a Federal Chief Information Officer appointed by the President, by and with the advice and consent of the Senate. The Federal Chief Information Officer shall provide direction, coordination, and oversight of the development, application, and management of information resources by the Federal Government.”.

(b) COMPENSATION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Federal Chief Information Officer.”.

(c) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b)(2)(D) of title 31, United States Code, is amended by striking “and statistical policy” and inserting “collection review”.

(d) OFFICE OF INFORMATION POLICY.—

- (1) IN GENERAL.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:

“§ 507. Office of Information Policy

“The Office of Information Policy, established under section 3503 of title 44, is an office in the Office of Management and Budget.”.

- (2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

“507. Office of Information Policy.”.

(e) PRIVACY ACT FUNCTIONS.—

Section 552a(v) of title 5, United States Code (commonly referred to as the Privacy Act) is amended to read as follows:

“(v) OFFICE OF MANAGEMENT AND BUDGET RESPONSIBILITIES.—The Director of the Office of Management and Budget shall—

- (1) develop and, after notice and opportunity for public comment, prescribe guidelines and regulations for the use of agencies in implementing the provisions of this section;
- (2) provide continuing assistance to and oversight of the implementation of this section by agencies; and

“(3) delegate all of the functions to be performed by the Director under this section to the Federal Chief Information Officer.”.

(f) ACQUISITIONS OF INFORMATION TECHNOLOGY.—

(1) RESPONSIBILITIES AND FUNCTIONS.—Section 5111 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1411) is amended—

(A) by inserting “(a) IN GENERAL.—” before “In fulfilling”; and

(B) by adding at the end the following:

“(b) DELEGATION.—The Director shall delegate all of the responsibilities and functions to be performed by the Director under this title to the Federal Chief Information Officer.”.

(2) INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS.—Section 5301(a)(1) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1471(a)(1)) is amended by striking “Administrator for the Office of Information and Regulatory Affairs” and inserting “Federal Chief Information Officer”.

(g) FEDERAL COMPUTER SYSTEMS STANDARDS AND GUIDELINES.—

(1) PROMULGATION.—Section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) is amended—

(A) by striking “Secretary of Commerce” each place it appears and inserting “Federal Chief Information Officer” in each such place; and

(B) by striking “Secretary” each place it appears and inserting “Federal Chief Information Officer” in each such place.

(2) SUBMISSION.—Section 20(a)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)(4)) is amended by striking “Secretary of Commerce” and inserting “Federal Chief Information Officer”.

(h) INFORMATION TECHNOLOGY FUND.—Section 110(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757(a)) is amended by adding at the end the following:

“(3) The Administrator’s decisions with regard to obligations of and expenditures from the Fund shall be made after consultation with the Federal Chief Information Officer, with respect to those programs that—

“(A) promote the use of information technology to agencies; or

“(B) are intended to facilitate the efficient management, coordination, operation, or use of those information technologies.”.

(i) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—

(1) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by inserting after section 112 the following:

“SEC. 113. ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.

“The Administrator of General Services shall consult with the Federal Chief Information Officer on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 112 the following:

“Sec. 113. Electronic Government and information technologies.”.

(j) GOVERNMENT PAPERWORK ELIMINATION.—The Government Paperwork Elimination Act (44 U.S.C. 3504 note) is amended—

- (1) by redesignating sections 1709 and 1710 as sections 1710 and 1711, respectively; and
- (2) by inserting after section 1708 the following:

“SEC. 1709. DELEGATION OF FUNCTIONS TO FEDERAL CHIEF INFORMATION OFFICER.

“The Director of the Office of Management and Budget shall delegate all of the functions to be performed by the Director under this title to the Federal Chief Information Officer.”.

SEC. 102. OFFICE OF INFORMATION POLICY AND OFFICE OF INFORMATION AND REGULATORY AFFAIRS.**(a) ESTABLISHMENT.—**

(1) IN GENERAL.—Section 3503 of title 44, United States Code, is amended to read as follows:

“§ 3503. Office of Information Policy and Office of Information and Regulatory Affairs

“(a)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information Policy.

“(2) The Office shall be administered by the Federal Chief Information Officer established under section 502(d) of title 31. The Director shall delegate to the Federal Chief Information Officer the authority to administer all functions under this chapter, except those delegated to the Administrator of the Office of Information and Regulatory Affairs under subsection (b)(2). Any such delegation shall not relieve the Director of responsibility for the administration of such function.

“(b)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

“(2) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter explicitly relating to information collection review. Any such delegation shall not relieve the Director of responsibility for the administration of such functions.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3503 and inserting the following:

“3503. Office of Information Policy and Office of Information and Regulatory Affairs.”.

(b) PROMOTION OF INFORMATION TECHNOLOGY.—Section 3504(h)(5) of title 44, United States Code, is amended by inserting “direct the Federal Chief Information Officer and the Administrator of the Office of Information and Regulatory Affairs, acting jointly, to” after “(5)”.

(c) COORDINATION OF INFORMATION COLLECTION REVIEWS.—

(1) INFORMATION COLLECTION REVIEW.—Section 3502 of title 44, United States Code is amended—

(A) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(B) by inserting after paragraph (5) the following:

“(6) the term ‘information collection review’ means those functions described under section 3504(c) and related functions.”.

(2) COORDINATION.—Section 3504 of title 44, United States Code, is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

“(2) The Director shall ensure that the Office of Information Policy and the Office of Information and Regulatory Affairs coordinate their efforts in applying the principles developed and implemented under this section to information collection reviews.”.

(d) REFERENCES.—Reference in any Federal law, Executive order, rule, regulation, or del-

egation of authority, or any document of or relating to the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, shall be deemed a reference to—

(1) the Office of Information Policy or the Federal Chief Information Officer, respectively, with respect to functions described under section 3503(a) of title 44, United States Code (as amended by section 103 of this Act); and

(2) the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, with respect to functions described under section 3503(b) of such title (as amended by section 103 of this Act).

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress, the Director of the Office of Management and Budget shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall submit the recommended legislation referred to under paragraph (1).

SEC. 103. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

“CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

“Sec.

“3601. Definitions.

“3602. Federal Chief Information Officer functions.

“3603. Chief Information Officers Council.

“3604. E-Government Fund.

“§ 3601. Definitions

“In this chapter, the definitions under section 3502 shall apply, and the term—

“(1) ‘Council’ means the Chief Information Officers Council established under section 3603;

“(2) ‘Cross-Sector Forum’ means the Cross-Sector Forum on Information Resources Management established under section 3602(a)(10);

“(3) ‘Fund’ means the E-Government Fund established under section 3604;

“(4) ‘interoperability’ means the ability of different software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner; and

“(5) ‘integrated service delivery’ means the provision of Internet-based Federal Government information or services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

“§ 3602. Federal Chief Information Officer functions

“(a) Subject to the direction and approval of the Director of the Office of Management and Budget, and subject to requirements of this chapter, the Federal Chief Information Officer shall perform information resources management functions as follows:

“(1) Perform all functions of the Director, including all functions delegated by the President to the Director, relating to information resources management.

“(2) Perform the following functions with respect to information resources management:

“(A) Under section 5112 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1412), review agency budget requests related to information technology capital planning and investment.

“(B) Under section 5113 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1413), evaluate the investments referred to under subparagraph (A) with respect to performance and results.

“(C) Review legislative proposals related to information technology capital planning and investment.

“(D) Advise the Director on the resources required to develop and effectively operate and maintain Federal Government information systems.

“(E) Recommend to the Director changes relating to Governmentwide strategies and priorities for information resources management.

“(3) Provide overall leadership and direction to the executive branch on information policy by establishing information resources management policies and requirements, and by reviewing each agency’s performance in acquiring, using, and managing information resources.

“(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

“(5) Administer the distribution of funds from the E-Government Fund established under section 3604.

“(6) Consult with the Administrator of General Services regarding the use of the Information Technology Fund established under section 110 of the Federal Property and Administrative Coordinate Services Act of 1949 (40 U.S.C. 757), and coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by agencies.

“(7) Chair the Chief Information Officers Council established under section 3603.

“(8) Establish and promulgate information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) based on the recommendations of the National Institute of Standards and Technology, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, and interested parties from the private and nonprofit sectors and State, local, and tribal governments, as follows:

“(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

“(B) Standards and guidelines for categorizing and electronically labeling Federal Government electronic information, to enhance electronic search capabilities.

“(C) Standards and guidelines for Federal Government computer system efficiency and security.

“(9) Establish a regular forum for consulting and communicating with leaders in information resources management in the legislative and judicial branches to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources.

“(10) Establish a regular forum for consulting and communicating with leaders in information resources management in State, local, and tribal governments (including the National Association of State Information Resources Executives) to encourage collaboration and enhance understanding of best

practices and innovative approaches in acquiring, using, and managing information resources.

“(11) Establish a regular forum for consulting and communicating with program managers and leaders in information resources management in the regulatory executive branch agencies to encourage collaboration and enhance understanding of best practices and innovative approaches related to the acquisition, use, and management of information resources in regulatory applications.

“(12) Establish a Cross-Sector Forum on Information Resources Management, subject to the Federal Advisory Committee Act (5 U.S.C. App.), as a periodic colloquium with representatives from Federal agencies (including Federal employees who are not supervisors or management officials as such terms are defined under section 7103(a) (10) and (11), respectively) and the private, nonprofit, and academic sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources. The Cross-Sector Forum shall be used for the following:

“(A) To develop innovative models for Government information resources management and for Government information technology contracts. These models may be developed through focused Cross-Sector Forum discussions or using separately sponsored research.

“(B) To identify opportunities for performance-based shared-savings contracts as a means of increasing the quantity and quality of Government information and services available through the Internet.

“(C) To identify opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions.

“(D) To identify mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies.

“(E) To identify opportunities for public-private collaboration in addressing the disparities in access to the Internet and information technology.

“(F) To develop guidance to advise agencies and private companies on any relevant legal and ethical restrictions.

“(13) Direct the establishment, maintenance, and promotion of an integrated Internet-based system of delivering Government information and services to the public. To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

“(A) The provision of Internet-based Government information and services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

“(B) An ongoing effort to ensure that all Internet-based Government services relevant to a given citizen activity are available from a single point.

“(C) Standardized methods for navigating Internet-based Government information and services.

“(D) The consolidation of Federal Government information and services with Internet-based information and services provided by State, local, and tribal governments.

“(14) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

“(15) Assist Federal agencies, the United States Access Board, the General Services Administration, and the Attorney General in—

“(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. section 794d); and

“(B) ensuring compliance with those standards through the budget review process and other means.

“(16) Administer the Office of Information Policy established under section 3503.

“(b) The Director of the Office of Management and Budget shall consult with the Federal Chief Information Officer on each agency budget request and legislative proposal described under subsection (a)(2).

“(c) The Federal Chief Information Officer shall appoint the employees of the Office. The Director of the Office of Management and Budget shall ensure that the Office of Information Policy has adequate employees and resources to properly fulfill all functions delegated to the Office and the Federal Chief Information Officer.

“(d) There are authorized to be appropriated \$15,000,000 for the establishment, maintenance, and promotion of the integrated Internet-based system established under subsection (a)(13) for fiscal year 2002, and such sums as are necessary for fiscal years 2003 through 2006.

“§ 3603. Chief Information Officers Council

“(a) There is established in the executive branch a Chief Information Officers Council.

“(b) The members of the Council shall be as follows:

“(1) The chief information officer of each agency described under section 901(b) of title 31.

“(2) The chief information officer of the Central Intelligence Agency.

“(3) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for these departments under section 3506(a)(2)(B).

“(4) Any other officers or employees of the United States designated by the Federal Chief Information Officer.

“(c)(1) The Federal Chief Information Officer shall be the Chairman of the Council.

“(2)(A) The Deputy Chairman of the Council shall be selected by the Council from among its members.

“(B) The Deputy Chairman shall serve a 1-year term, and may serve multiple terms.

“(3) The Administrator of General Services shall provide administrative and other support for the Council, including resources provided through the Information Technology Fund established under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757).

“(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources. The Council shall perform the following functions:

“(1) Develop recommendations for the Federal Chief Information Officer on Government information resources management policies and requirements.

“(2) Assist the Federal Chief Information Officer in developing and maintaining the Governmentwide strategic information resources management plan required under section 3506.

“(3) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

“(4) Assist the Federal Chief Information Officer in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

“(5) Provide recommendations to the Federal Chief Information Officer regarding the distribution of funds from the E-Government Fund established under section 3604.

“(6) Coordinate the development and use of common performance measures for agency information resources management under section 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1423).

“(7) Work as appropriate with the National Institute of Standards and Technology to develop recommendations for the Federal Chief Information Officer on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), as follows:

“(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

“(B) Standards and guidelines for categorizing and electronically labeling Government electronic information, to enhance electronic search capabilities.

“(C) Standards and guidelines for Federal Government computer system efficiency and security.

“(8) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

“§ 3604. E-Government Fund

“(a) There is established in the Treasury of the United States an E-Government Fund, which shall be available without fiscal year limitation.

“(b) The Fund shall be used to fund interagency information technology projects, and other innovative uses of information technology. The Fund shall be operated as follows:

“(1) Any member of the Council, including the Federal Chief Information Officer, may propose a project to be funded from the Fund.

“(2) On a regular basis, an appropriate committee within the Council shall review candidate projects for funding eligibility, and make recommendations to the Federal Chief Information Officer on which projects should be funded from the Fund. The review committee shall consider the following:

“(A) The relevance of this project in supporting the missions of the affected agencies and other statutory provisions.

“(B) The usefulness of interagency collaboration on this project in supporting integrated service delivery.

“(C) The usefulness of this project in illustrating a particular use of information technology that could have broader applicability within the Government.

“(D) The extent to which privacy and information security will be provided in the implementation of the project.

“(E) The willingness of the agencies affected by this project to provide matching funds.

“(F) The availability of funds from other sources for this project.

“(3) After considering the recommendations of the Council, the Federal Chief Information Officer shall have final authority to determine which of the candidate projects shall be funded from the Fund.

“(c) The Fund may be used to fund the integrated Internet-based system under section 3602(a)(13).

“(d) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Federal Chief Information Officer has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House

of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditure will further the purposes of this chapter.

“(e) The Federal Chief Information Officer shall submit an annual report to the President and Congress on the operation of the Fund. The report shall describe—

“(1) all projects which the Federal Chief Information Officer has approved for funding from the Fund;

“(2) the results that have been achieved to date for these funded projects; and

“(3) any recommendations for changes to the amount of capital appropriated annually for the Fund, with a description of the basis for any such recommended change.

“(f) There are authorized to be appropriated to the Fund \$200,000,000 in each of the fiscal years 2002 through 2004, and such sums as may be necessary for fiscal years 2005 and 2006.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

“36. Management and Promotion of Electronic Government Services .. 3601”.
TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 201. FEDERAL AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall be responsible for—

(1) complying with the requirements of this Act (including the amendments made by this Act) and the related information resource management policies and information technology standards established by the Federal Chief Information Officer;

(2) ensuring that the policies and standards established by the Federal Chief Information Officer and the Chief Information Officers Council are communicated promptly and effectively to all relevant managers with information resource management responsibilities within their agency; and

(3) supporting the efforts of the Federal Chief Information Officer to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under chapter 36 of title 44, United States Code (as added by section 103 of this Act).

(b) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by section 103 of this Act), shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council; and

(2) monitoring the implementation, within their respective agencies, of information technology standards established by the Federal Chief Information Officer, including common standards for interconnectivity and interoperability, categorization and labeling of Federal Government electronic information, and computer system efficiency and security.

