By Mr. HAGEL:

S. 229. A bill to amend Federal banking law to permit the payment of interest on business checking accounts in certain circumstances, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENSIGN (for himself and Mr. REID):

S. 230. A bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 231. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND (for himself, Mr. DURBIN, Mr. HAGEL, Mr . CORZINE, and Ms. LANDRIEU):

S. 232. A bill to amend the Internal Revenue Code of 1986 to exclude United States savings bond income from gross income if it is used to pay long-term care expenses; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. LEVIN, Mr. WELLSTONE, and Mr. CORZINE):

S. 233. A bill to place a moratorium on executions by the Federal Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty; to the Committee on the Judiciary.

By Mr. SHELBY:

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 16. A resolution designating August 16, 2001, as ''National Airborne Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 222. A bill to provide tax incentives for the construction of seagoing cruise ships in United States shipyards, and to facilitate the development of a United States-flag, United States-built cruise industry, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce legislation designed to promote growth in the domestic cruise ship industry and at the same time enable U.S. shipyards to compete for cruise ship orders. The legislation would provide tax incentives for U.S. cruise ship construction and operation.

Current law prohibits non-U.S. vessels from carrying passengers between U.S. ports. As such, today's domestic cruise market is very limited. The cruise industry consists predominantly of foreign vessels which must sail to and from foreign ports. The vast majority of cruise passengers are Americans, but most of the revenues now go to foreign destinations. That is because the high cost of building and operating U.S.-flag cruise ships and competition from modern, foreign-flag cruise ships have deterred growth in the domestic cruise ship trade.

By some estimates, a single port call by a cruise vessel generates between $300,000 and $500,000 in economic benefits. This is a very lucrative market, and I would like to see U.S. companies and American workers benefit from this untapped potential. However, domestic ship builders and cruise operations face a very difficult, up-hill battle against unfair competition from foreign cruise lines and foreign shipyards. Foreign cruise lines, for example, pay no corporate income tax. Nor are they held to the same demanding ship construction and operating standards imposed on U.S.-flag vessel operators. Foreign cruise lines are also free from the need to comply with many U.S. labor and environmental protection laws, and U.S. health, safety, and sanitation laws do not apply to the foreign ships.

The legislation I am introducing today is designed to level the playing field between the U.S. cruise industry and the international cruise industry. For example, it provides that a shipyard will pay taxes on the construction or overhaul of a cruise ship of 20,000 gross tons or greater only after the delivery of the ship.

Under my bill, a U.S. company operating a cruise ship of 20,000 grt and greater may depreciate that vessel over a five-year period rather than the current 10-year depreciation period. The bill would also repeal the $2,500 business tax deduction limit for a convention on a cruise ship to provide a tax deduction limit equal to that provided to conventions held at shore-side hotels. The measure would authorize a 20 percent tax credit for fuel operating costs associated with environmentally clean gas turbine engines manufactured in the U.S., and also allows use of investment of Capital Construction Funds to include not only the non-contiguous trades, but also the domestic point-to-point trades and ''cruises to nowhere''.

Mr. President, I truly believe that this legislation would help jumpstart the domestic cruise trade, benefit U.S. workers and companies, and promote economic growth in our ports. I strongly urge my colleagues to join me in a strong show of support for this effort.

By Mr. DOMENICI:

S. 223. A bill to terminate the effectiveness of certain drinking water regulations; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, ''Just as houses are made of stones, so is science made of facts; but a pile of stones is not a house and a collection of facts is not necessarily science.''

For the past 8 years I have questioned numerous collections of facts put out by the Environmental Protection Agency in the name of science and I have found sound science has been left out of the regulation equation too often. A prime example is the new arsenic standards in drinking water proposed last week. This new standard dramatically reduces the arsenic level allowable in drinking water from 50 parts per billion (ppb) to 10 ppb, a reduction of 80 percent.

I believe it is essential to protect and ensure the safety of our nation's water supply and to uphold the principles and goals set forth in the Safe Drinking Water Act, but these standards were not based on sound science and there is no proof that they will increase health benefits. They were put into effect because it was the politically expedient thing to do.

That is why at this time I am introducing this bill which would terminate the effectiveness of these new drinking water standards.

The amendments to the Safe Drinking Water Act required the standards for arsenic in drinking water be changed by January 1st of this year. Because the proposed rule was issued late, I cosponsored an amendment to the VA HUD appropriations bill giving EPA a 6-month extension. This amendment was later signed into law, but was ignored by the agency.

There was much controversy and debate surrounding the appropriate level for the new standard. The EPA's Science Advisory Board expressed unanimous support for reducing the current standard, but varied considerably on the appropriate level. Both the EPA and the National Academy of Sciences National Research Council acknowledged more health studies were needed to evaluate what potential health benefits, if any, would likely result from this lower standard.

Arsenic is naturally occurring in my home state. In fact, New Mexico has some of the highest levels of arsenic in the nation, yet has a lower than average incidence of the diseases associated with arsenic. I have not seen any reasonable data in support of increased health benefits from these lower standards. I have only seen a collection of facts from studies conducted outside of the United States.

Under these new standards states such as New Mexico, are going to be required to revise water treatment facilities at a significant cost to the general public. Such costs should not be incurred unless sufficient scientific information exists in support of the new standard.

The New Mexico Environment Department estimates this new standard will affect approximately 25 percent of New Mexico's water systems, with the price for compliance between $400,000,000 and $500,000,000 in initial

capital expenditures. Annual operating costs will easily fall anywhere between $16,000,000 and $21,000,000. Additionally, large water system users will see an average water bill increase between $38 and $42 and small system users will see an average water bill increase of $91. The cost of complying with this new standard could well put small rural systems out of business, which is the exact opposite of what we should be trying to accomplish—providing a safe and reliable supply of drinking water to rural America.

Again, I believe that science is made of facts and I don't believe we have enough facts here to determine if there will be increased health benefits from the change in these standards. I see unintended consequences resulting from well intentioned motives. We should study this issue here in the United States and then take our best data and formulate standards that are scientifically sound.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DRINKING WATER REGULATIONS.

On and after the date of enactment of this Act—

(1) the amendments to parts 9, 141, and 142 of title 40, Code of Federal Regulations, made by the final rule promulgated by the Administrator of the Environmental Protection Agency entitled ''Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring'' (66 Fed. Reg. 6976 (January 22, 2001)) are void; and

(2) those parts shall be in effect as if those amendments had not been made.

By Mr. McCAIN:

S. 224. A bill to authorize the Secretary of the Interior to set aside up to $2 per person from park entrance fees or assess up to $2 per person visiting the Grand Canyon or other national parks to secure bonds for capital improvements to those parks, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I am renewing my efforts to provide innovative solutions to address urgently needed repairs and enhancements at our nation's parks. The legislation I am introducing today is identical to the bill I sponsored in prior congresses, which received substantial support from many of the organizations supporting the National Parks system. I thank my colleague, Representative Kolbe, for introducing companion legislation in the House of Representatives.

The National Parks Capital Improvements Act of 2001 would help secure taxable revenue bonding authority for National Parks. This legislation would allow private fundraising organizations to enter into agreements with the Secretary of Interior to issue taxable capital development bonds. Bond revenues would then be used to finance park improvement projects. The bonds would be secured by an entrance fee surcharge of up to $2 per visitor at participating parks, or a set-aside of up to $2 per visitor from current entrance fees.

Our national park system has enormous capital needs—which by last estimate ranges from $3 to 5 billion—for high-priority projects such as improved transportation systems, trail repairs, visitor facilities, historic preservation, and the list goes on and on. The unfortunate reality is that even under the rosiest budget scenarios, our growing park needs far outstrip the resources currently available. Parks are still struggling to address enormous resource and infrastructure needs while seeking to improve the park experience to accommodate the increasing numbers of visitors to recreation sites.

Revenue bonding would take us a long way toward meeting our needs within the national park system. For example, based on current visitation rates at the Grand Canyon, a $2 surcharge would enable us to raise $100 million from a bond issue amortized over 20 years. That is a significant amount of money which we could use to accomplish many critical park projects.

Let me emphasize, however, the Grand Canyon National Park would not be the only park eligible to benefit from this legislation. Any park unit with capital needs in excess of $5 million is eligible to participate. Among eligible parks, the Secretary of Interior will determine which may take part in the program. I also want to stress that only projects approved as part of a park's general management plan can be funded through bond revenue. This proviso eliminates any concern that the revenue could be used for projects of questionable value to the park.

In addition, only organizations under agreement with the Secretary of Interior will be authorized to administer the bonding, so the Secretary can establish any rules or policies determined necessary and appropriate.

Under no circumstances, however, would investors be able to attach liens against Federal property in the very unlikely event of default. The bonds will be secured only by the surcharge revenues.

Finally, the bill specifies that all professional standards apply and that the issues are subject to the same laws, rules, and regulatory enforcement procedures as any other bond issue.

The most obvious question raised by this legislation is: Will the bond markets support park improvement issues, guaranteed by an entrance surcharge? The answer is an emphatic yes. Bonding is a well-tested tool for the private sector. Additionally, Americans are eager to invest in our Nation's natural heritage, and with park visitation growing stronger, the risks appear minimal.

Are park visitors willing to pay a little more at the entrance gate if the money is used for park improvements? Again, I believe the answer is yes. Time and time again, visitors have expressed their support for increased fees provided that the revenue is used where collected and not diverted for some other purpose devised by Congress. In recent surveys by the National Park Service, nearly 83 percent of participating respondents were comfortable in paying such fees for park purposes and other respondents thought the fees too low.

With the recreational fee program currently being implemented at parks around the Nation, an additional $2 surcharge may not be necessary or appropriate at certain parks. Under the bill, those parks could choose to dedicate $2 per park visitor from current entrance fees toward a bond issue. This legislation can easily compliment the recreational fee program to increase benefits to support our parks and increase the quality of America's park experience well into the future.

I look forward to working with my colleagues and National Parks supporters to ensure passage of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 224

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 ''National Parks Capital Improvements Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Fundraising organization.
Sec. 4. Memorandum of agreement.
Sec. 5. National park surcharge or set-aside.
Sec. 6. Use of bond proceeds.
Sec. 7. Administration.

