

(iv) in subparagraph (C), by striking "2004" and inserting "2005".

(B) EXTENSION OF TERMINATION DATE.—Section 30(e) is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(C) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to property placed in service after December 31, 2001.

(14) GENERALIZED SYSTEM OF PREFERENCES.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2002".

(15) ANDEAN TRADE PREFERENCE.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows: "(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2002."

(16) TEMPORARY INCREASE IN AMOUNT OF RUM EXCISE TAX COVERED OVER TO PUERTO RICO AND VIRGIN ISLANDS.—Section 7652(f)(1) (relating to limitation on cover over of tax on distilled spirits) is amended to read as follows:

"(1) \$10.50 (\$13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2003), or".

(c) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) REVENUE OFFSET.—The Secretary of the Treasury shall adjust the reduction in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, as necessary to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. SCHUMER. Mr. President, this is a simple amendment. We have had two worries mainly about this tax bill. One is that the dollars go too much to the wealthiest people and not enough to the middle class, and we have had a lot of amendments thereon. The second is that it breaks fiscal discipline. This amendment deals with that second category.

What is missing in this tax bill bothers me as much as what is in it, maybe more. We do not do any of the tax extenders which we know we will do later this year. We do not change the alternative minimum tax hardly at all, which will catch 39 million people by the time this 10-year bill is finished.

This amendment includes both of those so we do not have to come back and do them and break the \$1.35 trillion that we said we will keep and lowers the top rate to make room for those.

It is a fiscally responsible amendment. I would challenge anyone who wants to vote against it to make a pledge that they will not vote at a later time outside the budget cap for these two issues.

I thank you, Mr. President.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, this amendment raises the whole extender

question, something the Finance Committee will be looking at later this year. The bipartisan bill before us does not address this issue.

This amendment is nongermane to the bill, and I raise a point of order that it is nongermane.

Mr. SCHUMER. Mr. President, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—46

Akaka	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Byrd	Graham	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kerry	Torricelli
Corzine	Kohl	Wellstone
Daschle	Landrieu	Wyden
Dayton	Leahy	
Dodd	Levin	

NAYS—54

Allard	Enzi	Miller
Allen	Fitzgerald	Murkowski
Baucus	Frist	Nelson (NE)
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Chafee	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McCain	Voinovich
Ensign	McConnell	Warner

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

RECESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now stand in recess until 1:30.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, may I inquire of the distinguished floor leaders, the Collins-Warner amendment has been pending. We have been very deferential to the leadership. Can we get an idea of when that might be disposed?

Mr. GRASSLEY. Let me be perfectly candid with the Senator from Virginia. If the Senator from Virginia and the

Senator from Maine still want a rollcall on their amendment, we will do that at 1:30.

Mr. REID. Mr. President, reserving the right to object, I have worked hard over here today with people wanting to offer amendments. Some have been on file since last week. I hope this doesn't start another string of amendments.

Mr. WARNER. I am not hearing the soft, wonderful voice of my great friend. Can he raise it a bit?

Mr. REID. We have about 40 amendments over here that have been filed. Through various means, the amendments are not going to be brought up. I hope the managers can work something out as to the amendment of the Senator from Virginia without another rollcall vote. I am afraid this may start a series of rollcall votes.

Mr. WARNER. Mr. President, might I say to the distinguished Democratic leader and the managers of the bill that there has been an ongoing negotiation with regard to this amendment, and my distinguished colleague from Maine and I have been very forthcoming with our managers. Our bill was up and we got the yeas and nays when this matter first hit the floor. We have acceded to their requests day after day to delay it. We think the time has come now.

I assure the Senator we were in the front of the queue. Amendment after amendment has been filed at the desk subsequent to ours. We were here day 1, hour 1. We have cooperated with our distinguished managers to this point. I hope our distinguished Democratic whip will allow us to bring up this amendment.

Mr. REID. Senator BAUCUS and I will work to see that we have no more rollcall votes. If you have to have this one, I guess you do. But I hope we don't have to have another one also. We will do our best to see that there will not be any more.

Ms. COLLINS. Mr. President, if the Senator will yield, I point out to the Senator that the yeas and nays were ordered on the Collins-Warner amendment last Thursday night when it was first debated for a half hour on the Senate floor. This isn't a new amendment or a new request. The yeas and nays were, in fact, ordered last week. I wanted to clarify that for the record.

Mr. WARNER. Mr. President, I advise our distinguished Democratic leader that Senators MIKULSKI, DODD, and HARKIN have worked with us right along, so it is a bipartisan effort. I am sure if they were present, they would join us in this request.

Mr. REID. That is my point. It sounds as if you have a good bipartisan amendment. I can't understand why we need a rollcall vote.

Mr. WARNER. I say to my good friend, I guess I reached down in the 23 years of experience in managing many bills and being in many conferences. There is a certain feeling about this legislation. It is for teachers. It is simple—

Mr. REID. If the Senator will withhold, if the managers will agree, we will work to see what needs to be done.

Mr. GRASSLEY. I believe Senator BAUCUS would agree with me. I have been asked now if we can do it this way. We will recess until 1:30, but we would vote on the amendment by the Senator from Virginia and the Senator from Maine just prior to final passage. So we would have this rollecall vote and then final passage.