(c) E-GOVERNMENT STATUS REPORT.—

(1) IN GENERAL.—Each agency shall compile and submit to the Federal Chief Information Officer an E-Government Status Report on the current status of agency information and agency services available online.

(2) CONTENT.—Each report under this subsection shall contain—

(A) a list and brief description of the agency services available online;

(B) a list, by number and title, of the 25 most frequently requested agency forms available online, annotated to indicate which forms can be submitted to the agency electronically; and

(C) a summary of the type, volume, general topical areas, and currency of agency information available online.

(3) SUBMISSION.—Not later than March 1, of each year, each agency shall submit a report under this subsection to the Federal Chief Information Officer.

(4) CONSOLIDATION OF REPORTS.—Section 3516(a)(2) of title 31, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) Any E-Government Status Report under section 201(c) of the E-Government Act of 2001.”

SEC. 202. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105-277; 112 Stat. 2681-749 through 2681-751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant procedures and standards promulgated by the Director of the Office of Management and Budget.

(b) BRIDGE AUTHORITY FOR DIGITAL SIGNATURES.—The Administrator of the General Services Administration shall support the Director of the Office of Management and Budget by establishing the Federal bridge certification authority which shall provide a central authority to allow efficient interoperability among Executive agencies when certifying digital signatures.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, \$7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 203. ONLINE FEDERAL TELEPHONE DIRECTORY.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The Administrator of the General Services Administration, in coordination with the Chief Information Officers Council, shall develop and promulgate an online Federal telephone directory.

(2) ORGANIZATION.—Information in the online Federal telephone directory shall be organized and retrievable both by function and by agency name.

(3) TELEPHONE DIRECTORIES.—Information compiled for publication in the online Federal telephone directory shall be provided to local telephone book publishers, to encourage publication and dissemination of functionally arranged directories in local Federal blue pages.

(b) EXECUTIVE AGENCIES.—

(1) IN GENERAL.—Each Executive agency (as defined under section 105 of title 5, United States Code) shall publish an online agency directory, accessible by electronic link from the online Federal telephone directory.

(2) CONTENT.—Each agency directory—
 (A) shall include telephone numbers and electronic mail addresses for principal departments and principal employees, subject to security restrictions and agency judgment; and
 (B) shall be electronically searchable.

SEC. 204. ONLINE NATIONAL LIBRARY.

(a) IN GENERAL.—The Director of the National Science Foundation, the Secretary of the Smithsonian Institution, the Director of the National Park Service, the Director of the Institute of Museum and Library Serv-

ices, and the Librarian of Congress shall establish an Online National Library after consultation with—

(1) the private sector;
 (2) public, research, and academic libraries;
 (3) historical societies;
 (4) archival institutions; and
 (5) other cultural and academic organizations.

(b) FUNCTIONS.—The Online National Library—

(1) shall provide public access to an expanding database of educational resource materials, including historical documents, photographs, audio recordings, films, and other media as appropriate, that are significant for education and research in United States history and culture;

(2) shall be functionally integrated, so that a user may have access to the resources of the Library without regard to the boundaries of the contributing institutions; and

(3) shall include educational resource materials across a broad spectrum of United States history and culture, including the fields of mathematics, science, technology, liberal arts, fine arts, and humanities.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of developing, expanding, and maintaining this Online National Library, there are authorized to be appropriated—

(1) to the National Science Foundation \$5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter; and

(2) to the Library of Congress \$5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 205. FEDERAL COURTS.

(a) INDIVIDUAL COURT WEBSITES.—The Chief Justice of the United States and the chief judge of each circuit and district shall establish with respect to the Supreme Court or the respective court of appeal or district (including the bankruptcy court of that district) a website, that contains the following information or links to websites with the following information:

(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk's office and justices' or judges' chambers.

(2) Local rules and standing or general orders of the court.

(3) Individual rules, if in existence, of each justice or judge in that court.

(4) Access to docket information for each case.

(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

(6) Access to all documents filed with the courthouse in electronic form, described under subsection (c)(2).

(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

(b) MAINTENANCE OF DATA ONLINE.—

(1) UPDATE OF INFORMATION.—The information and rules on each website shall be updated regularly and kept reasonably current.

(2) CLOSED CASES.—Electronic files and docket information for cases closed for more than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section shall remain available online.

(c) ELECTRONIC FILINGS.—

(1) IN GENERAL.—Each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic

versions of the document shall be made available online.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

(B) LIMITATION.—

(i) IN GENERAL.—A party, witness, or other person with an interest may file a motion with the court to redact any document that would be made available online under this section.

(ii) REDACTION.—A redaction under this subparagraph shall be made only to—

(I) the electronic form of the document made available online; and

(II) the extent necessary to protect important privacy concerns.

(C) PRIVACY CONCERNS.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy concerns.

(d) DOCKETS WITH LINKS TO DOCUMENTS.—The Judicial Conference of the United States, in consultation with the Federal Chief Information Officer, shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

(e) COST OF PROVIDING ELECTRONIC DOCKETING INFORMATION.—Section 503(a) of the Judiciary Appropriations Act, 1992 (28 U.S.C. 1913 note) is amended in the first sentence by striking “shall hereafter” and inserting “may, only to the extent necessary.”

(f) TIME REQUIREMENTS.—Not later than 2 years after the effective date of this Act, the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

(g) OPT OUT.—

(1) IN GENERAL.—

(A) ELECTION.—

(i) NOTIFICATION.—The Chief Justice of the United States or a chief judge may submit a notification to the Administrative Office of the United States Courts to elect not to comply with any requirement of this section with respect to the Supreme Court, a court of appeals, or district (including the bankruptcy court of that district).

(ii) CONTENTS.—A notification submitted under this subparagraph shall state—

(I) the reasons for the noncompliance; and

(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

(B) EXCEPTION.—To the extent that the Supreme Court, a court of appeals, or district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

(2) REPORT.—Not later than 1 year after the effective date of this Act, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government Reform and the Judiciary of the House of Representatives that—

(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

(B) summarizes and evaluates all notifications.

SEC. 206. REGULATORY AGENCIES.

(a) INFORMATION PROVIDED BY AGENCIES ONLINE.—To the extent practicable, each agency (as defined under section 551 of title 5, United States Code) shall—

(1) establish a website with information about that agency; and

(2) post on the website all information—

(A) required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code; and

(B) made available for public inspection and copying under section 552(a) (2) and (5) of title 5, United States Code, after the effective date of this section.

(b) COMPLIANCE.—An agency may comply with subsection (a)(2) by providing hypertext links on a website directing users to other websites where such information may be found. To the extent that an agency provides hypertext links, the agency shall provide clear instructions to users on how to access the information sought within the external website to which the links direct users.

(c) SUBMISSIONS BY ELECTRONIC MEANS.—To the extent practicable, agencies shall accept submissions under section 553(c) of title 5, United States Code, by electronic means, including e-mail and telefacsimile.

(d) ELECTRONIC DOCKETING.—

(1) IN GENERAL.—To the extent practicable, agencies shall, in consultation with the Federal Chief Information Officer, and in connection with the forum established under section 3602(a)(10) of title 44, United States Code (as added by section 103 of this Act), establish and maintain on their websites electronic dockets for rulemakings under section 553 of title 5, United States Code.

(2) INFORMATION AVAILABLE.—Agency electronic dockets shall make publicly available online—

(A) all agency notices, publications, or statements in connection with each rulemaking; and

(B) to the extent practicable, all submissions under section 553(c) of title 5, United States Code, whether or not submitted electronically.

(e) OPT OUT.—

(1) IN GENERAL.—

(A) NOTIFICATION.—An agency may submit a notification to the Federal Chief Information Officer to elect to not comply with any requirement of subsection (d).

(B) CONTENTS.—A notification submitted under this paragraph shall state—

(i) the reasons for the noncompliance; and

(ii) the online methods, if any, or any alternative methods, the agency is using to provide greater public access to regulatory proceedings.

(2) REPORT.—Not later than October 1, of each year, the Federal Chief Information Officer shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives that—

(A) contains all notifications submitted to the Federal Chief Information Officer under this subsection; and

(B) summarizes and evaluates all notifications.

(f) TIME LIMITATION.—To the extent practicable, agencies shall implement subsections (a) and (b) not later than 2 years after the effective date of this Act, and subsection (c) not later than 4 years after that effective date.

SEC. 207. INTEGRATED REPORTING FEASIBILITY STUDY AND PILOT PROJECTS.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the interoperability of Federal information systems;

(2) assist the public, including the regulated community, in electronically submitting information to agencies under Federal requirements, by reducing the burden of duplicate collection and ensuring the accuracy of submitted information; and

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

(b) DEFINITIONS.—In this section, the term—

(1) “agency” means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) “person” means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, interstate body, or agency or component of the Federal Government.

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Federal Chief Information Officer shall conduct a study and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the feasibility of integrating Federal information systems across agencies.

(2) CONTENT.—The report under this section shall—

(A) address the feasibility of integrating data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database;

(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements; and

(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information;

(ii) provides methods for input on improving the quality and integrity of the data, including correcting errors in submission, consistent with the need to archive changes made to the data; and

(iii) allows any person to integrate public information held by the participating agencies;

(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Federal Chief Information Officer; and

(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) PILOT PROJECTS TO ENCOURAGE INTEGRATED COLLECTION AND MANAGEMENT OF DATA AND INTEROPERABILITY OF FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—In order to provide input to the study under subsection (c) the Federal Chief Information Officer shall implement a series of no more than 5 pilot projects that integrate data elements. The Federal Chief Information Officer shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation.

(2) GOALS OF PILOT PROJECTS.—

(A) IN GENERAL.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

(B) GOALS.—The goals under this paragraph are to—

(i) reduce information collection burdens by eliminating duplicative data elements within 2 or more reporting requirements;

(ii) create interoperability between or among public databases managed by 2 or more agencies using technologies and techniques that facilitate public access; and

(iii) develop, or enable the development, of software to reduce errors in electronically submitted information.

(3) INPUT.—Each pilot project shall seek input from users on the utility of the pilot project and areas for improvement.

(e) CONSULTATION IN PREPARING THE REPORT AND PILOT PROJECT.—The Federal Chief Information Officer shall coordinate with the Office of Information and Regulatory Affairs, and to the extent practicable, shall work with relevant agencies, and State, tribal, and local governments in carrying out the report and pilot projects under this section.

(f) PRIVACY PROTECTIONS.—The activities authorized in this section shall afford protections for confidential business information consistent with section 552(b)(4) of title 5, United States Code and personal privacy information under section 552a of title 5, United States Code and other relevant law.

SEC. 208. ONLINE ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.

(a) DEFINITIONS.—In this section, the term—

(1) “essential information” shall include—
(A) information identifying any person performing research and development under an agreement and the agency providing the funding;

(B) an abstract describing the research;

(C) references to published results; and

(D) other information determined appropriate by the interagency task force convened under this section; and

(2) “federally funded research and development” —

(A) shall be defined by the interagency task force, with reference to applicable Office of Management and Budget circulars and Department of Defense regulations; and

(B) shall include funds provided to—

(i) institutions other than the Federal Government; and

(ii) Federal research and development centers.

(b) INTERAGENCY TASK FORCE.—The Federal Chief Information Officer shall—

(1) convene an interagency task force to—

(A) review databases, owned by the Federal Government and other entities, that collect and maintain data on federally funded research and development to—

(i) determine areas of duplication; and

(ii) identify data that is needed but is not being collected or efficiently disseminated to the public or throughout the Government;

(B) develop recommendations for the Federal Chief Information Officer on standards for the collection and electronic dissemination of essential information about federally funded research and development that addresses public availability and agency coordination and collaboration; and

(C) make recommendations to the Federal Chief Information Officer on—

(i) which agency or agencies should develop and maintain databases and a website containing data on federally funded research and development;

(ii) whether to continue using existing databases, to use modified versions of databases, or to develop another database;

(iii) the appropriate system architecture to minimize duplication and use emerging technologies;

(iv) criteria specifying what federally funded research and development projects should be included in the databases; and

(v) standards for security of and public access to the data; and

(2) not later than 1 year of the date of enactment of this Act, after offering an oppor-

tunity for public comment, promulgate standards and regulations based on the recommendations, including a determination as to which agency or agencies should develop and maintain databases and a website containing data on federally funded research and development.

(c) MEMBERSHIPS.—The interagency task force shall consist of the Federal Chief Information Officer and representatives from—

(1) the Department of Commerce;

(2) the Department of Defense;

(3) the Department of Energy;

(4) the Department of Health and Human Services;

(5) the National Aeronautics and Space Administration;

(6) the National Archives and Records Administration;

(7) the National Science Foundation;

(8) the National Institute of Standards and Technology; and

(9) any other agency determined by the Federal Chief Information Officer.

(d) CONSULTATION.—The task force shall consult with—

(1) Federal agencies supporting research and development;

(2) members of the scientific community;

(3) scientific publishers; and

(4) interested persons in the private and nonprofit sectors.

(e) DEVELOPMENT AND MAINTENANCE OF DATABASE AND WEBSITE.—

(1) IN GENERAL.—

(A) DATABASE AND WEBSITE.—The agency or agencies determined under subsection (b)(2), with the assistance of any other agency designated by the Federal Chief Information Officer, shall develop—

(i) a database if determined to be necessary by the Federal Chief Information Officer; and

(ii) a centralized, searchable website for the electronic dissemination of information reported under this section, with respect to information made available to the public and for agency coordination and collaboration.

(B) CONFORMANCE TO STANDARDS.—The website and any necessary database shall conform to the standards promulgated by the Federal Chief Information Officer.

(2) LINKS.—Where the results of the federally funded research have been published, the website shall contain links to the servers of the publishers if possible. The website may include links to other relevant websites containing information about the research.

(3) OTHER RESEARCH.—The website may include information about published research not funded by the Federal Government, and links to the servers of the publishers.

(4) DEVELOPMENT AND OPERATION.—The Federal Chief Information Officer shall oversee the development and operation of the website. The website shall be operational not later than 2 years after the date of enactment of this Act.

(f) PROVISION OF INFORMATION.—Any agency that funds research and development meeting the criteria promulgated by the Federal Chief Information Officer shall provide the required information in the manner prescribed by the Federal Chief Information Officer. An agency may impose reporting requirements necessary for the implementation of this section on recipients of Federal funding as a condition of the funding.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the development and maintenance of the centralized website and any necessary database under this section, \$1,000,000 in fiscal year 2002, \$5,000,000 in fiscal year 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

SEC. 209. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the National Institute of Standards and Technology and other agencies, private sector experts, commercial and international standards groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information.

(b) FEDERAL CHIEF INFORMATION OFFICER.—The Federal Chief Information Officer shall—

(1) oversee the interagency initiative to develop common protocols;

(2) coordinate with State, local, and tribal governments and other interested persons on aligning geographic information; and

(3) promulgate the standards relating to the protocols.

(c) COMMON PROTOCOLS.—The common protocols shall be designed to—

(1) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible; and

(2) promote the development of interoperable geographic information systems technologies that will allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public.

SEC. 210. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.