SEC. 2. DEFINITIONS.

In this Act:

(1) FUNDRAISING ORGANIZATION.—The term ''fundraising organization'' means an entity authorized to act as a fundraising organization under section 3(a).

(2) MEMORANDUM OF AGREEMENT.—The term ''memorandum of agreement'' means a memorandum of agreement entered into by the Secretary under section 3(a) that contains the terms specified in section 4.

(3) NATIONAL PARK FOUNDATION.—The term ''National Park Foundation'' means the foundation established under the Act entitled ''An Act to establish the National Park Foundation'', approved December 18, 1967 (16 U.S.C. 19e et seq.).

(4) NATIONAL PARK.—The term ''national park'' means—

(A) the Grand Canyon National Park; and

(B) any other unit of the National Park System designated by the Secretary that has an approved general management plan with capital needs in excess of $5,000,000.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. FUNDRAISING ORGANIZATION.

(a) IN GENERAL.—The Secretary may enter into a memorandum of agreement under section 4 with an entity to act as an authorized

fundraising organization for the benefit of a national park.

(b) BONDS.—The fundraising organization for a national park shall issue taxable bonds in return for the surcharge or set-aside for that national park collected under section 5.

(c) PROFESSIONAL STANDARDS.—The fundraising organization shall abide by all relevant professional standards regarding the issuance of securities and shall comply with all applicable Federal and State law.

(d) AUDIT.—The fundraising organization shall be subject to an audit by the Secretary.

(e) NO LIABILITY FOR BONDS.—The United States shall not be liable for the security of any bonds issued by the fundraising organization.

SEC. 4. MEMORANDUM OF AGREEMENT.

The fundraising organization shall enter into a memorandum of agreement that specifies—

(1) the amount of the bond issue;

(2) the maturity of the bonds, not to exceed 20 years;

(3) the per capita amount required to amortize the bond issue, provide for the reasonable costs of administration, and maintain a sufficient reserve consistent with industry standards;

(4) the project or projects at the national park that will be funded with the bond proceeds and the specific responsibilities of the Secretary and the fundraising organization with respect to each project; and

(5) procedures for modifications of the agreement with the consent of both parties based on changes in circumstances, including modifications relating to project priorities.

SEC. 5. NATIONAL PARK SURCHARGE OR SET-ASIDE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may authorize the Superintendent of a national park for which a memorandum of agreement is in effect—

(1) to charge and collect a surcharge in an amount not to exceed $2 for each individual otherwise subject to an entrance fee for admission to the national park; or

(2) to set aside not more than $2 for each individual charged the entrance fee.

(b) SURCHARGE IN ADDITION TO ENTRANCE FEES.—A national park surcharge under subsection (a) shall be in addition to any entrance fee collected under—

(1) section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a);

(2) the recreational fee demonstration program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134; 110 Stat. 1321–156; 1321–200; 16 U.S.C. 4601–6a note); or

(3) the national park passport program established under title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 112 Stat. 3518; 16 U.S.C. 5991 et seq.).

(c) LIMITATION.—The total amount charged or set aside under subsection (a) may not exceed $2 for each individual charged an entrance fee.

(d) USE.—A surcharge or set-aside under subsection (a) shall be used by the fundraising organization to—

(1) amortize the bond issue;

(2) provide for the reasonable costs of administration; and

(3) maintain a sufficient reserve consistent with industry standards, as determined by the bond underwriter.

(e) EXCESS FUNDS.—Any funds collected in excess of the amount necessary to fund the uses in subsection (d) shall be remitted to the National Park Foundation to be used for the benefit of all units of the National Park System.

SEC. 6. USE OF BOND PROCEEDS.

(a) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), bond proceeds under this Act may be used for a project for the design, construction, operation, maintenance, repair, or replacement of a facility in the national park for which the bond was issued.

(2) PROJECT LIMITATIONS.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the national park in which the project is to be completed; and

(C) the general management plan for the national park.

(3) PROHIBITION ON USE FOR ADMINISTRATION.—Other than interest as provided in subsection (b), no part of the bond proceeds may be used to defray administrative expenses.

(b) INTEREST ON BOND PROCEEDS.—

(1) AUTHORIZED USES.—Any interest earned on bond proceeds may be used by the fundraising organization to—

(A) meet reserve requirements; and

(B) defray reasonable administrative expenses incurred in connection with the management and sale of the bonds.

(2) EXCESS INTEREST.—All interest on bond proceeds not used for purposes of paragraph (1) shall be remitted to the National Park Foundation for the benefit of all units of the National Park System.

SEC. 7. ADMINISTRATION.

The Secretary, in consultation with the Secretary of Treasury, shall promulgate regulations to carry out this Act.

By Mr. WARNER:

S. 225. A bill to amend the Internal Revenue Code of 1986 to provide incentives to public elementary and secondary school teachers by providing a tax credit for teaching expenses, professional development expenses, and student education loans; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce, ''The Teacher Tax Credit Act.''

All of us know that individuals do not pursue a career in the teaching profession for the money. People go into the teaching profession for grander reasons—to educate our youth, to make a lasting influence.

Simply put, to teach is to touch a life forever.

How true that is. I venture to say that every one of us can remember at least one teacher and the special influence he or she had on our lives.

Despite the fact that teachers play such an important role, elementary and secondary education teachers are underpaid, overworked, and, unfortunately, all too often, under-appreciated.

I was astounded to learn that teachers expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending money out of their own pocket on three types of expenses:

(1) education expenses brought into the classroom—such as books, supplies, pens, paper, and computer equipment;

(2) professional development expenses—such as tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors; and

(3) interest paid by the teacher for previously incurred higher education loans.

This is the essence of volunteerism in the United States—teachers spending their own money to better our childrens' education. Why do they do this? Simply because school budgets are not adequate to meet the costs of education.

These out-of-pocket costs placed on the backs of our teachers are but one reason our teachers are leaving the profession.

Numerous reports exist detailing the teacher shortage. According to the National Education Association, ''America will need two million new teachers in the next decade, and experts predict that half the teachers who will be in the public school classrooms 10 years from now have not yet been hired.''

In addition, it is estimated that twenty percent of all new hires leave the teaching profession within three years.

Certainly, a pay raise for teachers is needed and would be a strong showing of recognition and appreciation towards the profession. However, whether or not to provide teachers a pay raise is a local issue and not one that the federal government ought to be involved in.

Nevertheless, there is something we can do. On a federal level, we can encourage individuals to enter the teaching profession and remain in the teaching profession by reimbursing them for the costs that teachers voluntarily incur as part of the profession. Second, we can help our local school districts with the costs associated with education. And, finally, third, we can specifically help financially strapped urban and rural school systems recruit new teachers and keep those teachers that are currently in the system.

With these premises in mind, I introduce, ''The Teacher Tax Credit.'' This legislation creates a $1,000 tax credit for eligible teachers for qualified education expenses, qualified professional development expenses and interest paid by the teacher during the taxable year on any qualified education loan.

Every one of these expenses benefit the student in the classroom either through better classroom materials or through increased knowledge on the part of the teacher. Even so, the current tax code provides little, if any, recognition of the importance of these expenses.

Under the current tax structure, each of these expenses are deductible. However, in order to deduct these classroom expenses under the current tax code, our teachers must meet 4 requirements:

(1) Teachers must itemize their deductions to receive any tax benefit for the unreimbursed money they spend on education expenses or professional development expenses. Most taxpayers in this country do not itemize;

(2) In the event teachers do itemize, in order to receive a deduction under the current tax code for education expenses or professional development costs, teachers' deductions would have to exceed two percent of their adjusted gross income;

(3) With respect to qualified education loans, under the current tax law, the interest on these loans is deductible, but that deduction is limited to the first sixty months after graduation. A teacher with the standard ten year repayment loans who has been teaching for more than five years receives no benefit; and

(4) Under the current tax code, the student loan interest deduction is phased out based on income level. Thus, some teachers, although not rich by any means, could be phased out of the deduction.

As a result of these four prerequisites, most teachers today receive little, if any, tax benefit for their out of pocket expenses to improve our childrens' education.

Our teachers deserve better.

When our teachers spend their own money on education expenses that go into the classroom to help students learn, they ought to receive a real tax benefit.

When our teachers spend their own money on professional development courses to enhance their knowledge in a subject in which they are instructing, our teachers deserve a real tax benefit.

When our recent college graduates make the honorable and tough choice of training today's youth and tomorrow's leaders, with little expectation of financial riches, such a choice should be encouraged and our teachers' choices should be recognized.

In my view, the most important factor in ensuring a quality education is having a quality teacher in the classroom.

The $1,000 Teacher Tax Credit recognizes the hard work our teachers have committed themselves to and helps improve education.

Under my legislation, teachers could receive up to a $1,000 tax credit for qualified education expenses, qualified professional development courses, and interest on student loans. Qualifying teachers would not have to itemize their deductions to receive the credit, and they would not have to exceed the two percent floor. Teachers would not be phased out of the student loan interest benefit based on income level, and there would be no 60 month limitation.

Mr. President, we all agree that our education system must ensure that no child is left behind. As we move towards education reforms to achieve this goal, we must keep in mind the other component in our education system—the teachers.

We must ensure that qualified teachers are not forgotten.

Quality, caring teachers, along with quality caring parents, play the predominant roles in ensuring that no child is left behind. Passage of The Teacher Tax Credit will help our school systems retain the good teachers they now have and recruit the good teachers they need for the future.

Mr. President, some of my colleagues in the Senate have recognized that we can and must do more for our teachers in this country. Senators COLLINS and KYL have worked on similar legislation, and I commend them for their efforts. I look forward working with them and my other colleagues on this important matter. I urge my colleagues to support this legislation.

I ask unanimous consent that letters from the National Education Association and the Virginia Education Association indicating their support for this legislation and the bill be printed in the RECORD.

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

S. 225

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 TEACHER Tax Credit Act''.

