the child. I have an amendment which says we ought to make sure that those single parents, those women, are able to finish their college education. I may or may not be able to present that amendment here in this debate.

I just want to make it crystal clear, Madam President, on both counts I am in opposition with the majority leader on this question. Madam President, $1.6 billion—put it into rebuilding crumbling schools, put it into smaller class size. Don't put it into a program that benefits mainly upper income people and private schools. It is that simple.

Second of all, let's have a debate about education. You cannot decontextualize what happens to children before they go to school and what happens to children when they go home after being in school from how well they do in school. There are a whole bunch of issues—some of them are direct education issues; some of them have to do with whether the parents are doing well employment-wise; some have to do with nutrition; some have to do with health care; some of them have to do with whether or not these young people think they can afford higher education—that dramatically affect how well children do in school.

I don't think the majority leader ought to, as a priority, decide what are relevant amendments or what kind of debate we ought to have on education. I don't know why my colleagues are afraid of a full-fledged substantive debate about education. Let's take the next week and let's debate the education amendments up or down.

I said to my colleague from Georgia, to end on a slightly different note, that I appreciated his effort. I said that a few days ago, that I think he is absolutely sincere in what he is doing, even though we disagree and that, most important of all, I look forward to a real debate. I hope we will have that real debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. COVERDELL. Mr. President, first, I will respond to the Senator from Minnesota. I appreciate his courtesy, his reflection on my passion for this legislation. I will, at least for his benefit and others, put a slightly different view on the analysis the Senator has presented.

First, the Senator talked about a cost of $1.6 billion. Now, that is a 10-year period. Of course, it is leaving $1.6 billion in the checking accounts of 14 million American families. But what that fails to acknowledge is that that modest—modest —incentive generates over $10 billion of assets, not tax dollars. These are volunteered assets of American families. So it becomes one of the largest single new sources of financial support for all education in recent times. It is a large, large number. It is not $1.6 billion, but we say, OK, we are not going to tax the interest build-up, so we will receive $1.6 billion less here in Washington. They will keep it in savings accounts. That will generate over $10 billion.

The Senator from Minnesota has not, I believe, acknowledged that this proposal is now a very bipartisan proposal, and it is far more expansive than the savings account which I just described.

The filibuster that we have been fighting since last July with the Presidential veto threat includes State prepaid tuition plans. It is about the same cost. Again, it is tax relief to families so they are not taxed when they come with prepaid tuition to a college. Twenty-one States now have it. And that was brought to us by Senator BREAUX of Louisiana and Senator GRAHAM of Florida.

The Senator has not acknowledged the employer-provided educational assistance which expands tax exemptions for employers helping their employees continue to improve their education. This leaves almost $2.7 billion of tax relief in these companies' checking accounts. But, of course, it affects over 1 million workers who would be able to have a better education because of it, and 250,000 graduate students, because they would be included for the first time. We owe Senator MOYNIHAN of New York the gratitude for having put this proposal in the package that is being filibustered.

There are a couple of minor provisions that I will not go into. But the other more significant one that has been brought forward is from Senator GRAHAM of Florida who has devised an expanded financing tool for public school systems which would enable the construction of about 500 new schools.

So you have a very broad range. You have savings accounts effecting 14 million families and 20 million children generating almost $10 billion of new energy. You have $5 billion in new resources supporting public and private schools; $3 billion in new school construction; 1 million workers receiving tax-free employer-provided education assistance; 1 million students receiving tax relief on State prepaid tuition plans.

So, A, we have to look at it in a broader context—not just the savings account. And the other is that the vast majority of the proposal now has been proposed by the other side of the aisle.

The Senator from Minnesota inferred that it is for public education. This is not for public education. That is just not the case. The 500 new schools, public schools, 1 million workers, and 1 million students are all associated with public education. Half of all the proceeds coming out of the savings account, which in the first 5 years is $5 billion, and then, as I said, $10 billion over 10 years—half of it, if you accept the very bare bottom analysis of the Joint Tax Committee, supports students in public schools. That is billions of dollars. And half of it supports children in private or home school. So it is a lot of money.