Section 5311 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106; 110 Stat. 692; 40 U.S.C. 1491) is amended—

(1) in subsection (a)—

(A) by striking “the heads of two executive agencies to carry out” and inserting “heads of executive agencies to carry out a total of five projects under”;

(B) by striking “and” at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting “; and”; and

(D) by adding at the end the following:

“(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

“(A) to retain, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

“(i) the total amount of the savings; over

“(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

“(B) to use the retained amount to acquire additional information technology.”;

(2) in subsection (b)—

(A) by inserting “a project under” after “authorized to carry out”; and

(B) by striking “carry out one project and”; and

(3) by striking subsection (c) and inserting the following:

“(c) EVOLUTION BEYOND PILOT PROGRAM.—

(1) The Administrator may provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government if—

“(A) after reviewing the experience under the five projects carried out under the pilot program under subsection (a), the Administrator finds that the approach offers the Federal Government an opportunity to improve its use of information technology and to reduce costs; and

“(B) issues guidance for the exercise of that authority.

“(2) For the purposes of paragraph (1), a share-in-savings contracting approach provides for contracting as described in paragraph (1) of subsection (a) together with the sharing and retention of amounts saved as described in paragraphs (2) and (3) of that subsection.

“(3) In exercising the authority provided to the Administrator in paragraph (1), the Administrator shall consult with the Federal Chief Information Officer.

“(d) AVAILABILITY OF RETAINED SAVINGS.—(1) Amounts retained by the head of an executive agency under subsection (a)(3) or (c) shall, without further appropriation, remain available until expended and may be used by the executive agency for any of the following purposes:

“(A) The acquisition of information technology.

“(B) Support for share-in-savings contracting approaches throughout the agency including—

“(i) education and training programs for share-in-savings contracting;

“(ii) any administrative costs associated with the share-in-savings contract from which the savings were realized; or

“(iii) the cost of employees who specialize in share-in-savings contracts.

“(2) Amounts so retained from any appropriation of the executive agency not otherwise available for the acquisition of information technology shall be transferred to any appropriation of the executive agency that is available for such purpose.”.

SEC. 211. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

(a) IN GENERAL.—

(1) STUDY ON ENHANCEMENT OF CRISIS RESPONSE.—Not later than 90 days after the date of enactment of this Act, the Federal Emergency Management Agency shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study on using information technology to enhance crisis response and consequence management of natural and manmade disasters.

(2) CONTENT.—The study under this subsection shall address—

(A) a research and implementation strategy for effective use of information technology in crisis response and consequence management, including the more effective use of technologies, management of information technology research initiatives, and incorporation of research advances into the information and communications systems of—

(i) the Federal Emergency Management Agency; and

(ii) other Federal, State, and local agencies responsible for crisis response and consequence management; and

(B) opportunities for research and development on enhanced technologies for—

(i) improving communications with citizens at risk before and during a crisis;

(ii) enhancing the use of remote sensor data and other information sources for planning, mitigation, response, and advance warning;

(iii) building more robust and trustworthy systems for communications in crises;

(iv) facilitating coordinated actions among responders through more interoperable communications and information systems; and

(v) other areas of potential improvement as determined during the course of the study.

(3) REPORT.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the National Research Council shall submit a report on the study, including findings and recommendations to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Government Reform of the House of Representatives; and

(C) the Federal Emergency Management Agency.

(4) INTERAGENCY COOPERATION.—The Federal Emergency Management Agency and other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the National Research Council in carrying out this section.

(5) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For the purpose of facilitating the commencement of the study under this section, the Federal Emergency Management Agency and other relevant agencies shall expedite to the fullest extent possible the processing of security clearances that are necessary for the National Research Council.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, \$800,000 for fiscal year 2002.

(b) PILOT PROJECTS.—Based on the results of the research conducted under subsection (a), the Federal Chief Information Officer shall initiate pilot projects with the goal of maximizing the utility of information technology in disaster management. The Federal Chief Information Officer shall cooperate with the Federal Emergency Management Agency, other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

SEC. 212. FEDERAL INFORMATION TECHNOLOGY TRAINING CENTER.

(a) IN GENERAL.—In consultation with the Federal Chief Information Officer, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall establish and operate a Federal Information Technology Training Center (in this section referred to as the “Training Center”).

(b) FUNCTIONS.—The Training Center shall—

(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(2) design curricula, training methods, and training schedules that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

(3) recruit and train Federal employees in information technology disciplines, as necessary, at a rate that ensures that the Federal Government's information resource management needs are met.

(c) CURRICULA.—The curricula of the Training Center—

(1) shall cover a broad range of information technology disciplines corresponding to the specific needs of Federal agencies;

(2) shall be adaptable to achieve varying levels of expertise, ranging from basic non-occupational computer training to expert occupational proficiency in specific information technology disciplines, depending on the specific information resource management needs of Federal agencies;

(3) shall be developed and applied according to rigorous academic standards; and

(4) shall be designed to maximize efficiency through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing training effectiveness or negatively impacting academic standards.

(d) EMPLOYEE PARTICIPATION.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, agencies shall encourage their employees to participate in

the occupational information technology curricula of the Training Center.

(e) AGREEMENTS FOR SERVICE.—Employees who participate in full-time training at the Training Center for a period of 6 months or longer shall be subject to an agreement for service after training under section 4108 of title 5, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for developing and operating the Training Center, \$7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 213. COMMUNITY TECHNOLOGY CENTERS.

(a) STUDY AND REPORT.—Not later than 2 years after the effective date of this Act, the Secretary of Education, in consultation with the Secretary of Agriculture, the Secretary of Housing and Urban Development, the National Telecommunications and Information Administration, and the Federal Chief Information Officer, shall—

(1) conduct a study to evaluate the best practices of community technology centers that receive Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Government Reform of the House of Representatives; and

(D) the Committee on Education and the Workforce of the House of Representatives.

(b) CONTENT.—The report shall include—

(1) an evaluation of the best practices being used by successful community technology centers;

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers receiving Federal funds, including—

(A) each center's name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—

(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources.

(c) COOPERATION.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for the completion of the study and the report under this section.

(d) ASSISTANCE.—

(1) IN GENERAL.—The Federal Chief Information Officer shall work with the Department of Education, other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) TYPES OF ASSISTANCE.—Assistance under this paragraph may include—

(A) contribution of funds;

(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(e) **TRAINING CENTER.**—The Federal Information Technology Training Center established under section 212 of this Act shall make applicable information technology curricula available to members of the public through the community technology centers.

(f) **ONLINE TUTORIAL.**—

(1) **IN GENERAL.**—The Secretary of Education, in consultation with the Federal Chief Information Officer, the National Science Foundation, and other interested persons, shall develop an online tutorial that—

(A) explains how to access information and services on the Internet; and

(B) provides a guide to available online resources.

(2) **DISTRIBUTION.**—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

(g) **PROMOTION OF COMMUNITY TECHNOLOGY CENTERS.**—In consultation with other agencies and organizations, the Department of Education shall promote the availability of community technology centers to raise awareness within each community where such a center is located.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Education for the study of best practices at community technology centers, for the development and dissemination of the online tutorial, and for the promotion of community technology centers under this section \$2,000,000 in fiscal year 2002, \$2,000,000 in fiscal year 2003, and such sums as are necessary in fiscal years 2004 through 2006.

SEC. 214. DISPARITIES IN ACCESS TO THE INTERNET.

(a) **STUDY AND REPORT.**—Not later than 1 year after the effective date of this Act—

(1) the Federal Chief Information Officer shall enter into an agreement with a nonprofit, nonpartisan organization to conduct a study on disparities in Internet access across various demographic distributions; and

(2) the nonprofit, nonpartisan organization shall conduct the study and submit a report to—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(b) **CONTENT.**—The report shall include a study of—

(1) how disparities in Internet access influence the effectiveness of online Government services;

(2) how the increase in online Government services is influencing the disparities in Internet access; and

(3) any related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

(c) **RECOMMENDATIONS.**—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

(d) **POLICY CONSIDERATIONS.**—When promulgating policies and implementing programs regarding the provision of services over the Internet, the Federal Chief Information Officer and agency heads shall—

(1) consider the impact on persons without access to the Internet; and

(2) ensure that the availability of Government services has not been diminished for individuals who lack access to the Internet.

(e) **TECHNOLOGY CONSIDERATIONS.**—To the extent feasible, the Federal Chief Information Officer and agency heads shall pursue technologies that make Government services and information more accessible to individuals who do not own computers or have access to the Internet.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$950,000 in fiscal year 2002 to carry out this section.

SEC. 215. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

(a) **DEFINITIONS.**—In this section, the term—

(1) “agency” has the meaning given under section 3502(1) of title 44, United States Code;

(2) “Board” means the Advisory Board on Government Information established under subsection (b);

(3) “Government information” means information created, collected, processed, disseminated, or disposed of by or for the Federal Government;

(4) “information” means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms; and

(5) “permanent public access” means the process by which applicable Government information that has been disseminated on the Internet is preserved for current, continuous, and future public access.

(b) **ADVISORY BOARD.**—

(1) **ESTABLISHMENT.**—There is established the Advisory Board on Government Information. The Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(2) **MEMBERS.**—The Federal Chief Information Officer shall appoint the members of the Board who shall include representatives from appropriate agencies and interested persons from the public, private, and nonprofit sectors.

(3) **FUNCTIONS.**—The Board shall conduct studies and submit recommendations as provided by this section to the Federal Chief Information Officer.

(4) **TERMINATION.**—The Board shall terminate 3 years after the effective date of this Act.

(c) **CATALOGUING AND INDEXING STANDARDS.**—

(1) **AGENCY FUNCTIONS.**—

(A) **REPORTS.**—Not later than 180 days after the effective date of this Act, each agency shall submit a report to the Board on all cataloguing and indexing standards used by that agency, including taxonomies being used to classify information.

(B) **PRIORITIES AND SCHEDULES.**—Not later than 180 days after the issuance of a circular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for making the agency indexing and cataloguing standards fully interoperable with other standards in use in the Federal Government.

(2) **BOARD FUNCTIONS.**—The Board shall—

(A) not later than 1 year after the effective date of this Act—

(i) review cataloguing and indexing standards used by agencies; and

(ii) determine whether the systems using those standards are generally recognized, in the public domain, and interoperable; and

(B) not later than 18 months after the effective date of this Act—

(i) consult interested persons;

(ii) analyze and determine agency public domain standards that are not fully interoperable with other standards; and

(iii) recommend priorities and schedules for making such standards fully interoperable.

(3) **FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.**—

(A) **PROHIBITION OF PROPRIETARY SYSTEMS.**—

(i) **IN GENERAL.**—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Federal Chief Information Officer shall prohibit agencies from using any system the Federal Chief Information Officer determines to be proprietary.

(ii) **WAIVER.**—The Federal Chief Information Officer may waive the application of clause (i), if the Federal Chief Information Officer determines there is a compelling reason to continue the use of the system.

(B) **INTEROPERABILITY STANDARDS.**—Not later than 18 months after the effective date of this Act and after public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations requiring the interoperability standards of cataloguing and indexing standards used by agencies.

(d) **PERMANENT PUBLIC ACCESS STANDARDS.**—

(1) **AGENCY FUNCTIONS.**—

(A) **REPORT TO BOARD.**—Not later than 180 days after the effective date of this Act, each agency shall submit a report to the Board on any action taken by the agency to—

(i) preserve public access to information disseminated by the Federal Government on the Internet; and

(ii) set standards and develop policies to ensure permanent public access to information disseminated by the Federal Government on the Internet.

(B) **COMPLIANCE WITH REGULATIONS.**—Not later than 1 year after the issuance of the circular or the promulgation of final regulations under paragraph (3), and on October 1, of each year thereafter, each agency shall submit a report on compliance of that agency with such regulations to—

(i) the Federal Chief Information Officer;

(ii) the Committee on Governmental Affairs of the Senate; and

(iii) the Committee on Government Reform of the House of Representatives.

(2) **BOARD FUNCTIONS.**—

(A) **RECOMMENDED STANDARDS.**—Not later than 30 months after the effective date of this Act and after consultation with interested persons, the Board shall submit recommendations to the Federal Chief Information Officer on standards for permanent public access to information disseminated by the Federal Government on the Internet.

(B) **CONTENTS.**—The recommendations under subparagraph (A) shall include—

(i) a definition of the types of information to which the standards apply; and

(ii) the process by which an agency—

(I) applies that definition to information disseminated by the agency on the Internet; and

(II) implements permanent public access.

(3) **FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.**—

(A) **IN GENERAL.**—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations establishing permanent public access standards for agencies.

(B) **COMPLIANCE.**—The Federal Chief Information Officer shall—

(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

(ii) post agency reports on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(e) INVENTORIES.—

(1) AGENCY FUNCTIONS.—

(A) IN GENERAL.—

(i) INVENTORIES.—Not later than 180 days after the effective date of this Act, each agency shall inventory agency websites, including all directories and subdirectories of such websites established by the agency or contractors of the agency.

(ii) INDIVIDUAL DOCUMENTS.—Nothing in this paragraph shall preclude an agency from inventorying individual documents on a website.

(iii) ASSISTANCE.—The Federal Chief Information Officer and the General Services Administration shall assist agencies with inventories under this subsection.

(B) COMPLETION OF INVENTORY.—Each agency shall complete inventories in accordance with the circular issued or regulations promulgated under paragraph (3) and post the inventories on the Internet.

(2) BOARD FUNCTIONS.—Not later than 1 year after the effective date of this Act, the Board shall—

(A) consult with interested parties;

(B) identify for inventory purposes all classes of Government information, except classes of information—

(i) the existence of which is classified; or

(ii) is of such a sensitive nature, that disclosure would harm the public interest; and

(C) make recommendations on—

(i) the classes of information to be inventoried; and

(ii) how the information within those classes should be inventoried.

(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

(A) GUIDANCE.—After submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Chief Information Officer, shall issue a circular or promulgate proposed and final regulations to provide guidance and requirements for inventorying under this subsection.

(B) CONTENTS.—The circular or regulations under this paragraph shall include—

(i) requirements for the completion of inventories of some portion of Government information identified by the Board;

(ii) the scope of required inventories;

(iii) a schedule for completion; and

(iv) the classes of information required to be inventoried by law.

(C) LINKING OF INVENTORIES.—The Federal Chief Information Officer shall link inventories posted by agencies under this subsection to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(f) STATUTORY AND REGULATORY REVIEW.—Not later than 180 days after the effective date of this Act, the General Accounting Office shall—

(1) conduct a review of all statutory and regulatory requirements of agencies to list and describe Government information;

(2) analyze the inconsistencies, redundancies, and inadequacies of such requirements; and

(3) submit a report on the review and analysis to—

(A) the Federal Chief Information Officer;

(B) the Committee on Governmental Affairs of the Senate; and

(C) the Committee on Government Reform of the House of Representatives.

(g) CATALOGUING AND INDEXING DETERMINATIONS.—

(1) AGENCY FUNCTIONS.—

(A) PRIORITIES AND SCHEDULES.—Not later than 180 days after the issuance of a circular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for cataloguing and indexing Government information. Agency priorities and schedules shall be made available for public review and comment and shall be linked on the Internet to an agency's inventories.

(B) COMPLIANCE WITH REGULATIONS.—Not later than 1 year after the issuance of the circular or the promulgation of final regulations under paragraph (3), and on October 1, of each year thereafter, each agency shall submit a report on compliance of that agency with such circular or regulations to—

(i) the Federal Chief Information Officer;

(ii) the Committee on Governmental Affairs of the Senate; and

(iii) the Committee on Government Reform of the House of Representatives.

(2) BOARD FUNCTIONS.—The Board shall—

(A) not later than 1 year after the effective date of this Act—

(i) review the report submitted by the General Accounting Office under subsection (f); and

(ii) review the types of Government information not covered by cataloguing or indexing requirements; and

(B) not later than 18 months after receipt of agency inventories—

(i) consult interested persons;

(ii) review agency inventories; and

(iii) make recommendations on—

(I) which Government information should be catalogued and indexed; and

(II) the priorities for the cataloguing and indexing of that Government information, including priorities required by statute or regulation.