SEC. 2. CREDIT FOR TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) the qualified education expenses paid or incurred by the taxpayer during the taxable year,

''(2) the qualified professional development expenses paid or incurred by the taxpayer during the taxable year, and

''(3) interest paid by the taxpayer during the taxable year on any qualified education loan.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for the taxable year shall not exceed $1,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in a public elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

''(2) ELEMENTARY AND SECONDARY SCHOOLS.—The terms 'elementary school' and 'secondary school' have the respective meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect of the date of enactment of this section.

''(3) QUALIFIED EDUCATION EXPENSES.—The term 'qualified education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

''(4) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

''(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

''(i) for tuition, fees, books, supplies, and equipment required for the enrollment or attendance of an individual in a qualified course of instruction, and

''(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

''(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

''(i) directly relates to the curriculum and academic subjects in which an eligible teacher provides instruction,

''(ii) is designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

''(iii) provides instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented),

''(iv) provides instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described clause (iii) learn, or

''(v) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of the eligible teacher.

''(5) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(e)(1), but only with respect to qualified higher education expenses of the taxpayer.

''(d) DENIAL OF DOUBLE BENEFIT.—

''(1) IN GENERAL.—No deduction or other credit shall be allowed under this chapter for any amount taken into account for which credit is allowed under this section.

''(2) COORDINATION WITH EXCLUSIONS.—A credit shall be allowed under subsection (a) for qualified professional development expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Teaching expenses, professional development expenses, and interest on higher education loans of public elementary and secondary school teachers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, January 25, 2001.

Senator JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: On behalf of the National Education Association's (NEA) 2.6 million members, we would like to express our support for the Educator and Classroom Help Education Resources (TEACHER) Tax Credit Act.

As you know, teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that teachers stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century. The TEACHER

Act tax credit for professional development expenses will make a critical difference in helping teachers access quality training.

In addition, the TEACHER Act will help encourage talented students to pursue a career in teaching by providing a tax credit for interest paid on higher education loans. Such a tax credit is particularly critical given the projected need to recruit two million qualified teachers nationwide over the next decade.

Finally, we are pleased that your legislation would provide a tax credit for teachers who reach into their own pockets to pay for necessary classroom materials, including books, pencils, paper, and art supplies. A 1996 NEA study found that the average K–12 teacher spent over $400 a year out of personal funds for classroom supplies. For teachers earning modest salaries, the purchase of classroom supplies represents a considerable expense for which they often must sacrifice other personal needs.

We than you for your leadership in introducing this important legislation and look forward to working with you to support our nation's teachers.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

VIRGINIA EDUCATION ASSOCIATION,
Richmond, VA, January 24, 2001.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: On behalf of all 56,000 members of VEA we congratulate you on your appointment to the Education Committee, and we look forward to working with you.

Christopher Yianilos reviewed ''The Educator and Classroom Help Education Resources (TEACHER) Tax Credit Act'' with Rob Jones and me on January 19th. We appreciated this opportunity to evaluate the bill and to receive a thorough briefing from Mr. Yianilos.

We both appreciate and support your efforts to provide a tax credit for teaching expenses, professional development expenses, and student education loans. Please call on VEA if we can be of assistance in gaining passage of this worthy bill.

In addition, please call on us if we can ever be of assistance to you in your new position as a member of the Education Committee.

Sincerely,

JEAN H. BANKOS,
President.

By Ms. SNOWE (for herself, Mr. JEFFORDS, and Mr. VOINOVICH):

S. 226. A bill to establish a Northern Border States-Canada Trade Council, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I am reintroducing legislation that would establish a Northern Border States Council on United States-Canada trade.

The purpose of this Council is to oversee cross-border trade with our Nation's largest trading partner—an action that I believe is long overdue and should be considered. The Council will serve as an early warning system to alert State and Federal trade officials to problems in cross-border traffic and trade from the very people who are dealing with trade problems. The Council will enable the United States to more effectively administer the trade policy with Canada by applying the wealth of insight, knowledge and expertise of people who reside not only in my State of Maine, but also in the other northern border States, on this critical policy issue.

Within the U.S. Government we already have the Department of Commerce and a U.S. Trade Representative, both Federal entities, responsible for our larger, national U.S. trade interests. But the fact is that too often such entities fail to give full consideration to the interests of the northern States that share a border with Canada, the longest demilitarized border between two nations anywhere in the world. The Northern Border States Council will provide State trade officials with a mechanism to share information about cross-border traffic and trade. The Council will also advise the Congress, the President, the U.S. Trade Representative, the Secretary of Commerce, and other Federal and State trade officials on United States-Canada trade policies, practices, and problems.

Canada is our largest and most important trading partner. It is by far the top purchaser of U.S. export goods and services, as it is the largest source of U.S. imports. In 1999, total two-way merchandise commerce was $365 billion—that's $1 billion a day. With an economy one-tenth the size of our own, Canada's economic health depends on maintaining close trade ties with the United States. While Canada accounts for about one-fifth of U.S. exports and imports, the United States is the source of two-thirds of Canada's imports and provides the market with fully three-quarters of all of Canada's exports.

The United States and Canada have the largest bilateral trade relationship in the world, a relationship that is remarkable not only for its strength and general health, but also for the intensity of the trade and border problems that do frequently develop—as we have seen in recent years with actual farmer border blockades in some border states because of the unfairness of agricultural trade policies.

Over the last decade, Canada and the United States have signed two major trade agreements—the United States-Canada Free Trade Agreement in 1989, and the North American Free Trade Agreement, or NAFTA, in 1993. They also negotiated the 1996 US-Canada Softwood Lumber Agreement, which will expire two months from now, on March 31. Even though some of us in Congress urged the last Administration on more than one occasion to negotiate a process with Canadian officials to work for a fairer alternative, nothing was attempted on a government to government basis.

Notwithstanding these trade accords, numerous disagreements have caused trade negotiators to shuttle back and forth between Washington and Ottawa for solutions to problems for grain trade, wheat imports, animal trade, and joint cooperation on Biotechnology.

Most of the more well-known trade disputes with Canada have involved agricultural commodities such as durum wheat, peanut butter, dairy products, and poultry products, and these disputes, of course, have impacted more than just the northern border States. Each and every day, an enormous quantity of trade and traffic crosses the United States-Canada border. There are literally thousands of businesses, large and small, that rely on this cross-border traffic and trade for their livelihood.

My own State of Maine has had a long-running dispute with Canada over that nation's unfair policies in support of its potato industry. Specifically, Canada protects its domestic potato growers from United States competition through a system of nontariff trade barriers, such as setting container size limitations and a prohibition on bulk shipments from the United States. I might add that there has still not been any movement towards solutions for these problems, even though I have been given promises every year that trade problems with Canada would be a top priority for discussion.

This bulk import prohibition effectively blocks United States potato imports into Canada and was one topic of discussion during a 1997 International Trade Commission investigations hearing, where I testified on behalf of the Maine potato growers. The ITC followed up with a report stating that Canadian regulations do restrict imports of bulk shipments of fresh potatoes for processing or repacking, and that the U.S. maintains no such restrictions. These bulk shipment restrictions continue, and, at the same time, Canada also artificially enhances the competitiveness of its product through domestic subsidies for its potato growers.

Another trade dispute with Canada, specifically with the province of New Brunswick, originally served as the inspiration for this legislation. In July 1993, Canadian federal customs officials began stopping Canadians returning from Maine and collecting from them the 11-percent New Brunswick Provincial Sales Tax, [PST] on goods purchased in Maine. Canadian Customs Officers had already been collecting the Canadian federal sales tax all across the United States-Canada border. The collection of the New Brunswick PST was specifically targeted against goods purchased in Maine—not on goods purchased in any of the other provinces bordering New Brunswick.

After months of imploring the U.S. Trade Representative to do something about the imposition of the unfairly administered tax, then Ambassador Kantor agreed that the New Brunswick PST was a violation of NAFTA, and that the United States would include the PST issue in the NAFTA dispute settlement process. But despite this explicit assurance, the issue was not, in fact, brought before NAFTA's dispute settlement process, prompting Congress in 1996, to include an amendment

I offered to immigration reform legislation calling for the U.S. Trade Representative to take this action without further delay. But, it took three years for a resolution, and even then, the resolution was not crafted by the USTR.

Throughout the early months of the PST dispute, we in the state of Maine had enormous difficulty convincing our Federal trade officials that the PST was in fact an international trade dispute that warranted their attention and action. We had no way of knowing whether problems similar to the PST dispute existed elsewhere along the United States-Canada border, or whether it was a more localized problem. If a body like the Northern Border States Council had existed when the collection of the PST began, it could have immediately started investigating the issue to determine its impact and would have made recommendations as to how to deal with it.

The long-standing pattern of unsuccessful negotiations is alarming. In short, the Northern Border States Council will serve as the eyes and ears of our States that share a border with Canada, and who are most vulnerable to fluctuations in cross-border trade and traffic. The Council will be a tool for Federal and State trade officials to use in monitoring cross-border trade. It will help ensure that national trade policy regarding America's largest trading partner will be developed and implemented with an eye towards the unique opportunities and burdens present to the northern border states.

The Northern Border States Council will be an advisory body, not a regulatory one. Its fundamental purpose will be to determine the nature and cause of cross-border trade issues or disputes, and to recommend how to resolve them.

The duties and responsibilities of the Council will include, but not be limited to, providing advice and policy recommendations on such matters as taxation and the regulation of cross-border wholesale and retail trade in goods and services; taxation, regulation and subsidization of food, agricultural, energy, and forest-products commodities; and the potential for Federal and State/provincial laws and regulations, including customs and immigration regulations, to act as nontariff barriers to trade.

As an advisory body, the Council will review and comment on all Federal and/or State reports, studies, and practices concerning United States-Canada trade, with particular emphasis on all reports from the dispute settlement panels established under NAFTA. These Council reviews will be conducted upon the request of the United States Trade Representative, the Secretary of Commerce, a Member of Congress from any Council State, or the Governor of a Council State.

If the Council determines that the origin of a cross-border trade dispute resides with Canada, the Council would determine, to the best of its ability, if the source of the dispute is the Canadian Federal Government or a Canadian Provincial government.