The PRESIDING OFFICER. The Chair asks the Senator from Iowa, is he making that part of his unanimous consent request?

Mr. WARNER. I so request, Mr. President.

Mr. GRASSLEY. Mr. President, I make that as part of my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, will the Senator from Iowa allow the recess to end at 1:40?

Mr. GRASSLEY. Mr. President, I change my unanimous consent request that the Senate stand in recess now until the hour of 1:40.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, the Senate, at 12:38 p.m., recessed until 1:40 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

RESTORING EARNINGS TO LIFT INDIVIDUALS AND EMPOWER FAMILIES (RELIEF) ACT OF 2001—Continued

AMENDMENT NO. 789

Mr. GRASSLEY. Madam President, I send a managers' amendment to the desk. It has been agreed to by the two managers. I ask unanimous consent the amendment be agreed to, the motion to reconsider be laid upon the table, and any statements regarding these amendments be printed in the RECORD.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. BAUCUS, proposes an amendment numbered 789.

Mr. GRASSLEY. I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted and Proposed.")

Mr. LEAHY. Madam President, I am pleased the managers' amendment includes language identical to S. 694, the Artist-Museum Partnership Act, I introduced with Senator BENNETT earlier this year. I would like to thank Senator BENNETT for his leadership on this issue and also would like to thank Sen-

ators BINGAMAN, COCHRAN, DASCHLE, DODD, DOMENICI, JEFFORDS, JOHNSON, KENNEDY, LIEBERMAN, LINCOLN, REID, and WARNER for cosponsoring this bill.

This bipartisan legislation will enable our country to keep cherished art works in the United States and preserve them in our public institutions, while erasing an inequity in our Tax Code that currently serves as a disincentive for artists to donate their works to museums and libraries. Our bill would allow artists, writers and composers who donate works to museums and libraries to take a tax deduction equal to the fair market value of the work. This is something that collectors who make similar donations are already able to do.

There is an inequality in the current tax law where artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper, ink. This is unfair to artists and it hurts museums and libraries, large and small, that are dedicated to preserving works for posterity.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps develop a sense of pride among Vermonters and strengthens a bond with Vermont, its landscape, its beauty and its cultural heritage. Anyone who has gazed at a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

I thank the Chairman and ranking member of the Finance Committee for including this legislation in the managers package. I hope that the provision will be retained by the Conference Committee.

Mr. NELSON of Florida. Madam President, the Boxer-Nelson of Florida amendment seeks to safeguard public health and improve our nation's drinking water by aiding water companies to secure tax-exempt bond to comply with the 10 parts per billion arsenic drinking water standard.

Ironically, we offer this amendment today, May 23, 2001, one day after Environmental Protection Agency finalized its decision to delay implementation of a new arsenic standard until February 22, 2002.

Thus, the 1942 arsenic standard of 50 parts per billion, a standard put in place before arsenic was known to cause cancer, remains the standard for our nation's drinking water.

This is true despite the scientific data which shows that the 50 parts per billion standard could result in one additional case of cancer for every 100 people consuming drinking water.

The EPA knows arsenic is dangerous. In fact, the EPA has found another danger associated with arsenic in addition to cancer: genetic alteration of our DNA. In April of this year, a team of EPA scientists published a report in "Chemical Research Toxicology" that demonstrates that in addition to causing cancer, arsenic can induce genetic alterations to human DNA.

The risks associated with arsenic are widely known not just in this country, but throughout the world. For that reason, the European Union and the World Health Organization have endorsed the 10 parts per billion standard.

Costs did not prevent the European Union or the World Health Organization from protecting their citizenry from the risks associated with arsenic. Costs should not prevent the United States either.

Mr. CRAIG. Mr. President, I am very pleased that the tax reconciliation package we have passed today contains an amendment that I offered along with Senator LANDRIEU. That amendment is the text of the Hope for Children Act, which we introduced back in January as S. 148.

I greatly appreciate the consideration this amendment has received from Chairman GRASSLEY, who has long been a leader in the area of adoption and foster care. He and Senator BAUCUS, along with the staff of the Finance Committee, have been extremely responsive to me and my staff as we worked through this amendment, and I thank them for their support of America's adopting families.

As my colleagues know, this legislation will continue and improve on two current tax provisions that are helping so many Americans who seek to form families through adoption: the adoption tax credit and the exclusion for employer-provided adoption benefits. These provisions are due to expire at the end of this year, and the Hope for Children Act will remove that sunset. It will also double the basic tax credit and exclusion, to \$10,000. For a family adopting a child with special needs, the current credit of \$6,000 will rise to \$10,000; perhaps more important to these families, their credit will no longer be tied to cumbersome and inflexible IRS regulations that exclude a wide range of legitimate adoption expenses related to children with special needs. Our legislation will also make it possible for more families to qualify for the full credit and exclusion, by lifting the cap on income eligibility.

These are sound, necessary measures that truly help families. The Senate should be proud they are a part of our tax reconciliation package, and I hope they will be preserved in the upcoming conference with the House of Representatives. It is important to note that just last week, the House unanimously passed its version of the Hope for Children Act, H.R. 622. While that