(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

(A) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations that—

(i) specify which Government information is required to be catalogued and indexed; and

(ii) establish priorities for the cataloguing and indexing of that information.

(B) COMPLIANCE.—The Federal Chief Information Officer shall—

(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

(ii) post agency reports and indexes and catalogues on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(h) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—Not later than 1 year after the completion of the agency inventory referred to under subsection (e)(1)(B), each agency shall—

(1) consult with the Board and interested persons;

(2) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

(3) develop priorities and schedules for making that Government information available and accessible;

(4) make such final determinations, priorities, and schedules available for public comment; and

(5) post such final determinations, priorities, and schedules on an agency website with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

SEC. 216. PUBLIC DOMAIN DIRECTORY OF FEDERAL GOVERNMENT WEBSITES.

(a) DEFINITIONS.—In this section, the term—

(1) “agency” has the meaning given under section 3502(1) of title 44, United States Code; and

(2) “directory” means a taxonomy of subjects linked to websites that is created with the participation of human editors.

(b) ESTABLISHMENT.—Not later than 2 years after the effective date of this Act, the Federal Chief Information Officer and each agency shall—

(1) develop and establish a public domain directory of Federal Government websites; and

(2) post the directory on the Internet with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(c) DEVELOPMENT.—With the assistance of each agency, the Federal Chief Information Officer shall—

(1) direct the development of the directory through a collaborative effort, including input from—

(A) agency librarians;

(B) Federal depository librarians; and

(C) other interested parties; and

(2) develop a public domain taxonomy of subjects used to review and categorize Federal Government websites.

(d) UPDATE.—With the assistance of each agency, the Federal Chief Information Officer shall—

(1) update the directory; and

(2) solicit interested persons for improvements to the directory.

SEC. 217. STANDARDS FOR AGENCY WEBSITES.

Not later than 1 year after the effective date of this Act, the Federal Chief Information Officer shall promulgate standards and criteria for agency websites that include—

(1) requirements that websites include direct links to—

(A) privacy statements;

(B) descriptions of the mission and statutory authority of the agency;

(C) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(D) agency regulations, rules, and rulemakings;

(E) information about the organizational structure of the agency, with an outline linked to the agency on-line staff directory; and

(F) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

(2) minimum agency goals to assist public users to navigate agency websites, including—

(A) speed of retrieval of search results;

(B) the relevance of the results; and

(C) tools to aggregate and disaggregate data.

SEC. 218. PRIVACY PROVISIONS.

(a) DEFINITIONS.—In this section, the term—

(1) “agency” has the meaning given under section 551(1) of title 5, United States Code;

(2) “information system” means a discrete set of information resources organized for

the collection, processing, maintenance, transmission, and dissemination of information, in accordance with defined procedures that—

(A) electronically collects or maintains personally identifiable information on 10 or more individuals; or

(B) makes personally identifiable information available to the public; and

(3) “personally identifiable information” means individually identifiable information about an individual, including—

(A) a first and last name;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a social security number;

(F) a credit card number;

(G) a birth date, birth certificate number, or a place of birth; and

(H) any other identifier that the Federal Chief Information Officer determines permits the identification or physical or online contacting of a specific individual.

(b) PRIVACY IMPACT ASSESSMENTS.—

(1) RESPONSIBILITIES OF AGENCIES.—

(A) IN GENERAL.—Before developing or procuring an information system, or initiating a new collection of personally identifiable information that will be collected, processed, maintained, or disseminated electronically, an agency shall—

(i) conduct a privacy impact assessment;

(ii) submit the assessment to the Federal Chief Information Officer; and

(iii) after completion of any review conducted by the Federal Chief Information Officer, where practicable—

(I) publish the assessment in the Federal Register; or

(II) disseminate the assessment electronically.

(B) SENSITIVE INFORMATION.—Subparagraph (A)(iii) may be modified or waived to protect classified, sensitive, or private information contained in an assessment.

(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.—A privacy impact assessment shall include—

(A) a description of—

(i) the information to be collected;

(ii) the purpose for the collection of the information and the reason each item of information is necessary and relevant;

(iii)(I) any notice that will be provided to persons from whom information is collected; and

(II) any choice that an individual who is the subject of the collection of information shall have to decline to provide information;

(iv) the intended uses of the information and proposed limits on other uses of the information;

(v) the intended recipients or users of the information and any limitations on access to or reuse or redisclosure of the information;

(vi) the period for which the information will be retained;

(vii) whether and by what means the individual who is the subject of the collection of information—

(I) shall have access to the information about that individual; or

(II) may exercise other rights under section 552a of title 5, United States Code; and

(viii) security measures that will protect the information;

(B) an assessment of the potential impact on privacy relating to risks and mitigation of risks; and

(C) other information and analysis required under guidance issued by the Federal Chief Information Officer.

(3) RESPONSIBILITIES OF THE FEDERAL CHIEF INFORMATION OFFICER.—The Federal Chief Information Officer shall—

(A)(i) develop policies and guidelines for agencies on the conduct of privacy impact assessments; and

(ii) oversee the implementation of the privacy impact assessment process throughout the Government;

(B) require agencies to conduct privacy impact assessments in—

(i) developing or procuring an information system; or

(ii) planning for the initiation of a new collection of personally identifiable information;

(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Federal Chief Information Officer determines appropriate;

(D) assist agencies in developing privacy impact assessment policies; and

(E) encourage officers and employees of an agency to consult with privacy officers of that agency in completing privacy impact assessments.

(c) PRIVACY PROTECTIONS ON AGENCY WEBSITES.—

(1) PRIVACY POLICIES ON WEBSITES.—

(A) GUIDELINES FOR NOTICES.—The Federal Chief Information Officer shall develop guidelines for privacy notices on agency websites.

(B) CONTENTS.—The guidelines shall require that a privacy notice include a description of—

(i) information collected about visitors to the agency’s website;

(ii) the intended uses of the information collected;

(iii) the choices that an individual may have in controlling collection or disclosure of information relating to that individual;

(iv) the means by which an individual may be able to—

(I) access personally identifiable information relating to that individual that is held by the agency; and

(II) correct any inaccuracy in that information;

(v) security procedures to protect information collected online;

(vi) the period for which information will be retained; and

(vii) the rights of an individual under statutes and regulations relating to the protection of individual privacy, including section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of that title (commonly referred to as the Freedom of Information Act).

(2) PRIVACY POLICIES IN MACHINE-READABLE FORMATS.—

(A) IN GENERAL.—The Federal Chief Information Officer shall promulgate guidelines and standards requiring agencies to translate privacy policies into a standardized machine-readable format.

(B) WAIVER OR MODIFICATION.—The Federal Chief Information Officer may waive or modify the application of subparagraph (A), if the Federal Chief Information Officer determines that—

(i) such application is impracticable; or

(ii) a more practicable alternative shall be implemented.

(C) NOTIFICATION.—Not later than 30 days after granting a waiver or modification under subparagraph (B), the Federal Chief Information Officer shall notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives of the reasons for the waiver or modification.

SEC. 219. ACCESSIBILITY TO PEOPLE WITH DISABILITIES.

All actions taken by Federal departments and agencies under this Act shall be in com-

pliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

SEC. 220. NOTIFICATION OF OBSOLETE OR COUNTERPRODUCTIVE PROVISIONS.

If the Federal Chief Information Officer makes a determination that any provision of this Act (including any amendment made by this Act) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or any other reason, the Federal Chief Information Officer shall submit notification of that determination to—

(1) the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Government Reform of the House of Representatives.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Except for those purposes for which an authorization of appropriations is specifically provided in this Act, including the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary to carry out this Act for each of fiscal years 2002 through 2006.

SEC. 302. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 120 days after the date of enactment of this Act.

E-GOVERNMENT ACT OF 2001—SECTION-BY-SECTION DESCRIPTION

TITLE I: OFFICE OF MANAGEMENT AND BUDGET E-GOVERNMENT SERVICES

Sec. 101: Federal Chief Information Officer (CIO)

Establishes a Federal CIO, reporting directly to the Director of OMB, with responsibility for the development, application, and management of information resources for the federal government. The Federal CIO is appointed by the President and confirmed by the Senate. Delegates to the Federal CIO responsibility for implementation of the Privacy Act, oversight of information technology (IT) capital planning and performance pursuant to the Clinger Cohen Act, oversight of implementation of the Government Paperwork Elimination Act, promulgation of federal computer systems standards and guidelines, consultation on expenditures from GSA’s IT fund, and government-wide statistical policy.

Sec. 102: Office of Information Policy and Office of Information and Regulatory Affairs

Establishes the new Office of Information Policy, headed by the Federal CIO. The existing Office of Information and Regulatory Affairs retains responsibility for information collection review functions. Other functions prescribed by the Paperwork Reduction Act, such as information dissemination functions, are the responsibility of the Federal CIO and the Office of Information Policy. Specifies that the offices will coordinate their efforts.

Sec. 103: Management and Promotion of Electronic Government Services

Creates a new Chapter 36 in Title 44 of the United States Code.

Section 3602 specifies some of the Federal CIO’s information resource management (IRM) functions, which include: Reviewing agency budget requests related to IT capital planning and investment; evaluating those investments with respect to performance and results; reviewing legislative proposals related to IT capital planning and investment; advising the OMB Director on the resources required to effectively operate information systems; recommending to the Director changes in government-wide strategies and priorities for IRM; establishing IRM policies

and requirements for executive branch agencies; promoting innovative uses of IT, especially initiatives involving multi-agency collaboration; administering the distribution of funds from an "E-Government Fund"; consulting with the GSA Administrator on the use of the GSA's IT fund; chairing the CIO Council; establishing and promulgating IT standards and guidelines for interconnectivity and interoperability, categorizing and labeling government electronic information to enhance search capabilities, and computer system efficiency and security; establishing several forums for communicating with IRM leaders in the regulatory executive branch agencies, legislative and judicial branches, and in state, local, and tribal governments; establishing a cross-sector forum on IRM with representatives from federal agencies and the private, nonprofit, and academic sectors to encourage collaboration; developing and promoting an integrated, standardized, Internet-based system (a portal) for providing government information and services to the public by function and from a single point; coordinating with the Office of Federal Procurement Policy in implementing electronic procurement initiatives; assisting federal entities in implementing accessibility standards, and ensuring compliance with those standards; and administering the Office of Information Policy.

This section also requires the Director of OMB to ensure that the Office of Information Policy has adequate employees and resources to fulfill its statutory functions, and it authorizes \$15 million for fiscal year 2002, and such sums as are necessary for fiscal years 2003 through 2006, for maintaining the Internet portal described in the section.

Section 3603 establishes a CIO Council, chaired by the federal CIO, and consisting of representation from CIO's of all major federal agencies. The Council will receive administrative and other support, including funding, from GSA. The Council is designated the principal interagency forum for improving agency practices related to all aspects of federal government information resources. Its responsibilities include: Developing recommendations for the Federal CIO on information resources management (IRM) policies, and assisting the CIO in developing a government-wide strategic plan; sharing experiences and best practices related to IRM; providing recommendations to the Federal CIO regarding the use of E-Government Fund; coordinating the development of common performance measures for agency IRM; working with NIST to develop recommendations on IT standards; and working with the OPM to address the hiring, training and professional development needs of the government with respect to IRM.

Section 3604 establishes an E-Government Fund within the Dept of the Treasury to fund interagency IT projects and other innovative uses of IT. It authorizes \$200,000,000 in fiscal years 2002 through 2004 for the Fund and such sums as are necessary for fiscal years 2005 through 2006. Proposed projects are reviewed by a committee of the CIO council according to specified criteria; after receiving the committee's recommendation, the Federal CIO determines which of the projects should be funded. Appropriators and authorizing committee are notified in advance of the intended uses of the funds, and the Federal CIO reports annually to the President and Congress on the operation of the fund.

TITLE II: FEDERAL MANAGEMENT AND PROMOTION OF E-GOVERNMENT SERVICES

Sec. 201: Federal Agency Responsibilities

Specifies that federal agencies are responsible for complying with the Act and policies and standards established by the Federal

CIO, and for supporting the efforts of the Federal CIO to maintain the Government's online portal. It also specifies that agency CIO's will participate in the CIO Council and monitor the implementation within their agencies of common IT standards. Each agency will submit to the Federal CIO an annual E-Government Status Report on the current status of agency information and services available online.

Sec. 202: Compatibility of Methods for Use and Acceptance of Electronic Signatures

Requires each executive agency to ensure that its methods for use and acceptance of electronic signatures are compatible with OMB procedures and standards. The GSA Administrator will support OMB by establishing the federal bridge certification authority to allow efficient interoperability among executive agencies when certifying digital signatures. GSA will be authorized \$7,000,000 for FY2002 appropriations, and such sums as may be necessary each fiscal year thereafter for development and operation of a federal bridge certification authority.

Sec. 203: Online Federal Telephone Directory

Requires GSA, in coordination with the CIO Council, to develop and issue an online federal telephone directory organized and retrievable by function and by agency. The telephone directory will be provided to local telephone book publishers to encourage publication of functionally arranged directories. Executive agencies are required to publish an online agency directory, accessible by electronic links to the federal telephone directory, including contact information for principal departments and employees.

Sec. 204: Online National Library

Requires the establishment of an online national library as a collaboration between several federal agencies, including the National Science Foundation, Smithsonian, and the Library of Congress, to provide public access to educational resource materials. The materials will be functionally integrated without regard to the boundaries of the contributing institutions. For the development, expansion and maintenance of the national library, NSF and the Library of Congress are each authorized \$5,000,000 for FY 2002, and such sums as may be necessary each fiscal year thereafter.

Sec. 205: Federal Courts

Requires each federal court to establish a website that would include public information such as location and contact information for courthouses, local rules, docket information for each case, and access to written opinions issued by the court, in a text searchable format. Documents filed electronically, and those converted to electronic form, shall also be made available. The Judicial Conference may promulgate rules to protect privacy concerns. The existing PACER electronic docketing system will no longer be required to charge fees to users. Court websites are required to be established no later than 2 years after the Act's effective date, with access to documents filed electronically no later than 4 years. Any court may elect not to comply with any requirement of this section, but Congress is notified of all such decisions and the reasons for the decisions.

Sec. 206: Regulatory Agencies

Requires that agencies post on their websites all information about the agencies' regulatory proceedings that is required to be published in the Federal Register. Agencies must accept submissions in regulatory proceedings by electronic means (including e-mail and fax). Agencies shall also establish electronic dockets for online rulemaking. Electronic dockets shall make available all

agency notices, publications, or statements related to each rulemaking, and all submissions made pursuant to the rulemaking. Agencies can opt out of the section's electronic docket requirement. Websites are required to be established no later than 2 years after the Act's effective date, with submission by electronic means no later than 4 years.

Sec. 207: Integrated Reporting Feasibility Study and Pilot Projects

Requires the Federal CIO to conduct a study on the feasibility of integrating federal information systems across agencies by addressing the feasibility of (1) integrating data elements used in the electronic collection of information, (2) developing software for assembling, documenting, and validating the accuracy of electronically submitted data, (3) developing a distributed information system, involving at least 2 agencies, that provides public access to the information holdings of an agency, and (4) incorporating other data elements related to the purposes of this section. To collect information for the study, the Federal CIO will implement no more than 5 pilot projects that integrate data elements with the goals of reducing information collection burdens by eliminating duplicative data elements, and establishing interoperability between public databases. The resulting report, which shall be submitted to Congress within three years of the date of enactment, will include recommendations that Congress or the executive branch can implement to reduce the burden on reporting and strengthening public access.