The goal of this legislation is not to create another Federal trade bureaucracy. The Council will be made up of individuals nominated by the Governors and approved by the Secretary of Commerce. Each northern border State will have two members on the Council. The Council members will be unpaid, and serve a 2-year term.

The Northern Border States Council on United States-Canada Trade will not solve all of our trade problems with Canada. But it will ensure that the voices and views of our northern border States are heard in Washington by our Federal trade officials. For too long their voices have been ignored, and the northern border States have had to suffer severe economic consequences at various times because of it. This legislation will bring our States into their rightful position as full partners for issues that affect cross-border trade and traffic with our country's largest trading partner. I urge my colleagues to join me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 226

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 ''Northern Border States Council Act''.

SEC. 2. ESTABLISHMENT OF COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Northern Border States-Canada Trade Council (in this Act referred to as the ''Council'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of 24 members consisting of 2 members from each of the following States:

(A) Maine.
(B) New Hampshire.
(C) Vermont.
(D) New York.
(E) Michigan.
(F) Minnesota.
(G) Wisconsin.
(H) North Dakota.
(I) Montana.
(J) Idaho.
(K) Washington.
(L) Alaska.

(2) APPOINTMENT BY STATE GOVERNORS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Commerce (in this Act referred to as the ''Secretary'') shall appoint two members from each of the States described in paragraph (1) to serve on the Council. The appointments shall be made from a list of nominees submitted by the Governor of each such State.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for terms that are coterminous with the term of the Governor of the State who nominated the member. Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Council have been appointed, the Council shall hold its first meeting.

(e) MEETINGS.—The Council shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall select a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall each serve in their respective positions for a period of 2 years, unless such member's term is terminated before the end of the 2-year period.

SEC. 3. DUTIES OF THE COUNCIL.

(a) IN GENERAL.—The duties and responsibilities of the Council shall include—

(1) advising the President, the Congress, the United States Trade Representative, the Secretary, and other appropriate Federal and State officials, with respect to—

(A) the development and administration of United States-Canada trade policies, practices, and relations,

(B) taxation and regulation of cross-border wholesale and retail trade in goods and services between the United States and Canada,

(C) taxation, regulation, and subsidization of agricultural products, energy products, and forest products, and

(D) the potential for any United States or Canadian customs or immigration law or policy to result in a barrier to trade between the United States and Canada;

(2) monitoring the nature and cause of trade issues and disputes that involve one of the Council-member States and either the Canadian Government or one of the provincial governments of Canada; and

(3) if the Council determines that a Council-member State is involved in a trade issue or dispute with the Government of Canada or one of the provincial governments of Canada, making recommendations to the President, the Congress, the United States Trade Representative, and the Secretary concerning how to resolve the issue or dispute.

(b) RESPONSE TO REQUESTS BY CERTAIN PEOPLE.—

(1) IN GENERAL.—Upon the request of the United States Trade Representative, the Secretary, a Member of Congress who represents a Council-member State, or the Governor of a Council-member State, the Council shall review and comment on—

(A) reports of the Federal Government and reports of a Council-member State government concerning United States-Canada trade;

(B) reports of a binational panel or review established pursuant to chapter 19 of the North American Free Trade Agreement concerning the settlement of a dispute between the United States and Canada;

(C) reports of an arbitral panel established pursuant to chapter 20 of the North American Free Trade Agreement concerning the settlement of a dispute between the United States and Canada; and

(D) reports of a panel or Appellate Body established pursuant to the General Agreement on Tariffs and Trade concerning the settlement of a dispute between the United States and Canada.

(2) DETERMINATION OF SCOPE.—Among other issues, the Council shall determine whether a trade dispute between the United States and Canada is the result of action or inaction on the part of the Federal Government of Canada or a provincial government of Canada.

(c) COUNCIL-MEMBER STATE.—For purposes of this section, the term ''Council-member State'' means a State described in section 2(b)(1) which is represented on the Council established under section 2(a).

SEC. 4. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment of this Act and at the end of each 2-year period thereafter, the Council shall submit a report to the President and the Congress which contains a detailed statement of the findings, conclusions, and recommendations of the Council.

SEC. 5. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the provisions of this Act. Notice of Council hearings shall be published in the Federal Register in a timely manner.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out the provisions of this Act. Upon the request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council.

(c) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COUNCIL PERSONNEL MATTERS.

(a) MEMBERS TO SERVE WITHOUT COMPENSATION.—Except as provided in subsection (b), members of the Council shall receive no compensation, allowances, or benefits by reason of service to the Council.

(b) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Council may, without regard to the civil service laws, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Council to perform its duties. The employment of an executive director shall be subject to confirmation by the Council and the Secretary.

(2) COMPENSATION.—The Chairperson of the Council may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OFFICE SPACE.—The Secretary shall provide office space for Council activities and for Council personnel.

SEC. 7. TERMINATION OF THE COUNCIL.

The Council shall terminate on the date that is 54 months after the date of enactment of this Act and shall submit a final report to the President and the Congress under section 4 at least 90 days before such termination.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated an amount not to exceed $250,000 for fiscal year 2002 and for each fiscal year thereafter to the Council to carry out the provisions of this Act.

(b) AVAILABILITY.—Any sums appropriated pursuant to this section shall remain available, without fiscal year limitation, until expended.

By Mr. AKAKA:

S. 228. A bill to amend title 38, United States Code, to make permanent the Native American veterans housing loan program, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise to introduce a bill which permanently authorizes the Native American Veteran Housing Loan Program.

In 1992, I authored a bill that established a pilot program to assist Native American veterans who reside on trust lands. This pilot program, administered by the Department of Veterans Affairs, VA, provides direct loans to Native American veterans to build or purchase homes on trust lands. Previously, Native American veterans who resided on trust lands were unable to qualify for VA home loan benefits. This disgraceful treatment of Native American veterans was finally corrected when Congress established the Native American Direct Home Loan Program.

Despite the challenges of creating a program that addresses the needs of hundreds of different tribal entities, VA has successfully entered into agreements to provide direct VA loans to members of 59 tribes and Pacific Island groups, and negotiations continue with other tribes. Since the program's inception, 233 Native American veterans have been able to achieve home ownership, and none of the loans approved by the VA have been foreclosed.

Unfortunately, the authority to issue new loans under this successful program will end on December 31, 2001. This would be devastating to a number of Native American veterans who would like to participate in this program. Native American veterans who reside on trust lands should be afforded the same benefits available to other veterans. Without this program, it would be incredibly difficult for Native Americans living on trust lands to obtain home loan financing.

Permanent authorization of this program will ensure that Native American veterans are provided equal access to services and benefits available to other veterans. I urge my colleagues to support this important legislation.

I ask unanimous consent that a copy 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. 228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORITY FOR NATIVE AMERICAN VETERANS HOUSING LOAN PROGRAM.

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended by striking subsection (c).

(b) REPORTING REQUIREMENTS.—Subsection (j) of section 3762 of that title is amended—

(1) in the matter preceding paragraph (1), by striking ''through 2002''; and

(2) by striking ''pilot'' each place it appears.

(c) CONFORMING AMENDMENTS.—(1) Section 3761 of that title is further amended—

(A) in subsection (a)—

(i) in the first sentence, by striking ''establish and implement a pilot program'' and inserting ''carry out a program''; and

(ii) in the second sentence, by striking ''establish and implement the pilot program'' and inserting ''carry out the program''; and

(B) in subsection (b), by striking ''pilot''.

(2) Section 3762 of that title is further amended—

(A) in subsection (b)(1)(E), by striking ''pilot program established under this subchapter is implemented'' and inserting ''program under this subchapter is carried out'';

(B) in the second sentence of subsection (c)(1)(B), by striking ''in order to carry out'' and all that follows through ''direct housing loans'' and inserting ''to make direct housing loans under the program under this subchapter''; and

(C) in subsection (i)—

(i) in paragraph (1), by striking ''pilot'';

(ii) in paragraph (2)(A)—

(I) by striking ''pilot program'' the first place it appears and inserting ''program provided for under this subchapter''; and

(II) by striking ''pilot program'' the second place it appears and inserting ''that program''; and

(iii) in paragraph (2)(E), by striking ''pilot program'' and inserting ''program provided for under this subchapter''.

(d) CLERICAL AMENDMENTS.—(1) The section heading of section 3761 of that title is amended to read as follows:

''§ 3761. Housing loan program''.

(2) The subchapter heading of subchapter V of chapter 37 of that title is amended to read as follows:

''SUBCHAPTER V—NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM''.

(3) The table of sections at the beginning of chapter 37 of that title is amended by striking the item relating to subchapter V and the item relating to section 3761 and inserting the following new items:

''SUBCHAPTER V—NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

''3761. Housing loan program.''.

By Mr. CAMPBELL:

S. 231. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. CAMPBELL. Mr. President, the future of our nation rests on the small shoulders of America's school children. To help them face that challenge, we must call on all of our resources and find new and innovative ways to support our schools, right now.

That is why today, I am introducing the ''Seniors As Volunteers in Our Schools Act,'' a bill that will be an important step in ensuring that our

schools provide a safe and caring place for our children to learn and grow. This bill is based on legislation which I introduced in the 106th Congress, S. 1851. I am pleased to have my colleagues Senators GRASSLEY, AKAKA and INOUYE as original co-sponsors.

Over the past week, under the leadership of President Bush, our nation and this body have committed to improving the nature of our schools. This bill presents one common-sense approach to enhancing the safety in our schools by utilizing one of our greatest resources—our senior citizens.

The bill I introduce today would encourage school administrators and teachers to use qualified seniors as volunteers in federally funded programs and activities authorized by the Elementary and Secondary Education Act, ESEA. The legislation specifically would encourage the use of seniors as volunteers in the safe and drug free schools programs, Indian education programs, the 21st Century Community before- and after-school programs and gifted and talented programs.

The Seniors as Volunteers in Our Schools Act creates no new programs; rather it suggests another allowable use of funds already allocated. The discretion whether to take advantage of this new resource continues to remain solely with the school systems.

