

“(D) CREDIT PROGRAM.—

“(i) IN GENERAL.—The regulations promulgated under this subsection shall provide for the generation of an appropriate amount of credits by a person that refines, blends, or imports motor vehicle fuel that contains, on a semiannual average basis, a quantity of fuel derived from a renewable source that is greater than the quantity required under subparagraph (B).

“(ii) USE OF CREDITS.—The regulations shall provide that a person that generates the credits may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with subparagraph (B).

“(iii) REGULATIONS TO PREVENT EXCESSIVE GEOGRAPHICAL CONCENTRATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may promulgate regulations governing the generation and trading of credits described in clause (i) in order to prevent excessive geographical concentration in the use of fuel derived from a renewable source that would tend unduly—

“(I) to affect the price, supply, or distribution of such fuel;

“(II) to impede the development of the renewable fuels industry; or

“(III) to otherwise interfere with the purposes of this subsection.

“(2) WAIVERS.—

“(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (1)(B) with respect to an area in whole or in part on petition by a State—

“(i) based on a determination by the Administrator, after public notice and opportunity for comment, that—

“(I) implementation of the requirements would severely harm the economy or environment of the area; or

“(II) there is an inadequate domestic supply or distribution capacity with respect to fuel from renewable sources in the area to meet the requirements of paragraph (1)(B); and

“(ii) only after a determination by the Administrator that use of the credit program described in paragraph (1)(D) would not adequately alleviate the circumstances on which the petition is based.

“(B) APPROVAL.—The Administrator shall approve a waiver under subparagraph (A) only to the extent necessary to—

“(i) avoid severe economic or environmental harm; or

“(ii) equalize demand with supply or distribution capacity.

“(C) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—

“(i) shall approve or deny a State petition for a waiver of the requirements of paragraph (1)(B) within 180 days after the date on which the petition is received; but

“(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

“(D) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate on the earlier of—

“(i) the date on which the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, determines that the reason for the waiver no longer exists; or

“(ii) the date that is 1 year after the date on which the waiver is granted.

“(3) REPORTS TO CONGRESS.—Not less often than every 3 years, the Administrator shall—

“(A) in consultation with the Secretary of Agriculture, submit to Congress a report that describes—

“(i) the impact of implementation of this subsection on—

“(I) the demand for farm commodities, biomass, and other materials used for producing fuel derived from a renewable source; and

“(II) the adequacy of food and feed supplies; and

“(ii) the effect of implementation of this subsection on farm income, employment, and economic growth, particularly in rural areas; and

“(B) in consultation with the Secretary of Energy, submit to Congress a report that—

“(i) describes greenhouse gas emission reductions that result from implementation of this subsection; and

“(ii) assesses the effect of implementation of this subsection on United States energy security and reliance on imported petroleum.”

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking “or (n)” each place it appears and inserting “(n), or (o)”; and

(B) in the second sentence, by striking “or (m)” and inserting “(m), or (o)”; and

(2) in the first sentence of paragraph (2), by striking “and (n)” each place it appears and inserting “(n), and (o).”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 89—EXPRESSING THE SENSE OF THE SENATE WELCOMING TAIWAN'S PRESIDENT CHEN SHUI-BIAN TO THE UNITED STATES

Mr. TORRICELLI (for himself, Mr. HELMS, and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 89

Whereas for more than 50 years a close relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic advantage to both countries;

Whereas the United States and Taiwan share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas Taiwan has demonstrated an improved record on human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, and free and fair elections routinely held in a multiparty system, as evidenced by the election on March 18, 2000, of Mr. Chen Shui-bian as Taiwan's new president; and

Whereas the upcoming May 21 visit to the United States of Taiwan's President Chen Shui-bian is another significant step in the broadening of relations between the United States and Taiwan; Now, therefore, be it

Resolved, That the Senate—

(1) warmly welcomes Taiwan's President Chen Shui-bian upon his visit to the United States;

(2) requests president Chen Shui-bian to communicate to the people of Taiwan the support of the United States Congress and of the American people; and

(3) recognizes that the visit of Taiwan's President Chen Shui-bian to the United States is a significant step towards broadening and deepening the friendship and cooperation between the United States and Taiwan.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 15, 2001, to conduct a hearing on the nomination of Mr. Alphonso R. Jackson, of Texas, to be Deputy Secretary of Housing and Urban Development; Mr. Richard A. Hauser, of Maryland, to be General Counsel of the Department of Housing and Urban Development; Mr. John Charles Weicher, of the District of Columbia, to be Assistant Secretary of Housing and Urban Development and serve as the Federal Housing Commissioner; and the Honorable Romolo A. Bernardi, of New York, to be Assistant Secretary of Housing and Urban Development for Community Planning and Development.

The committee will also vote on the nomination of Mr. John E. Robson, of California, to be President of the Export-Import Bank; Mr. Peter R. Fisher, of New Jersey, to be Under Secretary of the Treasury for domestic finance; and Mr. James J. Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 15, at 9:30 a.m., to conduct an oversight hearing. The committee will consider national energy policy with respect to Federal, State, and local impediments to the siting of energy infrastructure.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, May 15, 2001, at 2:30 p.m., to receive testimony on the FY02 budget and priorities of the Environmental Protection Agency.