Sec. 208: Online Access to Federally Funded Research and Development

Provides for the formation of an inter-agency task force to review current databases of federally funded research and development, then develop recommendations on standards for the collection and dissemination of essential information about such data that addresses both public availability and agency coordination and collaboration. No later than 1 year after enactment of this Act, the Federal CIO will promulgate standards and regulations based on the recommendations, and determine which agencies should maintain databases and a website providing online access to the information. The respective agencies will then develop any required databases and a centralized, searchable website. The website will be operational within 2 years after the date of enactment. \$1,000,000 is authorized for FY 2002, \$5,000,000 for FY 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

Sec. 209: Common Protocols for Geographic Information Systems (GIS)

Requires the Department of the Interior, in consultation with the National Institute of Standards and Technology, private sector experts, and other interested parties, to facilitate the development of common protocols for geographic information to maximize the electronic compatibility of geographic information from various sources and promote the development of interoperable GIS technologies for low-cost use and sharing of geographic data by government entities and the public. The Federal CIO will oversee the agency initiative and promulgate the resulting standards.

Sec. 210: Share-In-Savings Program Improvements

Encourages the use of the share-in-savings contracting approach (in which the contractor is paid from the savings realized) for IT projects, and allows the agency conducting a project to retain a portion of the savings realized, and use those funds to acquire additional information technology. If

the share-in-savings pilot projects are successful, the GSA Administrator may provide general authority to executive agencies to use the contracting approach.

Sec. 211: Enhancing Crisis Management Through Advanced Information Technology

Provides for a 2-year study, conducted by the National Academy of Sciences, to develop a research and implementation strategy for effective use of IT in crisis response and consequence management of natural and manmade disasters. The study will identify opportunities for research and development on enhanced technologies for improving communications with citizens at risk, enhancing the use of remote sensor data for planning, advance warning, and response, building more trustworthy systems for communications in crises, and facilitating coordinated actions among responders. \$800,000 for FY 2002 would be authorized for the research.

Sec. 212: Federal Information Technology Training Center

Requires the establishment of an IT training center to (1) analyze the personnel needs related to IT on an ongoing basis, (2) design curricula, training methods and training schedules, and (3) recruit and train federal employees in IT disciplines at a rate that ensures that government's needs are met. The curricula will cover a broad range of IT disciplines, will be adaptable to varying levels of expertise, and will include the use of self-paced courses, online courses, on-the-job training, and remote instructors. \$7,000,000 is authorized for the Office of Personnel Management for FY 2002, and such sums as may be necessary each fiscal year thereafter for developing and operating the training center.

Sec. 213: Community Technology Centers

Provides for a study by the Department of Education to evaluate the best practices being used by Community Technology Centers (CTC's) that receive federal funds; the resulting report will include an evaluation of CTC's best practices, a strategy for establishing a network to share information and resources as CTC's evolve, an analysis of whether CTC's have been deployed effectively throughout the country, a database of all CTC's receiving federal funds, and recommendations for enhancing the development of CTC's. The Federal CIO will work with relevant agencies and the private and non-profit sectors to provide assistance to CTC's, public libraries, and other institutions that provide computer and Internet access to the public. OPM will provide IT training curricula, and the Department of Education will develop an online tutorial. The Department of Education will be authorized \$2,000,000 for FY2002, \$2,000,000 for FY2003, and such sums as are necessary in fiscal years 2004 through 2006.

Sec. 214: Disparities in Access to the Internet

Provides for a non-profit, non-partisan organization selected by the Federal CIO to conduct a study of how disparities in Internet access influence the effectiveness of online government services. The study will include recommendations on how to ensure that online government initiatives will not have the unintended result of increasing any deficiency in public access to government services. The section also provides that when promulgating policies and implementing programs that provide services over the Internet, the Federal CIO and agency heads shall ensure that the availability of government services has not been diminished for individuals who lack access to the Internet. The Federal CIO and agency heads are also directed to pursue technologies that make government services and information more ac-

cessible to individuals who do not have access to the Internet. \$950,000 is authorized in FY2002 to carry out this section.

Sec. 215: Accessibility, Usability and Preservation of Government Information

The section establishes an Advisory Board on Government Information comprised of members from federal agencies, and from the public, private and nonprofit sectors. Based on information provided by each agency, the Board will recommend standards for (1) establishing permanent public access to government information disseminated on the Internet, (2) developing inventories of government information, and (3) cataloguing and indexing government information. Based on these recommendations, and after public notice and opportunity for comment, the federal CIO will promulgate standards and issue regulations, which agencies will then implement. Specifically, this section requires that the following steps be taken:

Permanent Public Access: The Board will make recommendations on standards for permanent public access to government information disseminated on the Internet, including a definition of the types of information to which the standards apply, and the process for implementing permanent public access (due 30 months after enactment). The Federal CIO will issue regulations requiring standards for permanent public access, and agencies will implement the standards. Agencies are also required to report annually on their efforts in this area.

Inventories of Government Information: The Board will identify all classes of government information, and recommend which classes of information should be inventoried and how the inventories should be conducted. The Federal CIO will then issue regulations describing the scope and timetables for the inventories. Completed agency inventories will be posted online and linked to the federal government portal. Agencies are also required to inventory their websites, and electronically post the inventories, within 180 days of the Act's effective date.

Cataloguing and Indexing of Government Information: The Board will review cataloguing and indexing standards currently used by federal agencies, and determine whether they are in the public domain and interoperable (due 18 months after the Act's effective date). The Federal CIO will issue regulations requiring interoperable standards that are in the public domain. The Board will also review completed agency inventories and existing statutory and regulatory requirements, and recommend which government information should be catalogued and indexed, and the priorities for completing that work. The Federal CIO will then issue regulations specifying which government information shall be catalogued and indexed, and setting timetables. Indexes and catalogues completed by agencies will be posted on a centralized searchable database, which will be linked to the Federal Government portal.

Agencies will also determine, after public comment, which information to make available on the Internet, and shall develop priorities and schedules for doing so (due 1 year after the completion of agency inventories).

Sec. 216: Public Domain Directory of Federal Government Websites

Requires the development, through inter-agency collaboration, of a public domain directory of federal government websites on the Internet. The directory will be based on a taxonomy of subjects used to categorize Federal Government websites, and will be linked to the Federal Government portal.

Sec. 217: Standards for Agency Websites

Requires the federal CIO to promulgate standards and criteria for agency websites no-

later than 1 year after the Act's effective date. These standards include requiring links to (1) privacy statements, (2) descriptions of an agency's mission and statutory authority, (3) electronic reading rooms, (4) agency regulations, rules and rulemaking materials, (5) information about the organizational structure of the agency, and (6) an agency's strategic plans. The standards will also include minimum requirements to aid in navigating websites, such as speed of retrieval of search results, the relevance of the results, and tools to aggregate and disaggregate data.

Sec. 218: Privacy Provisions

Specifies that an agency will conduct a privacy impact assessment before developing or procuring an information system, or initiating a new collection of personally identifiable information that will be processed electronically. The assessment will be submitted to the federal CIO and include a description of: the information to be collected, the purpose for the collection and reason each item is necessary, any notice that will be provided to persons from whom the information is collected, and any choice that an individual who is the subject of the collected information has to decline to provide the information, the intended uses of the information and proposed limits on other uses, the intended users or recipients of the information and any limitations on reuse or redisclosure, the retention period, whether and by what means the individual who is the subject of collected information has access to that information, and security measures to protect the information.

The section also requires the Federal CIO to establish guidelines mandating the posting of privacy notices on agency websites, and lists information that must be included in privacy policies. The Federal CIO will also promulgate guidelines requiring agencies to translate privacy policies into a standardized machine readable format.

Sec. 219: Accessibility to People with Disabilities

Specifies that all actions taken by the federal government under this Act will comply with section 508 of the Rehabilitation Act of 1973.

Sec. 220: Notification of Obsolete or Counterproductive Provisions

Specifies that if the Federal CIO determines that any provisions of this Act is obsolete or counterproductive, as a result of changes in technology or any other reason, the Federal CIO will notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

TITLE III: AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

Sec 301: Authorization of Appropriations

Except for those purposes for which the Act specifically provides an authorization, authorizes to be appropriated such sums as may be necessary to carry out the Act for fiscal years 2002 through 2006.

Sec 302: Effective Date

Specifies that the Act shall take effect 120 days after the date of enactment.

Mr. MCCAIN. Mr. President, I would like to join my colleagues, Senator LIEBERMAN, Senator BURNS, Senator BINGAMAN, Senator FITZGERALD, Senator DASCHLE, Senator CARPER, Senator DURBIN, Senator JOHNSON, Senator KERRY, Senator LEAHY, and Senator LEVIN today in introducing the E-Government Act of 2001. I believe that this bill will play an important role in making the federal government more responsive to our citizens.

Currently, it can be very challenging for most Americans to find the information they need about their government. For example, if someone was looking for information on an issue pertaining to international trade, he or she would have to look at the web sites of the Department of Commerce, United States Trade Representative, International Trade Commission, possibly the Department of State or Agriculture, and a myriad of House and Senate Committees to find the information they seek. This process will undoubtedly frustrate the average American, and reinforce feelings of a remote, confusing government. Today, less than one percent of current interactions between government and citizens are online. There is clearly need for improvement.

This legislation will help create a coordinated government electronic policy. By establishing a Federal Chief Information Officer to operate within the Office of Management and Budget, the federal government will use staff and resources more effectively to promote e-government and address the nation's other pressing information policy issues. In addition, the bill establishes an Interagency Information Technology Fund to break down existing bureaucratic barriers, and set up a "one-stop shopping" portal that will make it easier for the public to access information. Finally, the bill will task the Office of Personnel Management to respond to the shortage of skilled Information Technology professionals in the federal government.

This bill is not simple, and I realize that some issues it raises must still be resolved. I believe that the Administration and relevant Congressional oversight committees must be involved in this process. I know that my colleague, the Chairman of the Government Affairs Committee, Senator THOMPSON, will examine this issue, and I would like to work with him to resolve any issues that he, or any other Member, may have with this legislation.

In conclusion, I urge my colleagues to support this legislation. It is important that we seriously examine how to use the Internet and other electronic commerce processes to make the federal government more open to public scrutiny.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. SCHUMER, Ms. COLLINS, and Mr. REED):

S. 804. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I am very pleased today to be joined by Senator OLYMPIA SNOWE to introduce

this important legislation to gradually phase-in the fuel efficiency standards for SUVs and light duty trucks by 2007.

I would also like to thank the other cosponsors: Senators CHARLES SCHUMER, SUSAN COLLINS and JACK REED.

Put simply, this is the single most effective action we can take to limit our reliance on foreign oil, save consumers at the pump, and reduce global warming.

Today, the U.S. has 4 percent of the world's population, yet we use 25 percent of the planet's energy.

So as the world's largest energy consumer, I believe it is our responsibility to make every effort to be the world's leader in conservation.

Specifically, the results of this bill would be substantial. It would: Save America one million barrels of oil a day; reduce oil imports by 10 percent; and prevent 240 million tons of carbon dioxide emissions from entering the atmosphere—this is the single biggest cause of Global Warming.

Today, the fuel economy standard for passenger vehicles is 27.5 miles per gallon, while the standard for SUVs and light duty trucks is 20.7 miles per gallon due to a loophole in the 1975 law.

The result: SUVs and light trucks now comprise nearly half of new car sales, bringing the average fuel economy of all the nation's new vehicles to its lowest point since 1980.

The Feinstein-Snowe legislation would: Phase in fuel economy standards for SUVs and all other light duty trucks on the following schedule: By 2002, SUVs and light duty vehicles must average 22.5 miles per gallon; by 2005, SUVs and light duty vehicles must average 25 miles per gallon; and by 2007, SUVs and light duty vehicles must average 27.5 miles per gallon; require that vehicles up to a weight of 10,000 pounds must qualify for fuel efficiency standards by 2007. The current limit is 8,500 pounds; increase the fuel economy of new vehicles comprising the federal government fleet by 6 miles per gallon by 2005.

Last year, former Senators Slade Gorton, Richard Bryan and I fought an uphill battle to try and find a way to increase these fuel economy standards.

But, we were stymied by the auto industry and their supporters in Congress.

Ultimately, at the end of the session, we reached an agreement that directed the National Academy of Sciences to study whether, in fact, we could raise fuel efficiency with sacrificing safety or competitiveness.

Recently, the automakers have said that they will not actively oppose increases in fuel efficiency standards.

The Big Three manufacturers have promised a voluntary increase in efficiency for SUVs by 25 percent by 2005.

This is an important step forward, but we need to do more. I believe this bill is the best way to do that.

By Mr. WELLSTONE (for himself, Mr. COCHRAN, Ms. COLLINS,

Mr. BENNETT, Mr. BREAUX, Mr. BUNNING, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. MIKULSKI, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 805. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, this is the Muscular Dystrophy Community Assistance, Research And Education Act of 2001. It really is the MD CARE Act. I thank Senators COCHRAN and COLLINS, especially, for their assistance. There are 20 colleagues who support this legislation. It is about equally divided between Democrats and Republicans, thank God, because of what this piece of legislation is about.

To look at the record of research on these debilitating and deadly diseases is to realize that despite our country's enormous resources, sometimes people are left behind. Today, despite all the advances in medical science, victims of muscular dystrophy—which afflicts tens of thousands of individuals every year in America—have no cure and no effective treatments available to them.

I became engaged with the muscular dystrophy community when I was approached by several families in my home state of Minnesota with children suffering from Duchenne's muscular dystrophy (DMD). DMD is the most prevalent form of muscular dystrophy affecting children and it is the most deadly.

Children with DMD are most often not diagnosed before the age of two or three years. Because it is sex-linked, the disease only strikes boys but in reality, it strikes the entire family.

DMD children don't begin to walk until late, and then in an unusual manner. They frequently fall and have difficulty getting up. Climbing stairs is a major ordeal.

By age 9 these children start to rely on a wheelchair and by their teen years reliance becomes total.

Most tragically, the disease is characterized by a continued rapidly progressive muscle weakness that almost always results in death by 20 years of age.

I have three children, ages 36, 31, and 28. I cannot imagine this.

Children afflicted with Duchenne Muscular Dystrophy have no ability to produce the protein dystrophin, the protein that binds the muscle cells together. It is an exceptionally cruel disease that slowly robs boys of their independence and ultimately immobilizes them, leading invariably to an early loss of life.

Sadly, the federal response to this disease has been inadequate. This year, in an NIH budget of more than \$18 billion, research into Duchenne and Becker Muscular Dystrophies totals just \$9.2 million. Only \$17 million was devoted last year to all of the muscular dystrophies combined. If you want to understand why there is nothing available to treat DMD children, you need look no further than the weak federal response to this disease. The gene that is flawed in this disease is readily identifiable, and has been so for 14 years. Astonishingly, however, the pace of research on DMD actually slowed down after the gene was discovered.

One DMD child back in Minnesota that I have become especially fond of is Jacob Gunvalsen. Jacob is an adorable 10-year-old. He loves to play with his siblings out on his parents' farm, draw pictures for his family's refrigerator and play video games. Jacob and his mother Cheri Gunvalsen have made quite an impression on several members of Congress, and Jacob's picture adorns the desks of numerous health care legislative staff throughout Washington. This is because like so many other parents facing the day-to-day experience of living with a child suffering from this debilitating disease, Cheri is focused on leaving no stone unturned in her quest to help improve her son's chance of survival. One day, Jacob drew a picture of himself, and in a cloud above his figure he wrote the words, "What I want most in the world is a cure for Duchenne Muscular Dystrophy". I say to my colleagues, that's what I want, too. Today, we are getting one step closer to making Jacob's wish come true.