In my home state of Colorado, a School Safety Summit recommended connecting each child to a caring adult as a way to reduce youth violence. Studies show that consistent guidance by a mentor or caring adult can help reduce teenage pregnancy, substance abuse and youth violence. Evidence also shows that the presence of adults on playgrounds, and in hallways and study halls, stabilizes the learning environment.

I know firsthand the importance of mentoring based on my own experiences as a teacher. A mentor can have a profound and positive impact on a child's life. What better way to make our schools safer for our children than to have more caring adults visibly involved?

I am pleased to note that the Colorado Association of School Boards supports the goal of this legislation. Jane Urschel, the Association's Associate Executive Director states, ''As many Colorado school districts have already discovered, having senior citizens in our classrooms helps to build intergenerational relationships and trust. It leads to a richer life for all.''

I am pleased that a number of seniors in Colorado already are helping in schools throughout my state. Many of my former and current staffers and their relatives care deeply about this issue and are very involved in volunteer and mentoring activities.

I do not expect this legislation to solve all the problems confronting our schools today. But, I see it as a practical way to help make our schools safer, more caring places for our children.

Mr. President, the Seniors as Volunteers in Our Schools Act of 2001 is one simple way to address the school safety issue in Colorado and nationwide. I believe that as we work to find the resources our schools require we must not overlook one of the more plentiful and accessible resources at our disposal—willing and capable adult role models. This bill provides an opportunity to immediately improve the lives of younger and older Americans alike by bringing them together in our schools. I urge my colleagues to support its passage.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 231

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 ''Seniors as Volunteers in Our Schools Act''.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. GOVERNOR'S PROGRAMS.

Section 4114(c) (20 U.S.C. 7114(c)) is amended—

(1) in paragraph (11), by striking ''and'' after the semicolon;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13) drug and violence prevention activities that use the services of appropriately qualified seniors for activities that include mentoring, tutoring, and volunteering.''.

SEC. 4. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

Section 4116(b) (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''(including mentoring by appropriately qualified seniors)'' after ''mentoring'';

(2) in paragraph (2)(C)—

(A) in clause (ii), by striking ''and'' after the semicolon;

(B) in clause (iii), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(iv) drug and violence prevention activities that use the services of appropriately qualified seniors for such activities as mentoring, tutoring, and volunteering;'';

(3) in paragraph (4)(C), by inserting ''(including mentoring by appropriately qualified seniors)'' after ''mentoring programs''; and

(4) in paragraph (8), by inserting ''and which may involve appropriately qualified seniors working with students'' after ''settings''.

SEC. 5. NATIONAL PROGRAMS.

Section 4121(a) (20 U.S.C. 7131(a)) is amended—

(1) in paragraph (10), by inserting '', including projects and activities that promote the interaction of youth and appropriately qualified seniors'' after ''responsibility''; and

(2) in paragraph (13), by inserting '', including activities that integrate appropriately qualified seniors in activities, such as mentoring, tutoring, and volunteering'' after ''title''.

SEC. 6. AUTHORIZED SERVICES AND ACTIVITIES.

Section 9115(b) (20 U.S.C. 7815(b)) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.''.

SEC. 7. IMPROVEMENTS OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

Section 9121(c)(1) (20 U.S.C. 7831(c)(1)) is amended—

(1) in subparagraph (J), by striking ''or'' after the semicolon;

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following:

''(K) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or''.

SEC. 8. PROFESSIONAL DEVELOPMENT.

Section 9122(d)(1) (20 U.S.C. 7832(d)(1)) is amended in the second sentence by striking the period and inserting '', and may include programs designed to train tribal elders and seniors.''.

SEC. 9. NATIVE HAWAIIAN COMMUNITY-BASED EDUCATION LEARNING CENTERS.

Section 9210(b) (20 U.S.C. 7910(b)) is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon; and

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors.''.

SEC. 10. ALASKA NATIVE STUDENT ENRICHMENT PROGRAMS.

Section 9306(b) (20 U.S.C. 7936(b)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors.''.

SEC. 11. GIFTED AND TALENTED CHILDREN.

Section 10204(b)(3) (20 U.S.C. 8034(b)(3)) is amended by striking ''and parents'' and inserting '', parents, and appropriately qualified senior volunteers''.

SEC. 12. 21st CENTURY COMMUNITY LEARNING CENTERS.

Section 10904(a)(3) (20 U.S.C. 8244(a)(3)) is amended—

(1) in subparagraph (D), by striking ''and'' after the semicolon;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(F) a description of how the school or consortium will encourage and use appropriately qualified seniors as volunteers in activities identified under section 10905.''.

By Mr. CLELAND (for himself, Mr. DURBIN, Mr. HAGEL, Mr. CORZINE, and Ms. LANDRIEU):

S. 232. A bill to amend the Internal Revenue Code for 1986 to exclude

United States savings bond income from gross income if it is used to pay long-term care expenses; to the Committee on Finance.

Mr. CLELAND. Mr. President, I am very pleased to begin this session with re-introduction of a measure to help Americans to better afford health care. Last Congress, I introduced S. 2066, which would have created a Savings Bond Income Tax-exemption for long-term care services. On July 17, 2000, this measure was adopted by the Senate as an amendment to S. 2839, the Marriage Penalty Reconciliation bill, but unfortunately was not retained in the final version of the legislation. As we all know, Congress did not pass any significant tax relief for health care coverage last year. Today, I am joined by Senators DURBIN, HAGEL, CORZINE and LANDRIEU in re-submitting this legislation.

Many have expressed their continuing interest in enacting our proposal which would result in a revenue loss of less than $22 million over ten years as estimated by the Joint Committee on Taxation while offering significant help in the financing of long-term health care needs. It is currently forecasted that in the next 30 years, half of all women and a third of all men in the United States will spend a portion of their life in a nursing home at a cost of $40,000 to $90,000 per year per person. I believe the proposed legislation would provide an excellent opportunity to assist millions of Americans facing the financial burdens of long-term care.

The bill we are re-introducing today would exclude United States savings bond income from being taxed if used to pay for long-term health care expenses. It will assist individuals struggling to accommodate costs associated with many chronic medical conditions and the aging process. Families that claim parents or parents-in-law as dependents on their tax returns would qualify for this tax credit if savings bond income is used to pay for long-term care services. ''Sandwich generation'' families paying for both college education for their children and long-term care services for their parents could use the tax credit for either program or a combined credit up to the allowable amount.

The last Congress took an important step in addressing our growing long-term care needs by enacting H.R. 4040, the Long-Term Care Security Act. H.R. 4040, which was signed into law on September 19, 2000, created the largest employer-based long-term care insurance program in American history. Additional steps are needed and our proposal will make long-term care more obtainable by more Americans. I urge you to support this needed tax relief for Americans struggling with the high cost of assistive and nursing home care.

I ask that this proposal to provide tax relief for long-term care services be printed in the RECORD.

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

S. 232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF UNITED STATES SAVINGS BOND INCOME FROM GROSS INCOME IF USED TO PAY LONG-TERM CARE EXPENSES.

(a) IN GENERAL.—Subsection (a) of section 135 of the Internal Revenue Code of 1986 (relating to income from United States savings bonds used to pay higher education tuition and fees) is amended to read as follows:

''(a) EXCLUSION.—

''(1) GENERAL RULE.—In the case of an individual who pays qualified expenses during the taxable year, no amount shall be includible in gross income by reason of the redemption during such year of any qualified United States savings bond.

''(2) QUALIFIED EXPENSES.—For purposes of this section, the term 'qualified expenses' means—

''(A) qualified higher education expenses, and

''(B) eligible long-term care expenses.''.

(b) LIMITATION WHERE REDEMPTION PROCEEDS EXCEED QUALIFIED EXPENSES.—Section 135(b)(1) of the Internal Revenue Code of 1986 (relating to limitation where redemption proceeds exceed higher education expenses) is amended—

(1) by striking ''higher education'' in subparagraph (A)(ii), and

(2) by striking ''HIGHER EDUCATION'' in the heading thereof.

(c) ELIGIBLE LONG-TERM CARE EXPENSES.—Section 135(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) ELIGIBLE LONG-TERM CARE EXPENSES.—The term 'eligible long-term care expenses' means qualified long-term care expenses (as defined in section 7702B(c)) and eligible long-term care premiums (as defined in section 213(d)(10)) of—

''(A) the taxpayer,

''(B) the taxpayer's spouse, or

''(C) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151.''.

(d) ADJUSTMENTS.—Section 135(d) of the Internal Revenue Code of 1986 (relating to special rules) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) ELIGIBLE LONG-TERM CARE EXPENSE ADJUSTMENTS.—The amount of eligible long-term care expenses otherwise taken into account under subsection (a) with respect to an individual shall be reduced (before the application of subsection (b)) by the sum of—

''(A) any amount paid for qualified long-term care services (as defined in section 7702B(c)) provided to such individual and described in section 213(d)(11), plus

''(B) any amount received by the taxpayer or the taxpayer's spouse or dependents for the payment of eligible long-term care expenses which is excludable from gross income.''.

(e) COORDINATION WITH DEDUCTIONS.—

(1) Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended by adding at the end the following new subsection:

''(f) COORDINATION WITH SAVINGS BOND INCOME USED FOR EXPENSES.—Any expense taken into account in determining the exclusion under section 135 shall not be treated as an expense paid for medical care.''.

(2) Section 162(l) of such Code (relating to special rules for health insurance costs of self-employed individuals) is amended by adding at the end the following new paragraph:

''(6) COORDINATION WITH SAVINGS BOND INCOME USED FOR EXPENSES.—Any expense taken into account in determining the exclusion under section 135 shall not be treated as an expense paid for medical care.''.

(f) CLERICAL AMENDMENTS.—

(1) The heading for section 135 of the Internal Revenue Code of 1986 is amended by inserting ''and long-term care expenses'' after ''fees''.