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

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 15, 2001, to mark up the Taxpayer Relief Act.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the sessions of

the Senate on Tuesday, May 15, 2001, at 10 a.m., for a hearing regarding the Financial Outlook of the United States Postal Service.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, May 15, 2001, at 2 p.m., in Dirksen 226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 15, 2001, at 10 a.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON EMERGENCY THREATS AND CAPABILITIES

Mr. GREGG. 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 15, 2001, at 2:30 p.m., in open and closed sessions to receive testimony on the Department of Energy's defense nuclear nonproliferation programs, in review of the defense authorization request for fiscal year 2002 and the future years defense program.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Travis Sullivan, a fellow in Senator CANTWELL's office, be granted floor privileges during the consideration of S. 1, the Elementary and Secondary Education Act.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Janet Whitehurst of my staff be granted the privilege of the floor during the remainder of the debate on S. 1.

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

THE EDUCATION BILL

Mr. JEFFORDS. Mr. President, we have several important amendments pending, but I would like to spend a few minutes discussing the very heart of the bill: Accountability and assessments. I believe the bill before us is the most dramatic reform of the Elementary and Secondary Education Act since 1965. I would like everyone to understand what is in this bill so they can understand how dramatic an impact it will have upon every school in this Nation.

For the first time, we will require all children in grades 3-8 to be annually

assessed, and that schools, districts, and States will face consequences if they fail to improve the performance of their students.

Each year—year in, year out—every level of education will be held accountable for showing measurable progress for each group of students they serve. This is the central feature of the legislation, and yet, to judge from press reports and editorials, it is very poorly understood.

I want to do what I can this evening to make sure it is widely understood in this Nation how dramatic the changes are for which we are about to vote.

I am not probably known for unwavering support for the President's agenda, nor, I hope, am I known for going out of my way to criticize the press. But I rise today both to defend the President and to suggest that the press has been sloppy in its reporting and editorial writing on what should be the central issue of the story, education reform.

For the past week or two, there have been a few press accounts and editorials implying that somehow the President or the Senate has caved to pressure, has watered down the standards in this bill, or has walked away from real reform.

In fairness to the press, I realize this is a difficult subject to cover. The topic can be a bit dense, and there is no real bright line as to the kind of progress we can expect from students and schools.

On Thursday, the lead editorial in USA Today read: "Congress Set to Dilute Education Reform," while the sub-head read: "Lawmakers gut school accountability, turn backs on minorities."

That editorial is but one example of what I think is the lack of understanding about this bill, especially, it seems, in the press. And while my opinion, of course, is just that, it is based on a wealth of data that can be verified independently. Not only do I think it can be verified, I think it is the obligation of the press to do so before it makes value-laden judgments.

In order to understand where we are, a bit of background is necessary. The major education proposals before the Congress have at their core the requirement that States and schools set high standards in core subject matters and that they measure whether students are achieving those standards; further, that we pay particular attention to the progress of our lowest-achieving students. In other words, we are going to look at the groups of students, as well as the students on a general basis, to make sure that no child is left behind.

As reported from committee, both H.R. 1 and S. 1 contain the notion that all students would be proficient in math and reading in 10 years and that a school or school district or State that failed to meet this standard would be deemed to have failed—let me repeat that—and that a school or school

district or State that failed to meet this standard would be deemed to have failed.

Further, progress in meeting this goal would be monitored on an annual basis. If a school or district or State failed to make the so-called adequate yearly progress—a term I will use over and over again, "adequate yearly progress," or, for short, AYP—it would be identified as needing school improvement—another phrase to remember—or subject to sanctions if improvement efforts failed.

The concept of AYP is an important one because adequate yearly progress is the bar for judging whether a school or district or State has succeeded or failed.

Legislating that all students should be proficient in 10 years is a wonderful goal, and perhaps for this reason none of us really gave it much thought. Having been involved in the passage of the Goals 2000 Act some years ago, having served on the national goals panel, I must confess that I have become a little wiser about our ability to achieve wonderful goals.

For my colleagues who may not be familiar with the Goals 2000 Act, in it we codified very ambitious goals that we hoped to achieve by the year 2000. For example, back in 1994, we called for our students to be first in the world in math and science—that was a big goal, a goal that we are so far from having fulfilled—and that all students leaving 4th, 8th, and 12th grades would do so with demonstrated competency in challenging subject matter, including English, math, science, foreign language, and so on, all by the year 2000.

Well, 2000 has come and gone. In my view, we have made only limited progress in reaching those goals. We have a long way to go, especially in these goals directly relating to academics. I don't think the lesson to take from this experience is that goals are a bad idea. Rather, I think the lesson is that an unrealistic goal, linked to very real consequences, is a bad idea.

The goal contained in S. 1, as it was reported from the HELP Committee, that all students would be proficient in 10 years, was both admirable and entirely unrealistic. That will explain why we have done what we have. It gives me no great pleasure to say this. I have spent a good part of my career in a continuing effort to improve education for all students, beginning in my very first year in Congress in 1975. Like anyone, I take some pride in my work. I would much rather correct a glaring problem in a piece of legislation before it is reported from my committee, but as has been noted before, wisdom is a rare commodity which should not be rejected merely because it arrives late.

Unlike some of the issues we confront in this Chamber, we have a solid amount of experience in the results of education reform and educational assessment. The same year we put in place the national education goals, we