David Mesick, also of Minnesota, is the Chairman of the Parent Project Muscular Dystrophy, a national voluntary health organization committed to promoting medical research efforts specific to Duchenne and Becker muscular dystrophies. Through David's leadership and the organization's efforts, the muscular dystrophy community has successfully increased Congress' awareness of this devastating disease. Today, their voices are being heard here on the floor of the Senate. I have been moved by the number of families in Minnesota and elsewhere who have been affected by this disease, and I have been moved even more by their tenacious response. We can support this community by improving federal research efforts and public programs to address the needs of individuals with muscular dystrophy.

Mr. President, passage of this legislation will improve coordination of research not only into Duchenne's, but into all the various forms of Muscular Dystrophy. It authorizes the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) to establish separate Centers of Excellence to promote basic and clinical research, epidemiology, data collection and assessment on the various forms of muscular dystrophy. These

steps are needed to ensure a long-term commitment by the federal government to the treatment and cure of muscular dystrophy.

I am neither a scientist nor a physician. But I am told that it is highly probable that sooner or later gene therapy will be able to cure diseases of this nature. For diseases like Duchenne's muscular dystrophy, involving flaws on a single, identifiable gene, the outlook is even more positive. Yet the words 'sooner' and 'later' have profound consequences in the lives of tens of thousands of Americans and their families. With the introduction of the MD CARE Act, we move a step closer to giving those families hope. I encourage my colleagues on the Senate HELP Committee to work steadfastly to move this crucial legislation through the Senate, and I urge all colleagues to support it.

I also think of Eric Anderson who is such a good friend of my son. David and Eric came to Washington. So many of the families who came, and many came with their children, were so young and their children were so young. Time is not neutral for them. There is an excellent chance we can make a real breakthrough in finding a cure. It is not too much that these families ask for and it is not too much to pass this legislation and try and push forward a commitment to the funding, a commitment to this research.

This is one of those diseases. I hate to label, so few are affected, but for these children and these families, they are not too few in number. These are their lives. These are their hopes. These are their dreams. This is their pain. This is their agony. I want to turn this into hope. I ask all of my colleagues to support this legislation.

I am very pleased this has strong bipartisan support.

By Mr. HUTCHINSON:

S. 806. A bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act with an accurate annual cost-of-living adjustment; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the text of Full Social Security Benefits Guarantee Act be printed in the RECORD.

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

S. 806

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Social Security Benefits Guarantee Act".

SEC. 2. GUARANTEE OF FULL SOCIAL SECURITY BENEFITS WITH ACCURATE ANNUAL COST-OF-LIVING ADJUSTMENT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury shall issue to each individual who, as of such date, is receiving benefits under title II of the Social Security

Act (42 U.S.C. 401 et seq.) and, thereafter, to each individual who applies for such benefits, a certificate representing a legally enforceable guarantee—

(1) of the monthly amount of benefits that the individual will receive under that title, as determined on the date of the issuance of the certificate; and

(2) that the benefits will be adjusted—

(A) not less frequently than annually on the basis of an accurate determination of the increase in the cost-of-living of the individual; and

(B) as a result in a change in the eligibility status of the individual under that title.

(b) ENTITLEMENT.—Any certificate issued under the authority of this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to the individual to whom the certificate is issued benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) in the amounts set forth in the certificate and adjusted thereafter as described in subsection (a)(2).

By Mr. CORZINE:

S. 807. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE, Mr. President, today I am introducing the Youth Financial Literacy Act to address an important issue in education: teaching students the basic principles of financial literacy.

Unfortunately, when it comes to personal finances, young Americans do not have the skills they need. Too few understand the details of managing a checking account, for example, or using a credit card. It is time to make sure that our education system teaches our children all the skills they need, including the fundamental principles involved with earning, spending, saving and investing, so that they can manage their own money and succeed in our society.

We have just finished tax season, and a recent survey by the non-profit JumpStart Coalition reveals that the average high school student knows very little about how taxes will affect her take-home pay. The study also found that, on average, only 36 percent of surveyed high school students could correctly answer basic personal finance questions, and only 33 percent of students believed that financial issues strongly impacted their daily lives.

Young people today face an exceedingly complex financial system that is laced with pitfalls. Credit card companies lure naive college students, encouraging them to spend liberally. Music companies offer extraordinary deals such as "8 CDs for one penny!" and then trap customers into purchasing unwanted music every month. Many of our children are simply unaware of the dangers of these kinds of offers.

We also must make sure that the next generation is prepared to deal with the challenges they will find in the workplace. Rather than providing specific benefits, many companies are now encouraging employees to buy

their own health insurance coverage and arrange their own retirement plans. The onus is now on the worker, who will need to understand the ins and outs of benefits programs in order to best provide for themselves and their families.

This Congress is seeking to change the rules governing bankruptcy. I agree with the proponents of that legislation about the importance of holding Americans accountable for their financial obligations, indeed, our economy depends on the willingness of people to pay their bills and act responsibly, but this legislation will mean that people who have been plunged into debt must negotiate a more complex system and face very serious consequences. It will be all the more critical that the next generation learns how to better manage their money to stay out of debt.

It is time for our schools to take on the challenge of preparing our children to succeed in every way, including their financial decisions. Young people need to learn the skills that will help them stay out of debt, maintain a good credit record, and save money for the future.

In New Jersey, I am happy to say that many have already started the ball rolling on financial literacy education. My state allows local schools the option of offering financial education in high school, and the New Jersey Coalition for Financial Education is working with the New Jersey Department of Education to develop and implement core curriculum standards. Some in the business community have decided to help out as well. In South Orange and Maplewood, the Allegiance Community Bank has partnered with the Saturn Corporation to provide financial education to local schoolchildren. We in Congress ought to recognize and support more effort like these.

I am not alone in advocating the importance of financial literacy. Federal Reserve Chairman Alan Greenspan said recently that "Improving basic financial education at the elementary and secondary school levels is essential to providing a foundation for financial literacy that can help prevent younger people from making poor financial decisions." In Wisconsin, Governor Scott McCallum has introduced a program to help high school teachers integrate financial literacy into their classrooms.

Today, I hope to elevate the discussion of this issue by introducing the Youth Financial Education Act, which would provide grants to states to help them develop and implement financial education programs in elementary and secondary schools, including helping to prepare teachers to provide financial education. It would also establish a national clearinghouse for instructional materials and information regarding model financial education programs.

We must not sit idly by while so many of our children lack financial literacy. So I ask for my colleagues to join me in support of the Youth Finan-

cial Literacy Act, to help ensure that our next generation is prepared to meet the challenges of the new economy.

By Mr. BAUCUS (for himself, Mr. THOMPSON, Mr. CRAIG, and Mr. BURNS):

S. 808. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it is with great pleasure that I join my good friend and colleague, Senator FRED THOMPSON, today in introducing legislation that will repeal the Special Occupational Tax, SOT, on taxpayers who manufacture, distribute, and sell alcoholic beverages. The special occupational tax is not a tax on alcoholic products but rather operates as a license fee on businesses. The tax is imposed on those engaged in the business of selling alcohol beverages. This is an inequitable tax that has outlived its original purpose and is a clear example of an antiquated approach to federal taxation. Believe it or not, this tax was originally implemented to help finance the Civil War.

The SOT on alcohol was dramatically increased during a budget process in 1988 and has unfairly burdened business owners across the country. From Thompson Falls to Sidney, from Chinook to Billings, small businesses are burdened with yet another tax in the form of the (SOT). According to the AFT, there are 480,427 locations nationwide that pay SOT's every year, including 458,603 retailers. These retail establishments account for \$114 million out of \$126 million in SOT revenues.

In Montana, there are 3,378 locations, including 3,172 retail businesses, which pay more than \$1 million dollars in the SOT every year. Seasonal resorts in Whitefish and Yellowstone, "mom and pop" convenience stores in Butte, and bowling alleys, flower shops, and restaurants across Montana and the United States pay the Federal government almost \$100 million per year for the privilege of running businesses that sell beer, wine, or alcoholic beverages. For example, a small business owner in Helena, Montana runs several convenience stores and a few restaurants. The SOT for each establishment is \$250. As a result, he pays \$1750 a year in SOT payments that are in the nature of business license fees. In fact, a chain of four neighborhood food stores pays the same annual tax as the nation's largest single site brewery or distillery \$1,000. This is not what Congress had in mind 150 years ago, and I don't believe it is a situation we want today.

Repeal of the SOT on alcohol is supported by a broad-based group of business organizations enjoys wide-spread bipartisan support on Capitol Hill. Similar legislation has been introduced in the House this year and bills have been considered in previous Congresses, but for one reason or another, the laws

were not enacted. The GAO has examined the efficacy of the SOT several times and found it fundamental flawed. The staff of the Joint Committee on Taxation recommended in its recently released study on tax simplification that this special occupational tax be eliminated.

It is time for us to move forward and enact legislation to repeal the SOT on alcohol. We urge our colleagues to join us in this endeavor.

By Mr. REID (for himself and Mr. ENSIGN):

S. 809. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and for other public uses; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Town of Kingston Emergency Landing Strip Conveyance Act.

The residents of Kingston in southern Lander County, NV, depend on an emergency landing strip owned by the Bureau of Land Management, BLM. Kingston is a small rural town of 780 people located on an island of private land in central Nevada, which is surrounded by public lands owned by the United States Forest Service and the BLM. Lack of private land around Kingston constrains the growth, economic diversity, and public services available to those who live in or visit Kingston. The local Fire and Rescue maintains an agreement with Medic Air of Reno to provide 24-hour emergency medical service to this landing strip. However, BLM cannot re-issue an airport lease to the Kingston Town because the strip does not meet FAA standards.

This bill will convey 144.88 acres to the Town of Kingston. Seventy acres will be conveyed at fair market value and 74.88 acres at no cost. The 70 acres to be conveyed at fair market value includes the main landing strip. The 74.88 acres to be conveyed at no cost includes the balance of the approach; and the disposal of this land for no consideration will benefit the United States because it is an isolated, segregated parcel that would be difficult to manage for public use. I hope that Congress will pass the Town of Kingston Emergency Landing Strip Conveyance Act for the benefit of rural Nevadans, federal managers, and the residents of Kingston.

I ask unanimous consent that the full 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. 809

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

SECTION 1. CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the lease by the Secretary of the Interior of certain land to the town of Kingston,

Nevada, for use as an emergency airstrip has expired;

(2) rather than renew the airport lease (which would require certification by the Federal Aviation Administration), the Secretary and the Town desire that the parcel on which the main landing strip is situated be sold to the Town for fair market value as determined by the Secretary;

(3) adjacent to that parcel is other land, most of which, if the airstrip parcel is sold to the Town, would be isolated from other land administered by the Secretary and would therefore be difficult for the Secretary to manage;

(4) it would in the best interests of the United States and the Town for the Secretary to convey to the Town both the airstrip parcel and the adjacent parcel, at the fair market value of the airstrip parcel; and

(5) the parcels have been determined to be suitable for disposal in the Shoshone-Eureka Resource Management Plan and Environmental Impact Statement.

(b) DEFINITIONS.—In this section:

(1) ADJACENT PARCEL.—The term “adjacent parcel” means the parcel of land in the State of Nevada, comprising 74.88 acres, described as Mount Diablo Meridian, T16N, R44E, section 31, lot 4, E1/2NESE, S1/2SWNESE, S1/2S1/2NWSE.

(2) AIRSTRIP PARCEL.—The term “airstrip parcel” means the parcel of land, with a landing strip running on an easterly bearing and a portion of a landing strip running on a southerly bearing, in the State of Nevada, comprising 70.00 acres, described as Mount Diablo Meridian, T16N, R44E, section 31, N1/2SESW, N1/2SWSE, N1/2SESE, SESESE.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) TOWN.—The term “Town” means the town of Kingston, Nevada.

(c) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Secretary shall convey to the Town all right, title, and interest of the United States in and to the airstrip parcel and the adjacent parcel, totaling 144.8 acres.

(2) CONDITIONS.—

(A) AIRSTRIP PARCEL.—The Secretary shall convey the airstrip parcel under paragraph (1) by direct sale, at fair market value.

(B) ADJACENT PARCEL.—The Secretary shall convey the adjacent parcel under paragraph (1) for no consideration.

(d) NO RESERVATIONS.—The patent by which the conveyance under subsection (c) is made shall contain no reservations.

By Mr. McCONNELL (for himself and Mrs. LINCOLN):

S. 810. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; and the Committee on Finance.

Mr. McCONNELL. Mr. President, I rise today to introduce legislation to remedy the shortage of food donations that plagues food banks and other organizations dedicated to ending hunger in America.

It is a sad truth that hunger continues to persist even as our economy has broken records over the past decade. If we take a look at the dynamics of the restaurant industry, new construction, long lines for tables, oversized portions of food, it is obvious that food supply is not the problem.

The problem is waste. America wastes 96 billion pounds of food each year. And in doing so, we allow 31 million people to go hungry. This is unacceptable in a society that has bountiful food resources and an infrastructure of local and national food banks willing to accept donations of surplus food. Perhaps the most awful statistic is that while many of us wait in line to purchase, or to be served, abundant amounts of food, many hungry American families will wait in line at food banks and never receive a meal. Last year we failed to meet more than 20 percent of the demand for food at area food banks. That means, in effect, one out of every five families is sent home hungry.

Why is there such a shortage of donated food? Well, our Internal Revenue Service makes it more economical to throw food away rather than give it away. While the tax code permits restaurants to deduct half of the difference between the cost of donated food and its market value, the IRS often will tell a restaurant that donated food has no market value for deduction purposes simply because the food was not sold through normal retail distribution channels. For instance, a restaurant may have its own extra-stringent “freshness” standard where they proudly sell food that has been “off the grill” for less than 10 minutes. Well, we all know that this same food, if properly maintained, will remain wholesome for much longer, and that area food banks have a desperate need for such food.

But when the IRS fails to assign an appropriate market value to donated food, the deduction is meaningless. Donating food requires a business to incur additional costs of storage, transportation, and labor. If a business cannot, at the very least, recoup these additional costs, they actually lose money by donating food instead of throwing the food away. What we have then, Mr. President, is an IRS that is effectively administering tax policy that discourages, rather than encourages, private industry from helping to feed needy families. We all learned in church that it's better to give than to receive. Unfortunately, at the IRS, the motto seems to be: it's better to throw away than to give away.

Another reason that excess food fails to reach needy families is that too many businesses are ineligible to deduct food donations because of an outdated restriction in the tax code. Many small restaurants, farms, and franchises are organized as “s” corporations, limited liability corporations, or sole proprietorships. The current law, however, limits the deduction to traditional “c” corporations. If we are serious about feeding needy families through charitable donations, then the Government needs to enlist a new army of small businesses in the fight against hunger.

To eliminate these two major barriers in the fight against hunger, the

Feeding Needy Families Act would define the market value of donated food without penalizing businesses for setting high internal standards. This codifies the decision of the United States Tax Court in *Lucky Stores, Inc. v. Commissioner*, 95 T.C. 420 (1995), where the court held that the market value of donated bread was the full retail price for purposes of calculating the deduction. The bill also expands the deduction to any entity that is kind enough to expend the effort necessary to donate surplus food, whether it be an “s” corporation, a limited liability corporation, or a sole proprietorship. Removing these legal, logistical, and financial roadblocks will go a long way to ensure that excess food flows from table to table rather than from table to trash.