(2) The item relating to section 135 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting ''and long-term care expenses'' after ''fees''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mr. FEINGOLD (for himself, Mr. LEVIN, Mr. WELLSTONE, and Mr. CORZINE):

S. 233. A bill to place a moratorium on executions by the Federal Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, one year ago today, Governor George Ryan took the bold step of placing a moratorium on executions in Illinois. He refused to sign off on a single execution in Illinois. Why? Because he saw that the system by which people were sentenced to death in Illinois was terribly flawed. In fact, by the time Governor Ryan made his decision, Illinois had seen more exonerations of innocent people than executions. There had been 13 exonerations and 12 executions. Of the 13 people found innocent, some were wrongfully convicted based on police or prosecutorial misconduct. Modern DNA testing played a role in yet another 5 exonerations. And in some cases, it was students from Northwestern University—people very much outside the criminal justice system—who played a key role in finding and presenting the evidence to secure the release of wrongfully condemned men.

What did Governor Ryan do in the face of this risk of executing innocent people? Governor Ryan recognized the moral stakes that faced him and took the courageous step of suspending executions. He said, ''until I can be sure with moral certainty that no innocent man or woman is facing a lethal injection, no one will meet that fate.'' Is that too much to ask—that innocent men and women not be put to death? I believe the vast majority of Americans would say it is not too much to ask. Governor Ryan has been an ardent death penalty supporter, having argued vehemently for its use while a member of the Illinois legislature. But now, as Governor, he was faced with the awesome responsibility of carrying out the final stage of this punishment. Following his decision to place a moratorium on executions, he promptly appointed a panel of distinguished prosecutors and defense lawyers, as well as

civic and political leaders. That panel is charged with thoroughly reviewing the flaws in the administration of the death penalty in Illinois.

But these problems—and particularly the risk of executing an innocent person—are not unique to Illinois. They exist throughout our Nation. That is why today I rise to re-introduce the National Death Penalty Moratorium Act. This bill seeks to apply the wisdom of Governor Ryan and the people of Illinois to the federal government and all states that authorize the use of capital punishment. I am pleased that my distinguished colleagues, Senators LEVIN, WELLSTONE and CORZINE, have joined me in cosponsoring this bill.

Governor Ryan's decision was a watershed event. During the last year, his action was a significant factor in unleashing a renewed, national debate on the death penalty. For the first time in many years, people are beginning to understand that our system is fallible. Mistakes can be made. Mistakes have been made. But mistakes should not be made, particularly when mistakes can mean the difference between life and death. In fact, overall support for the death penalty has dropped to an almost 20-year low. According to an NBC News/Wall Street Journal poll, 63 percent of Americans support a suspension of executions while questions of fairness are addressed.

The time to prevent the execution of the innocent is now. The time to restore fairness and justice is now. The time to act is now. The time for a moratorium is now.

Governor Ryan was greatly troubled by the number of innocent people sent to death row in Illinois—13 people, and still counting. Since the 1970s, 93 people have been exonerated nationwide. At the same time, we have executed close to 700 people. That means for every seven people who have been executed, we have found one person sitting on death row who should not have been there. And it's not just Illinois that has sent innocent people to death row. Twenty-two of the 38 states that authorize capital punishment have had exonerations. In fact, Florida actually exceeds Illinois in total number of people exonerated: Florida has had 20. Oklahoma has exonerated 7, Texas has exonerated 7 people, Georgia has exonerated 6 people, and on and on. Mr. President, while we explore ways to reduce and eliminate the risk of executing the innocent, not a single person should be executed. The time to act is now. The time for a moratorium is now.

My distinguished colleague from Vermont, the ranking member of the Judiciary Committee, Senator LEAHY, has championed the need for access to modern DNA testing and certain minimum standards of competency for defense counsel in capital cases. I have joined him and many of our distinguished colleagues, including Senators GORDON SMITH, COLLINS, JEFFORDS, and LEVIN, to support the Innocence Protection Act. This bill would bring greater fairness to the administration of the death penalty. I commend Senator LEAHY for his leadership on this bill, particularly for highlighting the need for access to modern DNA testing. During the last year, as a result of his leadership, the American people are beginning to understand the value and necessity of modern DNA testing in our criminal justice system. But while we work to pass these needed reforms, a time-out is needed to ensure the integrity and fairness of our criminal justice system. The time for a moratorium is now.

According to a study led by Columbia University Law Professor Jim Liebman and released last June, the overall rate of error in America's death penalty system is 68 percent. Reviewing over 4,500 appeals between 1973 and 1995, the report found that courts detected serious, reversible error in nearly 7 of every 10 of the capital sentences that were fully reviewed. It is appalling that the system is producing so many mistakes. And, of course, the question remains: Are we in fact catching all the mistakes?

The Columbia study is further evidence that Illinois' problems are not unique. The overall error rate in Illinois was 66 percent, just below the national average, which means that some states are well above Illinois. I can't underscore this enough. The serious, prejudicial error that results in reversals is a phenomenon nationally, not just in Illinois.

In the words of the study's authors, our system is ''collapsing under the weight of its own mistakes.'' Mr. President, if our death penalty system was a business enterprise that had an error rate in producing widgets of 68 percent, that business would undertake a thorough, top to bottom review. Let's conduct a thorough, top to bottom review of our nation's death penalty system.

The Columbia study found that the most common errors are (1) egregiously incompetent defense counsel who failed to look for important evidence that the defendant was innocent or did not deserve to die; and (2) police or prosecutors who discovered that kind of evidence but suppressed it, again keeping it from the jury. On retrial where results are known, 82 percent of the reversals resulted in sentences less than death, while another 7 percent were found to be innocent of the crime that sent them to death row. When the system sends an innocent person to death row, there is a double loss: the innocent person is robbed of freedom and the real killer is still free, free to potentially do more harm.

Senator LEAHY's Innocence Protection Act is a first step in the fight to ensure that defendants facing capital charges receive competent legal representation. We have heard stories of sleeping lawyers, drunk lawyers, lawyers who are paid less than a living wage, all of whom are lawyers who have represented people subsequently convicted and sentenced to death. But, as the Columbia study shows, access to modern DNA testing and efforts to ensure competent counsel in capital cases are only two of the many menacing problems plaguing the administration of the death penalty.

The second common error, according to the Columbia study, is the role of police or prosecutorial misconduct in suppressing evidence that could mean the difference between guilt and innocence, or life and death. The risk of police or prosecutorial misconduct is increased in capital cases. Why? Because capital cases are usually high profile, high stakes cases, particularly for the police or prosecutor's personal, professional advancement. One problem involves the use of jailhouse informant testimony. Police or prosecutors use jailhouse informants who claim to have heard the defendant confess to a crime. These informants' testimony, however, is inherently unreliable because they have a strong incentive to lie: their testimony to convict another person can mean reduced charges or a lighter sentence in their own case.

Similarly, prosecutors may rely on the testimony of co-defendants who also may have strong incentives to lie to avoid tougher charges or harsher sentences. Yet another area of police misconduct involves false confessions. Take the case of Gary Gauger. Gauger was wrongfully convicted of murdering his parents on the basis of a false confession obtained by police. In 1993, he was convicted and sent to Illinois' death row. The main piece of evidence against him was a so-called ''confession'' that the police claimed they obtained after holding Gauger for 21 hours without food or access to an attorney. The police wrote out a version of the murder and tried to convince Gauger that he had killed his parents while in a blackout state. He refused to sign the ''confession.'' But the prosecution introduced the unsigned confession against him at trial. His defense attorney did virtually no work preparing for trial, telling Gauger's sister that ''death penalty cases are won on appeal.'' Fortunately for Gauger, Northwestern University Law Professor Larry Marshall took over his case and Gauger's conviction was reversed. In the meantime, the real killers were discovered when FBI agents, listening to wiretapped conversations during an FBI investigation of a motorcycle gang, heard the killers describe murdering Gauger's parents.

Gauger finally got his freedom, but only after being unfairly and unjustly dragged through our criminal justice system. Our law enforcement officers do a great job, but we must act to understand the role of misconduct by police and prosecutors and its contribution to creating a high rate of error in capital cases. The time to act is now. The time for a moratorium is now.

Another problem with our nation's administration of the death penalty is

the glaring racial disparity in decisions about who shall be executed. One of the most disturbing statistics suggests that white victims are valued more highly by the system than non-whites. Since reinstatement of the modern death penalty, 83 percent of capital cases involve white victims, even though murder victims are African American or white in roughly equal numbers. Nationwide, more than half the death row inmates are African Americans or Hispanic Americans.

Racial disparities are particularly pronounced at the federal level. According to a report released by the Justice Department in September 2000, whether a defendant lives or dies in the federal system appears to relate to the color of the defendant's skin or the federal district in which the prosecution takes place. The report also found that 80 percent of the cases submitted for death penalty prosecution authorization involved minority defendants. Furthermore, according to the Department of Justice, white defendants are more likely than black defendants to negotiate plea bargains saving them from the death penalty in Federal cases. In fact, currently, 16 of the 20, or 80 percent, of federal death row inmates are racial or ethnic minorities.

The federal death penalty system also shows a troubling geographic disparity. The Department of Justice report shows that United States Attorneys in only 5 of 94 Federal districts—1 each in Virginia, Maryland, Puerto Rico, and 2 in New York—submit 40 percent of all cases in which the death penalty is considered. In fact, U.S. attorneys who have frequently recommended seeking the death penalty are often from States with a high number of executions under State law, including Texas, Virginia, and Missouri.

The National Institute of Justice is already setting into motion a comprehensive study of these racial and geographic disparities. Federal executions should not proceed until these disparities are fully studied and discussed, and until the federal death penalty process is subjected to necessary remedial action.

In addition to racial and geographic disparities in the administration of the federal death penalty, other serious questions exist about the fairness and reliability of federal death penalty prosecutions. Federal prosecutors rely heavily on bargained-for testimony from accomplices of the capital defendant, which is often obtained in exchange for not seeking the death penalty against the accomplices. This practice creates a serious risk of false testimony.