I am pleased to be joined by Senator LINCOLN in introducing this important legislation. I ask unanimous consent to include in the RECORD, following the text of my statement, a copy of the bill. I also would ask unanimous consent that the RECORD include letters of support from the Salvation Army, USA Harvest, Kentucky Harvest, Northern Kentucky Harvest, the National Association of Chain Restaurants, and the National Restaurant Association.

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

S. 810

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 “Feeding Needy Families Act”.

SEC. 2. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

“(7) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

“(A) CONTRIBUTIONS BY NON-CORPORATE TAXPAYERS.—In the case of a charitable contribution of food, paragraph (3) shall be applied without regard to whether or not the contribution is made by a corporation.

“(B) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this section, in the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, cannot or will not be sold, the fair market value of such contribution shall be determined—

“(i) without regard to such internal standards, such lack of market, or such circumstances, and

“(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

May 1, 2001.

Senator MITCH MCCONNELL,
Washington, DC.

DEAR SENATOR: I am writing in support of your food donation bill. It has been my experience over the last 14 years that there is truly a need in our nation for the effort that is put forth in this bill. Tragically the average age of homelessness today is 9 years old. Your legislation will certainly go a long way in assisting the 120 USA Harvest chapters in helping feed our nation's less fortunate children.

The encouragement that this bill will provide those people and organizations in the food business to partner with USA harvest is going to make a significant difference in the quality of life for many millions of Americans.

Very truly yours,

STAN CURTIS,
Founder and Chairman USA Harvest.

KENTUCKY HARVEST,
Lexington, KY, April 26, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of our hunger relief program, we write to thank you for your plan to introduce the "Good Samaritan Tax Act" in the Senate. By clarifying the charitable deduction allowable for contributions of food and extending the deduction to all business entities willing to donate food, the Good Samaritan Tax Act will help ensure that our program will have access to additional wholesome food. This food will be used to continue our fight against hunger.

It is a shame for good food to go to waste. However, significant costs are associated with the systematic distribution of food by restaurants to those in need. Distribution and transportation systems, quality control assurances, record keeping and compliance systems must be developed and maintained to safely get food to those who are in need.

We believe that the Good Samaritan Tax Act will help the food service industry offset these costs, and therefore encourage the contribution of their excess food to organizations such as ours. This additional food will help to ensure our ability to continue to assist those in need.

Thank you for your support in the fight against hunger.

Sincerely,

ED SCHAUB,
Chairman.

NORTHERN KENTUCKY HARVEST,
Covington, KY, May 1, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing on behalf of the bill you plan to introduce named "The Feeding Needy Families Act." By clarifying the charitable deduction allowable for contributions of food and extending the deduction to all business entities willing to donate, the Feeding Needy Families Act will help ensure that our program will have access to additional wholesome food.

In fact, Northern Kentucky Harvest will benefit greatly by your new bill. In the past, many company-owned restaurants participated in our program where excess food was donated and distributed to feed the homeless and less fortunate in Northern Kentucky. However, when these restaurants were sold to local franchisees, they no longer participated due to the inability to receive "credit" for their food donation to defray costs associated with the donation. As a result, many homeless and less fortunate people went without food. This bill gives us another opportunity to reclaim "wasted" food and give

the less fortunate "hope" for another day. Your bill means a great deal to the success of eradicating hunger.

Please support this bill and allow us to make a difference in our community by trying to overcome hunger.

Sincerely,

WILLIAM E. HENDERSON III.

THE SALVATION ARMY,
Louisville, Kentucky, April 19, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of our hunger relief program, we write today to thank you for your plan to introduce the "Good Samaritan Tax Act" in the Senate. By clarifying the charitable deduction allowable for contributions of food and extending the deduction to all business entities willing to donate food, the Good Samaritan Tax Act will help ensure that our program will have access to additional wholesome food. This food will be used to continue our fight against hunger.

It is a shame for good food to go to waste. However, significant costs are associated with the systematic distribution of food by restaurants to those in need. Distribution and transportation systems, quality control assurances, record keeping and compliance systems must be developed and maintained to safely and efficiently get food to those who are in need.

We believe that the Good Samaritan Tax Act will help the food service industry offset these costs, and therefore encourage the contribution of their excess food to organizations such as ours. This additional food will help to ensure our ability to continue to assist those in need.

Thank you for your support in the fight against hunger.

Sincerely,

HOWARD SPARKS,
Director, The Salvation Army Service-unit.

NATIONAL COUNCIL OF
CHAIN RESTAURANTS,
Washington, DC, May 1, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the National Council of Chain Restaurants, we are writing to express our support for the "Feeding Needy Families Act". This bill, which you introduce today, provides tax incentives to encourage business contributions of food items.

The National Council of Chain Restaurants ("NCCR") is a national trade association representing forty of the nation's largest multi-unit, multi-state chain restaurant companies. These forty companies own and operate in excess of 50,000 restaurant facilities. Additionally, through franchise and licensing agreements, another 70,000 facilities are operated under their trademarks. In the aggregate, NCCR's member companies and their franchisees employ in excess of 2.8 million individuals.

Your legislation is necessary to clarify the charitable deduction allowance for contributions for food, helping ensure the nation's food banks and donation centers can continue the fight against hunger. As welfare reform kicks in, many people making the transition between public assistance and independence are turning to charitable food distribution programs for assistance.

Unfortunately, the IRS is exacerbating the problem with its interpretation of the charitable donation sections of the Internal Revenue Code. The code is designed to encourage charitable donations of food by allowing a deduction equal to cost plus one-half the difference between cost and fair market value. However, the IRS maintains that when food

cannot be sold through normal distribution channels (i.e., food left over when a restaurant closes for the night), its retail value is zero and the taxpayer's deduction is limited to cost only.

Distribution and transportation systems, quality control assurances, record keeping and compliance systems must be developed and maintained to safely and efficiently get food to the needy. These processes involve significant costs. The "Good Samaritan Tax Act" will help the food service industry offset these costs, and therefore encourage the contribution of food to the needy, by codifying the fair market value of donated food. It also extends the deduction to any trade or business, not just corporations.

We thank you for introducing this common-sense legislation and offer our assistance to ensure its enactment into law.

Sincerely,

TERRIE M. DORT,
President.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, April 25, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the 844,000 restaurant locations nationwide, the National Restaurant Association offers its support of the Feeding Needy Families Act, which would provide more equitable tax treatment for food that is donated to charities.

As you know, under the current tax code, businesses do not receive the same tax deduction for charitable donations of food as they do for other inventory. Food that is not sold through normal distribution channels is considered by the Internal Revenue Service to have no market value. In effect, businesses are penalized and charities suffer because it makes more economic sense for businesses to discard the food than to donate it. The Feeding Needy Families Act would correct this discrepancy in the tax code by allowing businesses to take deductions on a fair market value basis rather than just deducting the cost of raw materials.

As I am sure you can imagine, the effort and cost involved in preparing perishable items to be donated can be considerable. The food must be carefully collected, packaged, and transported in a timely manner before it can be distributed to food banks, soup kitchens, homeless shelters and other organizations that serve the hungry. Because of the additional work involved, we are concerned that it creates a disincentive for businesses to donate food. That is why the National Restaurant Association supports this legislation as a means of providing strong incentives for businesses to donate food—a much needed and valuable commodity.

We appreciate your support in moving this issue forward and we hope that you will be successful in enacting the bill without any modifications this year as restaurants are an important resource in helping the millions of Americans that do not get enough food to meet their basic needs.

Thank you for supporting the Feeding Needy Families Act and we look forward to working with you in passing this legislation.

Sincerely,

STEVEN C. ANDERSON,
President and Chief
Executive Officer.

LEE CULPEPPER,
Senior Vice President,
Government Affairs
and Public Policy.

By Mr. NELSON of Nebraska (for himself and Mr. CRAPO):

S. 811. A bill to amend title 36, United States Code to designate the

oak tree as the national tree of the United States; to the Committee on the Judiciary.

Mr. NELSON of Nebraska. Mr. President, I rise today to introduce legislation designating the oak tree as an official national emblem. This day bears especially great significance for me as a United States Senator from Nebraska, since Arbor Day was first celebrated in our great state.

The original seed of this day was planted in 1872 by J. Sterling Morton, a newspaper executive and an environmentalist ahead of his time. Mr. Morton moved from Michigan to Nebraska City, where he discovered a tree-less prairie. In effort to bring some shade to the state, he collaborated with Robert Furnas to promote the idea of a statewide holiday dedicated to tree planting.

Mr. Morton authored many articles on the benefits of trees as he garnered support for the idea of an Arbor Day. He also became active in Nebraska Territory politics, where he continued to voice his aspiration for a forested prairie. While Morton is revered as the Father of Arbor Day, it was then-Governor Furnas who made the observance official in 1874 with the first proclamation designating Arbor Day in Nebraska.

Since then, with the exception of one year, Nebraskans have celebrated Arbor Day with pride. The one million trees that were said to have been planted on the very first Arbor Day—not to mention all the ones since—have had a tremendous impact on the landscape and on the lives of Nebraskans. The influence of that first observance has continued as each year, during planting season, people from around the globe observe the Nebraska-born tradition of Arbor Day.

Considering the historical significance of Arbor Day to Nebraska, I am proud to sponsor this legislation to designate the oak tree, selected by Americans in a nationwide vote, as an official emblem of the United States. By formally designating a national tree, we honor the past and plant hope for an even greener future.

After all, an oak tree is an appropriate metaphor for the history of our country. The United States has grown from the acorn of colonialism into a strong, branching entity. Like a maturing oak, our roots are deepening, and with each passing year, our core strengthens.

J. Sterling Morton, as he expounded on the indifference of trees to their worldly surroundings, once wrote, "There is no aristocracy in trees." To his sentiment, I would add that, "Instead, there is only the humble root of democracy." The oak, the symbol of our democracy, will always serve as reminder of the vitality and strength that permeates our national—as well as natural—history.

In closing, I would like to thank Senator MIKE CRAPO for cosponsoring this legislation and for his support of this

effort. I also want to commend each of the voters who participated in the selection process, sponsored by the National Arbor Day Foundation. The involvement of these American citizens has made this legislation possible.

Mr. CRAPO. Mr. President, I rise today to join Senator BEN NELSON in introducing legislation to designate the oak tree as America's National Tree.

I am pleased to support an effort that recognizes the importance of trees in our lives and our nation's heritage. Trees provide a number of societal benefits and, as a renewable resource, can provide these benefits generation after generation when properly managed. From our nation's reliance on wood and wood products to the environmental benefits of cleaner air and water, trees are an integral part of our lives.

Trees produce oxygen, lower ambient air temperature, release moisture into the air, retain particulates, create habitat for wildlife, and store carbon-dioxide. Trees can produce wind breaks, provide shade, and stabilize soils. Trees provide a multitude of products that are used in our daily lives.

In a national effort that culminated in a nationwide vote, the public chose the oak tree as America's National Tree. I appreciate the public's involvement in this effort and recognize that the oak tree is America's most widespread hardwood. As an Idahoan, I am partial to Idaho's state tree, the White Pine, but support the people's choice. The "King of Trees" has long been valued for its shade, beauty, and lumber and is a fitting symbol of America's strength and diversity.

I look forward to working with my colleagues to support the public's choice for a national tree. I appreciate Senator NELSON's efforts to add a national tree to the list of national observances, which includes our national anthem, motto, floral emblem, and march.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 78—DESIGNATING MAY 2001, AS "OLDER AMERICANS MONTH"

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

S. RES. 78

Whereas older Americans are the foundation of our Nation;

Whereas the freedom and security our Nation now enjoys can be attributed to the service, hard work, and sacrifices of older Americans;

Whereas older Americans continue making significant contributions to our communities, workplaces, and homes by giving freely of themselves and by sharing their wisdom and experience through civic leadership and mentoring;

Whereas the older Americans of tomorrow will be more socially, ethnically, and eco-

nomically diverse than any past generation, which will impact upon our Nation's ideas of work, retirement and leisure, alter our housing and living arrangements, challenge our health care systems, and reshape our economy;

Whereas the opportunities and challenges that await our Nation require our Nation to continue to commit to the goal of ensuring that older Americans enjoy active, productive, and healthy lives, and do so independently, safely, and with dignity; and

Whereas it is appropriate for our Nation to continue the tradition of designating the month of May as a time to celebrate the contributions of older Americans and to rededicate our efforts to respect and better serve older Americans: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2001, as "Older Americans Month";

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities that promote acknowledgment, gratitude, and respect for older Americans.

Mr. CRAIG. Mr. President, I rise today to introduce a resolution honoring May as Older Americans' Month.

I am here today to celebrate May as Older Americans' Month. For 38 years May has been the official month during which we pay tribute to the contributions of our 44 million older Americans. It is during this month that we as a nation recognize older Americans for their service, hard work and sacrifice that helped assure us the freedom and security we now enjoy.

Not only should we take this time to show our appreciation and respect for America's seniors, but also to acknowledge that today's and tomorrow's seniors will continue making significant contributions to our communities through their wisdom and experience; in the workplace, in civic leadership and in our homes.

We must also recognize that 77 million baby boomers will soon be retiring and must begin to address some of the challenges this influx will bring. Social Security and Medicare modernization, including the option for prescription drugs, must be addressed before this generation retires.

As the new Chairman of the Senate Special Committee on Aging, I am looking forward to the opportunities and challenges that await us as we continue our commitment to the goal of ensuring that senior citizens enjoy active, productive and healthy lives, and do so independently, safely and with dignity. This Committee is celebrating its own anniversary this year and I am proud to say that for 40 years, it has played a role in studying problems and opportunities related to older Americans.

In addition, this year I believe we have special reason to celebrate. Last year, Congress was able to pass the reauthorization of the Older Americans' Act. As you all know, this reauthorization was 5 years in the coming. I was an original cosponsor of legislation to update and amend the Act and strongly supported the legislative goal of making the programs and services under

the Act more responsive to the needs of America's seniors.

With this reauthorization Congress was able to add an important component to the Act. The program authorized \$125 million to establish a new National Family Caregiver Support Program to provide grants to states to provide information and services to family caregivers. Because of the importance of this program, the Special Committee on Aging will be holding a hearing May 17 to examine its implementation.

In the tradition of Older Americans' Month, I am introducing a resolution in the Senate calling on the people of the United States to observe the month of May 2001 as Older Americans' Month and to encourage all Americans to promote awareness through ceremonies, programs, and other activities that promote acknowledgment, gratitude, and respect for American seniors.

I ask all of you to celebrate with me Older Americans' Month this May.

SENATE RESOLUTION 79—DESIGNATING MAY 1, 2001, AS "NATIONAL CHILD CARE WORTHY WAGE DAY"

Mr. CORZINE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CARNAHAN, Mr. CLELAND, Mrs. MURRAY, Mr. DURBIN, Mr. KERRY, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 79

Whereas approximately 13,000,000 children are in out-of-home care during part or all of the day so that their parents may work;

Whereas the average salary of early childhood educators is \$15,000 per year, and only 1/3 have health insurance and even fewer have a pension plan;

Whereas the quality of child care and other early childhood education programs is directly linked to the quality of early childhood educators, and low wages make it difficult to attract qualified individuals to the profession;

Whereas the turnover rate of early childhood educators is approximately 30 percent per year because of low wages and lack of benefits, making it difficult to retain high quality educators, and research has demonstrated that young children require caring relationships to have a consistent presence in their lives for their positive development;

Whereas the compensation of early childhood educators must be commensurate with the importance of the job of helping the young children of the United States develop their social, emotional, physical, and intellectual skills to be ready for school;

Whereas the cost of adequate compensation cannot be funded by further burdening parents with higher child care fees but requires public as well as private resources so that quality care and education is accessible for all families; and

Whereas the Center for the Child Care Workforce and other early childhood education organizations recognize May 1st as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2001, as "National Child Care Worthy Wage Day"; and

(2) requests that the President issue a proclamation calling on the people of the

United States to observe "National Child Care Worthy Wage Day" by honoring early childhood educators and programs in their communities and by working together to resolve the early childhood educator compensation crisis.