Federal prosecutors are not required to provide discovery sufficiently ahead of trial to permit the defense to be prepared to use this information effectively in defending their clients. The FBI, in increasing isolation from the rest of the nation's law enforcement agencies, refuses to make electronic recordings of interrogations that produce confessions, thus making subsequent scrutiny of the legality and reliability of such interrogations more difficult. Federal prosecutors rely heavily on predictions of ''future dangerousness''—predictions deemed unreliable and misleading by the American Psychiatric Association and the American Psychological Association—to secure death sentences.

I was pleased when, in December 2000, President Clinton stayed Juan Raul Garza's execution and ordered the Justice Department to conduct further reviews of the racial and regional disparities in the federal death penalty system. Before the federal government takes this step, resuming executions for the first time in almost 40 years, we should be sure that our system of administering the ultimate punishment is fair and just.

I urge my colleagues to join me in cosponsoring the National Death Penalty Moratorium Act. This bill would place a moratorium on federal executions and urge the States to do the same. The bill would also create a National Commission on the Death Penalty to review the fairness of the administration of the death penalty at the state and federal levels. This Commission would be an independent, blue ribbon panel of distinguished prosecutors, defense attorneys, jurists and others.

The need for a moratorium could not be more critical than it is today. The time to act is now. The time for a moratorium is now.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 233

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 ''National Death Penalty Moratorium Act of 2001''.

TITLE I—MORATORIUM ON THE DEATH PENALTY

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) GENERAL FINDINGS.—

(A) The administration of the death penalty by the Federal government and the States should be consistent with our Nation's fundamental principles of fairness, justice, equality, and due process.

(B) At a time when Federal executions are scheduled to recommence, Congress should consider that more than ever Americans are questioning the use of the death penalty and calling for assurances that it be fairly applied. Support for the death penalty has dropped to the lowest level in 19 years. An NBC News/Wall Street Journal Poll revealed that 63 percent of Americans support a suspension of executions until questions of fairness can be addressed.

(C) Documented unfairness in the Federal system requires Congress to act and suspend Federal executions. Additionally, substantial evidence of unfairness throughout death penalty States justifies further investigation by Congress.

(2) ADMINISTRATION OF THE DEATH PENALTY BY THE FEDERAL GOVERNMENT.—

(A) The fairness of the administration of the Federal death penalty has recently come under serious scrutiny, specifically raising questions of racial and geographic disparities:

(i) Eighty percent of Federal death row inmates are members of minority groups.

(ii) A report released by the Department of Justice on September 12, 2000, found that 80 percent of defendants who were charged with death-eligible offenses under Federal law and whose cases were submitted by the United States attorneys under the Department's death penalty decision-making procedures were African American, Hispanic American, or members of other minority groups.

(iii) The Department of Justice report shows that United States attorneys in only 5 of 94 Federal districts—1 each in Virginia, Maryland, Puerto Rico, and 2 in New York—submit 40 percent of all cases in which the death penalty is considered.

(iv) The Department of Justice report shows that United States attorneys who have frequently recommended seeking the death penalty are often from States with a high number of executions under State law, including Texas, Virginia, and Missouri.

(v) The Department of Justice report shows that white defendants are more likely than black defendants to negotiate plea bargains saving them from the death penalty in Federal cases.

(vi) A study conducted by the House Judiciary Subcommittee on Civil and Constitutional Rights in 1994 concluded that 89 percent of defendants selected for capital prosecution under the Anti-Drug Abuse Act of 1988 were either African American or Hispanic American.

(vii) The National Institute of Justice has already set into motion a comprehensive study of these racial and geographic disparities.

(viii) Federal executions should not proceed until these disparities are fully studied, discussed, and the federal death penalty process is subjected to necessary remedial action.

(B) In addition to racial and geographic disparities in the administration of the federal death penalty, other serious questions exist about the fairness and reliability of federal death penalty prosecutions:

(i) Federal prosecutors rely heavily on bargained-for testimony from accomplices of the capital defendant, which is often obtained in exchange for not seeking the death penalty against the accomplices. This practice creates a serious risk of false testimony.

(ii) Federal prosecutors are not required to provide discovery sufficiently ahead of trial to permit the defense to be prepared to use this information effectively in defending their clients.

(iii) The Federal Bureau of Investigation (FBI), in increasing isolation from the rest of the nation's law enforcement agencies, refuses to make electronic recordings of interrogations that produce confessions, thus making subsequent scrutiny of the legality and reliability of such interrogations more difficult.

(iv) Federal prosecutors rely heavily on predictions of ''future dangerousness''—predictions deemed unreliable and misleading by the American Psychiatric Association and the American Psychological Association—to secure death sentences.

(3) ADMINISTRATION OF THE DEATH PENALTY BY THE STATES.—

(A) The punishment of death carries an especially heavy burden to be free from arbitrariness and discrimination. The Supreme Court has held that ''super due process'', a higher standard than that applied in regular

criminal trials, is necessary to meet constitutional requirements. There is significant evidence that States are not providing this heightened level of due process. For example:

(i) In the most comprehensive review of modern death sentencing, Professor James Liebman and researchers at Columbia University found that, during the period 1973 to 1995, 68 percent of all death penalty cases reviewed were overturned due to serious constitutional errors. In the wake of the Liebman study, 6 States (Arizona, Maryland, North Carolina, Illinois, Indiana, and Nebraska), as well as the Chicago Tribune and the Texas Defender Service are conducting additional studies. These studies may expose additional problems. With few exceptions, the rate of error was consistent across all death penalty States.

(ii) Forty percent of the cases overturned were reversed in Federal court after having been upheld by the States.

(B) The high rate of error throughout all death penalty jurisdictions suggests that there is a grave risk that innocent persons may have been, or will likely be, wrongfully executed. Although the Supreme Court has never conclusively addressed the issue of whether executing an innocent person would in and of itself violate the Constitution, in Herrara v. Collins, 506 U.S. 390 (1993), a majority of the court expressed the view that a persuasive demonstration of actual innocence would violate substantive due process rendering imposition of a death sentence unconstitutional. In any event, the wrongful conviction and sentencing of a person to death is a serious concern for many Americans. For example:

(i) After 13 innocent people were released from Illinois death row in the same period that the State had executed 12 people, on January 31, 2000, Governor George Ryan of Illinois imposed a moratorium on executions until he could be ''sure with moral certainty that no innocent man or woman is facing a lethal injection, no one will meet that fate''.

(ii) Since 1973, 93 persons have been freed and exonerated from death rows across the country, most after serving lengthy sentences.

(C) Wrongful convictions create a serious public safety problem because the true killer is still at large, while the innocent person languishes in prison.

(D) There are many systemic problems that result in innocent people being convicted such as mistaken identification, reliance on jailhouse informants, reliance on faulty forensic testing and no access to reliable DNA testing. For example:

(i) A study of cases of innocent people who were later exonerated, conducted by attorneys Barry Scheck and Peter Neufeld with ''The Innocence Project'' at Cardozo Law School, showed that mistaken identifications of eyewitnesses or victims contributed to 84 percent of the wrongful convictions.

(ii) Many persons on death row were convicted prior to 1994 and did not receive the benefit of modern DNA testing. At least 10 individuals sentenced to death have been exonerated through post-conviction DNA testing, some within days of execution. Yet in spite of the current widespread prevalence and availability of DNA testing, many States have procedural barriers blocking introduction of post-conviction DNA testing. More than 30 States have laws that require a motion for a new trial based on newly discovered evidence to be filed within 6 months or less.

(iii) The widespread use of jailhouse snitches who earn reduced charges or sentences by fabricating ''admissions'' by fellow inmates to unsolved crimes can lead to wrongful convictions.

(iv) The misuse of forensic evidence can lead to wrongful convictions. A recently released report from the Texas Defender Service entitled ''A State of Denial: Texas and the Death Penalty'' found 160 cases of official forensic misconduct including 121 cases where expert psychiatrists testified ''with absolute certainty that the defendant would be a danger in the future'', often without even interviewing the defendant.

(E) The sixth amendment to the Constitution guarantees all accused persons access to competent counsel. The Supreme Court set out standards for determining competency in the case of Strickland v. Washington, 466 U.S. 668 (1984). Unfortunately, there is unequal access to competent counsel throughout death penalty States. For example:

(i) Ninety percent of capital defendants cannot afford to hire their own attorney.

(ii) Fewer than one-quarter of the 38 death penalty States have set any standards for competency of counsel and in those few States, these standards were set only recently. In most States, any person who passes a bar examination, even if that attorney has never represented a client in any type of case, may represent a client in a death penalty case.

(iii) Thirty-seven percent of capital cases were reversed because of ineffective assistance of counsel, according to the Columbia study.

(iv) The recent Texas report noted problems with Texas defense attorneys who slept through capital trials, ignored obvious exculpatory evidence, suffered discipline for ethical lapses or for being under the influence of drugs or alcohol while representing an indigent capital defendant at trial.

(v) Poor lawyering was also cited by Governor Ryan in Illinois as a basis for a moratorium. More than half of all capital defendants there were represented by lawyers who were later disciplined or disbarred for unethical conduct.

(F) The Supreme Court has held that it is a violation of the eighth amendment to impose the death penalty in a manner that is arbitrary, capricious, or discriminatory. McKlesky v. Kemp, 481 U.S. 279 (1987). Studies consistently indicate racial disparity in the application of the death penalty both for the defendants and the victims. The death penalty is disparately applied in various regions throughout the country, suggesting arbitrary administration of the death penalty based on where the prosecution takes place. For example:

(i) Of the 85 executions in the year 2000, 51 percent of the defendants were white, 40 percent were black, 7 percent were Latino and 2 percent Native American. Of the victims in the underlying murder, 76 percent were white, 18 percent were black, 2 percent were Latino, and 3 percent were ''other''. These figures show a continuing trend since reinstatement of the modern death penalty of a predominance of white victims' cases. Despite the fact that nationally whites and blacks are victims of murder in approximately equal numbers, 83 percent of the victims involved in capital cases overall since reinstatement, and 76 percent of the victims in 2000, have been white. Since this disparity is confirmed in studies that control for similar crimes by defendants with similar backgrounds, it implies that white victims are considered more valuable in the criminal justice system.