Mr. CORZINE. Mr. President, I rise today to introduce a resolution supporting National Child Care Worthy Wage Day, which I hope will be giving attention to early childhood education and the importance of attracting and retaining qualified childcare workers.

Every day, approximately 13 million children are cared for outside the home so that their parents can work. This figure includes 6 million of our nation's infants and toddlers. Children begin to learn at birth, and the quality of care they receive will affect them for the rest of their lives. Early childcare affects language development, math skills, social behavior, and general readiness for school. Experienced childcare workers can identify children who have development or emotional problems and provide the care they need to take on life's challenges. Through the creative use of play, structured activities and individual attention, childcare workers help young children learn about the world around them and how to interact with others. They also teach the skills children will need to be ready to read and to learn when they go to school.

Unfortunately, despite the importance of their work, the committed individuals who nurture and teach our nation's young children are undervalued. The average salary of a childcare worker is about \$15,000 annually. In 1998, the middle 50 percent of child care workers and pre-school teachers earned between \$5.82 and \$8.13 an hour, according to the Department of labor. The lowest 10 percent of childcare workers were paid an hourly rate of \$5.49 or less. Only one third of our nation's childcare workers have health insurance and even fewer have pension plans. This grossly inadequate level of wages and benefits for childcare staff has led to difficulties in attracting and retaining high quality caretakers and educators. As a result, the turnover rate for childcare providers is 30 percent a year. This high turnover rate interrupts consistent and stable relationships that children need to have with their caregivers.

If we want our children cared for by qualified providers with higher degrees and more training, we will have to make sure they are adequately compensated. Otherwise, we will continue to lose early childhood educators with BA degrees to kindergarten and first grade, losing some of our best teachers of young children from the early years of learning.

In order to bring attention to childcare workers, I am sponsoring a resolution that would designate May 1st as National Child Care Worthy Wage Day. On May 1st each year, childcare providers and other early childhood professionals nationwide

conduct public awareness and education efforts highlighting the importance of good early childhood education.

I encourage my colleagues to join me in recognizing the importance of the work and professionalism that childcare workers provide and the need to increase their compensation accordingly. The nation's childcare workforce, the families who depend on them, and the children they care for, deserve our support.

AMENDMENTS SUBMITTED AND PROPOSED

SA 355. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

SA 356. Mr. CORZINE (for himself, Mr. ENZI, and Mr. AKAKA) submitted an amendment intended to be proposed by him by the bill S. 1 supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 355. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Act of 1965; which was ordered to lie on the table; as follows:

On page 521, between lines 18 and 19, insert the following:

SEC. 405. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) is amended by adding at the end the following:

"Chapter 3—Improving Early Intervention, Educational, and Transitional Services and Results for Children with Disabilities Through the Provision of Certain Services

"SEC. 691. FINDINGS.

"Congress makes the following findings:

"(1) Approximately 1,000,000 children and youth in the United States have low-incidence disabilities which affects the hearing, vision, movement, emotional, and intellectual capabilities of such children and youth.

"(2) There are 15 States that do not offer or maintain teacher training programs for any of the 3 categories of low-incidence disabilities. The 3 categories are deafness, blindness, and severe disabilities.

"(3) There are 38 States in which teacher training programs are not offered or maintained for 1 or more of the 3 categories of low-incidence disabilities.

"(4) The University of Northern Colorado is in a unique position to provide expertise, materials, and equipment to other schools and educators across the nation to train current and future teachers to educate individuals that are challenged by low-incidence disabilities.

"SEC. 692. NATIONAL CENTER FOR LOW-INCIDENCE DISABILITIES.

"In order to fill the national need for teachers trained to educate children who are challenged with low-incidence disabilities, the University of Northern Colorado shall be designated as a National Center for Low-Incidence Disabilities.

"SEC. 693. SPECIAL EDUCATION TEACHER TRAINING PROGRAMS.

"(a) GRANT.—The Secretary shall award a grant to the University of Northern Colorado

to enable such University to provide to institutions of higher education across the nation such services that are offered under the special education teacher training program carried out by such University, such as providing educational materials or other information necessary in order to aid in such teacher training.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$2,000,000 for fiscal year 2002, and \$1,000,000 for each of the fiscal years 2003 through 2005.”

SA 356. Mr. CORZINE (for himself, Mr. ENZI, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 619, line 6, strike “and”.

On page 619, line 7, strike the period and insert “; and”.

On page 619, between lines 7 and 8, insert the following:

“(O) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved in earning, spending, saving, and investing).”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 1, 2001, at 10:00 a.m., in open session to receive testimony on the report of the Panel to Review the V-22 Program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 1, 2001, at 9:30 am on climate change.

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

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet Tuesday, May 1, 2001, immediately following the first vote on the Senate Floor, in S-301 of the Capitol, to consider reporting the following nominations:

Mr. David Aufhauser, to be General Counsel, Department of the Treasury;

Mr. Kenneth W. Dam, to be Deputy Secretary, Department of the Treasury;

Faryar Shirzad, to be Assistant Secretary of Commerce, Department of Commerce;

Michele A. Davis, to be Assistant Secretary of the Treasury, Department of the Treasury;

Grant D. Aldonas, to be Secretary of Commerce for International Trade, Department of Commerce;

John B. Taylor, to be Under Secretary, Department of the Treasury; and

Scott Whitaker, to be Assistant Secretary of Health and Human Services, Department of Health and Human Services.

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

COMMITTEE ON SMALL BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled “SBA’s Funding Priorities for FY 2002” on Tuesday, May 1, 2001, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

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

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs and the Subcommittee on East Asian and Pacific be authorized to meet during the session of the Senate on Tuesday, May 1, 2001, at 10:15 am and 2:00 pm to hold hearings. The agendas for these meetings follow:

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS—AGENDA

WHERE ARE U.S. CHINA RELATIONS HEADED?

(Tuesday, May 1, 2001, 2:00 pm SD-419)

Witnesses:

Panel 1. Administration witness to be announced Department of State, Washington, DC.

Panel 2. Ambassador James Lilley, Resident Fellow, American Enterprise Institute, Washington, DC.

Mr. Douglas H. Paal, President, Asia Pacific Policy Center, Washington, DC.

Mr. Michael E. O’Hanlon, Senior Fellow, Brookings Institute, Washington, DC.

Mr. David Shambaugh, Director, Department of Asian Studies, George Washington University, Washington, DC.

SUBCOMMITTEE ON EUROPEAN AFFAIRS—AGENDA

RELIGIOUS FREEDOM IN EUROPE

(Tuesday, May 1, 2001, 10:15 am, SD-419)

Witnesses:

Panel I. Mr. Michael E. Parmly, Acting Assistant Secretary of State for Democracy, Human Rights, and Labor.

Panel II. Ms. Elizabeth A. Clark, Associate Director, BYU International Center for Law and Religion Studies, Provo, UT.

Representing: Dr. W. Cole Durham, Jr., Gates University Professor of Law, Director, BYU International Center for Law and Religion Studies, Provo, Utah.

Rabbi Andrew Baker, Director of International Jewish Affairs, The American Jewish Committee, Washington, DC.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and

Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 1, 2001, at 2:30 p.m., in open session to receive testimony on the U.S. military’s capabilities to respond to domestic terrorist attacks involving the use of weapons of mass destruction.

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

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent that Kimberly Walker and Phoebe Trepp of my staff be granted floor privileges for the duration of the time that I control on this motion.

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

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Michael Yudin, be granted floor privileges throughout the pendency of the debate on S. 1, the Better Education for Students and Teachers Act.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101-595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, reappoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from South Carolina (Mr. HOLLINGS) (from the Committee on Commerce, Science and Transportation), and the Senator from Washington (Mrs. MURRAY) (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), reappoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from South Carolina (Mr. HOLLINGS) (from the Committee on Appropriations), and the Senator from Georgia (Mr. CLELAND) (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Rhode Island (Mr. REED) (At Large), and the Senator from Louisiana (Mrs. LANDRIEU) (from the Committee on Appropriations).

The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101-595, and on the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from North Carolina (Mr. EDWARDS) (from the Committee on Commerce, Science, and Transportation; and the Senator from Louisiana (Mr. BREAU) (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), reappoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Maryland (Mr. SARBANES) (At Large), and the Senator from Maryland (Ms. MIKULSKI) (from the Committee on Appropriations).

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of following nominations:

Reported by the Finance Committee, No. 62, Mr. Faryar Shirzad; and No. 63, Scott Whitaker, reported by the Armed Services Committee, which I am privileged to chair.

Our committee met today in the course of a very thorough and very lengthy hearing on the issues regarding the B-22. I commend my committee and the Members who were in attendance, and indeed the witnesses who came before that committee.

I think we performed some very valuable oversight. We will do much more.

Within the course of that committee meeting, a quorum being present, we reported out favorably No. 45, Mr. Dov Zakheim to be Comptroller, and No. 48, Mr. Powell Moore to be Assistant Secretary of Defense for purposes of legislative affairs. I have known these gentleman for so many years. They are to be viewed as citizens who once again sign up to go into public office after extensive previous public office to serve our Nation. I commend them and their families. And, Nos. 51 through 57, 64, 65, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF DEFENSE

Dov S. Zakheim, of Maryland, to be Under Secretary of Defense (Comptroller).

Powell A. Moore, of Georgia, to be an Assistant Secretary of Defense.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald A. Lamontagne, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lance W. Lord, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Brian A. Arnold, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Timothy A. Kinnan, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard V. Reynolds, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William J. Begert, 0000

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

Rear Adm. Malcolm I. Fages, 0000

DEPARTMENT OF COMMERCE

Faryar Shirzad, of Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Scott Whitaker, of Virginia, to be an Assistant Secretary of Health and Human Services.

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

Rear Adm. Keith W. Lippert, 0000

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Garry L. Parks, 0000

AIR FORCE

PN207. Air Force nominations (55) beginning Gregory O. Allen, and ending Wayne Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN224. Air Force nominations (4) beginning Steven D. Carey, and ending Richard R. Lemieux, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

ARMY

PN225. Army nomination of Joe L. Smothers, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN160. Army nominations (482) beginning Donald M. Adkins, and ending X0268, which

nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

PN208. Army nominations (3) beginning James R. Gusie, and ending Dennis J. Sandbothe, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN209. Army nominations (2) beginning Michael Child, and ending Leland Gallup, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN226. Army nominations (9) beginning Louis A. Abbenante, and ending James M. Williams, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN244. Army nominations (121) beginning Margretta M. Diemer, and ending Mary A. Witt, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2001.

MARINE CORPS

PN228. Marine Corps nominations (33) beginning Charles E. Brown, and ending Daniel R. Westphal, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN227. Marine Corps nominations (15) beginning Dennis G. Adams, and ending Lawrence R. Woolley, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN210. Marine Corps nominations (5) beginning Walter T. Ellingson, and ending Michael J. Kantaris, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

NAVY

PN229. Navy nomination of David C. Barton, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN230. Navy nomination of James W. Hudson, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN231. Navy nomination of Sheila C. Hecht, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN232. Navy nomination of Paul R. Faneuf, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN233. Navy nominations (2) beginning Daniel L. Bower, and ending Tedman V. Vance, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR WEDNESDAY, MAY 2, 2001

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 2, 2001. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume the motion to proceed to S. 1 postcloture.

TIME CONSUMED UNDER RULE XXII

I further ask unanimous consent that the time of adjournment be considered as having been consumed from the time allotted under the provisions of rule XXII.

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

PROGRAM

Mr. WARNER. Mr. President, I announce to the Senate that on Wednesday it is expected the Senate will begin the amendment process with respect to the education bill. Therefore, votes may be expected to occur during the day and into the evening on the Elementary and Secondary Education Act. Senators interested in offering amendments should contact the managers on both sides of the aisle.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Wednesday, May 2, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 1, 2001:

FEDERAL COMMUNICATIONS COMMISSION

KATHLEEN Q. ABERNATHY, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999, VICE SUSAN NESS, TERM EXPIRED.

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2000, VICE HAROLD W. FURCHTGOFF-ROTH.

DEPARTMENT OF DEFENSE

THOMAS E. WHITE, OF TEXAS, TO BE SECRETARY OF THE ARMY, VICE LOUIS CALDERA.

SMALL BUSINESS ADMINISTRATION

HECTOR V. BARRETO, JR., OF CALIFORNIA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE AIDA ALVAREZ, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 2001:

DEPARTMENT OF DEFENSE

DOV S. ZAKHEIM, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER).

POWELL A. MOORE, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF COMMERCE

FARYAR SHIRZAD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SCOTT WHITAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD A. LAMONTAGNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANCE W. LORD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRIAN A. ARNOLD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TIMOTHY A. KINNAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD V. REYNOLDS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM J. BEGERT, 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

REAR ADM. MALCOLM I. PAGES, 0000

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

REAR ADM. KEITH W. LIPPERT, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARRY L. PARKS, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING GREGORY O ALLEN, AND ENDING WAYNE WISNIEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

AIR FORCE NOMINATIONS BEGINNING STEVEN D. CAREY, AND ENDING RICHARD R. LEMIEUX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

IN THE ARMY

ARMY NOMINATIONS BEGINNING DONALD M ADKINS, AND ENDING X0268, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JAMES R. GUSIE, AND ENDING DENNIS J. SANDBOTHE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

ARMY NOMINATIONS BEGINNING MICHAEL CHILD, AND ENDING LELAND GALLUP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER 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

JOE L. SMOTHERS, 0000

ARMY NOMINATIONS BEGINNING LOUIS A. ABBENANTE, AND ENDING JAMES M. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

ARMY NOMINATIONS BEGINNING MARGRETTA M DIEMER, AND ENDING MARY A WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2001.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WALTER T. ELLINGSON, AND ENDING MICHAEL J. KANTARIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

MARINE CORPS NOMINATIONS BEGINNING DENNIS G ADAMS, AND ENDING LAWRENCE R WOOLLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

MARINE CORPS NOMINATIONS BEGINNING CHARLES E BROWN, AND ENDING DANIEL R WESTPHAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MANUEL E.R. ALSINA, AND ENDING VINCENT S SHEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID C. BARTON, 0000

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JAMES W. HUDSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SHEILA C. HECHT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PAUL R. FANEUF, 0000

NAVY NOMINATIONS BEGINNING DANIEL L. BOWER, AND ENDING TEDMAN L. VANCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

NAVY NOMINATIONS BEGINNING KYLE P. DURAND, AND ENDING JEFFREY J. TRUITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

NAVY NOMINATIONS BEGINNING EDUARDO C CUISON, AND ENDING ROBERT K MCGAHA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on May 01, 2001, withdrawing from further Senate consideration the following nominations:

KATHLEEN Q. ABERNATHY, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2000, WHICH WAS SENT TO THE SENATE ON APRIL 30, 2001.

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999, WHICH WAS SENT TO THE SENATE ON APRIL 30, 2001.