(ii) Executions are conducted predominately in southern States. Ninety percent of all executions in 2000 were conducted in the south. Only 3 States outside the south, Arizona, California, and Missouri, conducted an execution in 2000. Texas accounted for almost as many executions as all the remaining States combined.

SEC. 102. FEDERAL AND STATE DEATH PENALTY MORATORIUM.

(a) IN GENERAL.—The Federal Government shall not carry out any sentence of death imposed under Federal law until the Congress considers the final findings and recommendations of the National Commission on the Death Penalty in the report submitted under section 202(c)(2) and the Congress enacts legislation repealing this section and implements or rejects the guidelines and procedures recommended by the Commission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each State that authorizes the use of the death penalty should enact a moratorium on executions to allow time to review whether the administration of the death penalty by that State is consistent with constitutional requirements of fairness, justice, equality, and due process.

TITLE II—NATIONAL COMMISSION ON THE DEATH PENALTY

SEC. 201. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on the Death Penalty (in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) APPOINTMENT.—Members of the Commission shall be appointed by the President in consultation with the Attorney General and the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate.

(2) COMPOSITION.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be Federal or State prosecutors;

(B) 3 members shall be attorneys experienced in capital defense;

(C) 2 members shall be current or former Federal or State judges;

(D) 2 members shall be current or former Federal or State law enforcement officials; and

(E) 5 members shall be individuals from the public or private sector who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission, which may include—

(i) officers or employees of the Federal Government or State or local governments;

(ii) members of academia, nonprofit organizations, the religious community, or industry; and

(iii) other interested individuals.

(3) BALANCED VIEWPOINTS.—In appointing the members of the Commission, the President shall, to the maximum extent practicable, ensure that the membership of the Commission is fairly balanced with respect to the opinions of the members of the Commission regarding support for or opposition to the use of the death penalty.

(4) DATE.—The appointments of the initial members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(d) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after all initial members of the Commission have been appointed, the Commission shall hold the first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum for conducting business, but a lesser number of members may hold hearings.

(h) CHAIR.—The President shall designate 1 member appointed under subsection (a) to serve as the Chair of the Commission.

(i) RULES AND PROCEDURES.—The Commission shall adopt rules and procedures to govern the proceedings of the Commission.

SEC. 202. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to the administration of the death penalty to determine whether the administration of the death penalty comports with constitutional principles and requirements of fairness, justice, equality, and due process.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include the following:

(A) Racial disparities in capital charging, prosecuting, and sentencing decisions.

(B) Disproportionality in capital charging, prosecuting, and sentencing decisions based on geographic location and income status of defendants or any other factor resulting in such disproportionality.

(C) Adequacy of representation of capital defendants, including consideration of the American Bar Association ''Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases'' (adopted February 1989) and American Bar Association policies that are intended to encourage competency of counsel in capital cases (adopted February 1979, February 1988, February 1990, and August 1996).

(D) Whether innocent persons have been sentenced to death and the reasons these wrongful convictions have occurred.

(E) Whether the Federal government should seek the death penalty in a State with no death penalty.

(F) Whether courts are adequately exercising independent judgment on the merits of constitutional claims in State post-conviction and Federal habeas corpus proceedings.

(G) Whether mentally retarded persons and persons who were under the age of 18 at the time of their offenses should be sentenced to death after conviction of death-eligible offenses.

(H) Procedures to ensure that persons sentenced to death have access to forensic evidence and modern testing of forensic evidence, including DNA testing, when modern testing could result in new evidence of innocence.

(I) Any other law or procedure to ensure that death penalty cases are administered fairly and impartially, in accordance with the Constitution.

(b) GUIDELINES AND PROCEDURES.—

(1) IN GENERAL.—Based on the study conducted under subsection (a), the Commission shall establish guidelines and procedures for the administration of the death penalty consistent with paragraph (2).

(2) INTENT OF GUIDELINES AND PROCEDURES.—The guidelines and procedures required by this subsection shall—

(A) ensure that the death penalty cases are administered fairly and impartially, in accordance with due process;

(B) minimize the risk that innocent persons may be executed; and

(C) ensure that the death penalty is not administered in a racially discriminatory manner.

(c) REPORT.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President, the Attorney General, and the Congress a preliminary report, which shall contain a preliminary statement of findings and conclusions.

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit a report to the President, the Attorney General, and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with the recommendations of the Commission for legislation and administrative actions that implement the guidelines and procedures that the Commission considers appropriate.

SEC. 203. POWERS OF THE COMMISSION.

(a) INFORMATION FROM FEDERAL AND STATE AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any Federal or State department or agency information that the Commission considers necessary to carry out the provisions of this title.

(2) FURNISHING OF INFORMATION.—Upon a request of the Chairperson of the Commission, the head of any Federal or State department or agency shall furnish the information requested by the Chairperson to the Commission.

(b) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) HEARINGS.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out the provisions of this title—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths that the Commission, subcommittee, or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, documents, tapes, and materials that the Commission, subcommittee, or member considers advisable.

(e) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued pursuant to subsection (d)—

(A) shall bear the signature of the Chairperson of the Commission; and

(B) shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (d), the district court of the United States for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring that person to appear at any designated place to testify or to produce documentary or other evidence.

(B) CONTEMPT.—Any failure to obey a court order issued under subparagraph (A) may be punished by the court as a contempt.

(3) TESTIMONY OF PERSONS IN CUSTODY.—A court of the United States within the jurisdiction in which testimony of a person held in custody is sought by the Commission or within the jurisdiction of which such person is held in custody, may, upon application by the Attorney General, issue a writ of habeas corpus ad testificandum requiring the custodian to produce such person before the Commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose.

(f) WITNESS ALLOWANCES AND FEES.—

(1) IN GENERAL.—The provisions of section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission.

(2) TRAVEL EXPENSES.—The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

SEC. 204. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for the services of the member to the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the duties of the Commission.

(2) EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

SEC. 205. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 202.

SEC. 206. FUNDING.

(a) IN GENERAL.—The Commission may expend an amount not to exceed $850,000, as provided by subsection (b), to carry out this title.

(b) AVAILABILITY.—Sums appropriated to the Department of Justice shall be made available to carry out this title.

By Mr. SHELBY:

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calender year; to the Committee on the Judiciary.

BUDGET AMENDMENT

Mr. SHELBY. Mr. President, I rise today to introduce a balanced budget

amendment to the Constitution. This is the same amendment which I have introduced in every Congress since the 97th Congress. Throughout my entire tenure in Congress, during the good economic times and the bad, I have devoted much time and attention to this idea because I believe that the most significant thing that the Federal Government can do to enhance the lives of all Americans and future generation is to ensure that we have a balanced Federal budget.

Our Founding Fathers, wise men indeed, had great concerns regarding the capability of those in government to operate within budgetary constraints. Alexander Hamilton once wrote that ''* * * there is a general propensity in those who govern, founded in the constitution of man, to shift the burden from the present to a future day.'' Thomas Jefferson commented on the moral significance of this ''shifting of the burden from the present to the future.'' He said: ''the question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves.''

I completely agree with these sentiments. History has shown that Hamilton was correct. Those who govern have in fact saddled future generations with the responsibility of paying for their debts. For a large part of the past 30 years, annual deficits became routine and the federal government built up massive debt. Furthermore, I believe that Jefferson's assessment of the significance of this is also correct: intergenerational debt shifting is morally wrong.

Some may find it strange that I am talking about the problems of budget deficits and the need for a balanced budget amendment at a time when the budget is actually in balance. However, I raise this issue now, as I have time and time again in the past, because of the seminal importance involved in establishing a permanent mechanism to ensure that our annual federal budget is always balanced. Without such an amendment there is a no guarantee that the budget will remain balanced.

A permanently balanced budget would have a considerable impact in the everyday lives of the American people. A balanced budget would dramatically lower interest rates thereby saving money for anyone with a home mortgage, a student loan, a car loan, credit card debt, or any other interest rate sensitive payment responsibility. Simply by balancing its books, the Federal Government would put real money into the hands of hard working people. In all practical sense, the effect of such fiscal responsibility on the part of the government would be the same as a significant tax cut for the American people. Moreover, if the government demand for capital is reduced, more money would be available for private sector use, which in turn, would generate substantial economic growth and create thousands of new jobs. More money in the pockets of Americans, more job creation by the economy, a simple step could make this reality-a balanced budget amendment. Furthermore, a balanced budget amendment would also provide the discipline to keep us on the course towards reducing our massive national debt.

Currently, the Federal Government pays hundreds of billions of dollars in interest payments on the debt each year. This means we spend billions of dollars each year on exactly, nothing. At the end of the year we have nothing of substance to show for these expenditures. These expenditures do not provide better educations for our children, they do not make our Nation safer, they do not further important medical research, they do not build new roads. They do nothing but pay the obligations created by the fiscal irresponsibility of those who came earlier. In the end, we need to ensure that we continue on the road to a balanced budget so that we can end the wasteful practice of making interest payments on the deficit.

However, opponents of a balanced budget amendment act like it is something extraordinary. In reality, a balanced budget amendment will only require the government to do what every American already has to do: balance their checkbook. It is simply a promise to the American people, and more importantly, to future generations of Americans, that the government will act responsibility.

Thankfully the budget is currently balanced. However, there are no guarantees that it will stay as such. We could see dramatic changes in economic conditions. The drain on the government caused by the retirement of the Baby Boomers may exceed expectations. Future leaders may fall pray to the ''general propensity * * * to shift the burden'' that Alexander Hamilton wrote about so long ago. We need to establish guarantees for future generations. The balanced budget amendment is the best such mechanism available.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. CORZINE, his name was added as a cosponsor of S. 9, a bill to amend the Internal Revenue Code of 1986 to provide tax relief, and for other purposes.

S. 11

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 11, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and for other purposes.

S. 17

At the request of Mr. CLELAND, his name was added as a cosponsor of S. 17, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 25

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 25, a bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes.

S. 29

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 41

At the request of Mr. HATCH, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Georgia (Mr. CLELAND), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mrs. MURRAY), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 77

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 88

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 104

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 126

At the request of Mr. CLELAND, the name of the Senator from California