The thing that is not clear to anybody right now, and for which we do not have numbers—we can only imagine—is that one of the unique features of the savings account is that a sponsor can be a contributor, a grandparent, an uncle, an aunt, a sister, a neighbor, a church, an employer, a union, a benevolent association—you name it. Those resources coming into the savings account no one has estimated. My judgment is that in the second 5 years it will be equal to what the families are putting in because people's imaginations begin. And it is a limitless opportunity for people to help youngsters have sufficient resources for helping their education, whether it is the requirement to have a tutor, or a home computer, or transportation, or after-school programs, or whatever is perceived to be the problem associated with the child.

The majority leader has come. The Senator is trying to ask a question. Let us give the majority leader his time.

Mr. WELLSTONE. Madam President, will the Senator yield for 10 seconds?

Mr. COVERDELL. Yes.

Mr. WELLSTONE. I want to be clear. Since the Senator from Alaska sort of set the terms and was gracious enough to let me speak, I wanted to stay on the floor because I wanted to respond to the Senator's very eloquent viewpoint. I have not tried to debate using his time. Later on I will come back to the debate. But I did not want to leave in the middle of the Senator's remarks because I respect what he is trying to do. I don't understand how someone so nice can be so wrong. But we will come back to the debate.

Mr. COVERDELL. I thank the Senator.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, first, I want to congratulate the Senator from Georgia for the leadership he has provided on this issue and so many other issues, and for his persistence in coming to the floor and engaging in the discussion with the Senator from Minnesota and others.

One of the things that comes to my mind is: What are you afraid of? What is it about this that causes you great concern? I am a product of public education from day one all the way through college all the way through law school. I really care about public education. I daresay a lot of our colleagues here in the Chamber can't say that. They went to one private school or another; one special school or another. Not me. I went to public schools in Mississippi from the first grade—in fact, even a little pre-first grade program right on through law school. When I was in elementary and in high school, my family didn't have a lot of

income. My mother was a schoolteacher. My dad was a shipyard worker. They could have used an opportunity to maybe save a little money to help with our education—my education needs when I was in high school, or when I got ready to go to college.

So look at what we are talking about here: an education savings account. Who is disadvantaged by this? Shouldn't we encourage parents and grandparents and scholarship groups to save for their children and their grandchildren's needs? Maybe that is something that they would need in high school, or maybe even elementary school, as has been pointed out, whether it is computers or uniforms. Some schools are going to need uniforms or tutors. That is something that I think really could be very helpful.

But also in this package are some other things that would have been helpful to me and my family. And that is, prepaid tuition opportunities that would allow people to save a little to begin to invest for tuition costs when their children get ready to go to a trade school, or community college, or college, or a university.

Then also there is the very attractive provision that would encourage employers to have, as a part of their agreement with their employees, paid higher education provisions. Shouldn't we encourage that? Isn't that something that would be good for employers to do for their employees?

What is it that our colleagues here are afraid of on these programs?

Also, on the bond program for private organizations to build public schools, I have had some reservations about it. But in a State such as California, or a State like Florida, if some private company wants to participate and be a part of this bond opportunity to build public schools to help school districts, shouldn't we encourage that?

So I am really astounded at some of the opposition I hear about this legislation. I think it would help children to have options. Yes, it might allow parents and children to be able to escape a violent school, or a dangerous school, or a drug-infested school to go someplace else. Shouldn't there be some provision to try to help them do that?

Remember this: Everything in this bill, except the school construction fees, has already been voted on and passed by the Senate.

I address a question to the Senator from Georgia. As I recall last year, the Senate passed the Coverdell education savings account with a very substantial vote. What was it?

Mr. COVERDELL. Fifty-nine.

Mr. LOTT. Fifty-nine Senators voted for this provision in the 1st session of the 105th Congress.

The other provisions—I believe the prepaid tuition and the employer-paid higher education provisions—were those both in the budget tax bill last year?

Mr. COVERDELL. Yes; they were both in the tax bill.

Mr. LOTT. I believe they were. And I believe they were advocated in the Finance Committee—at least one of them, if not both of them—by the Senator from New York, Senator MOYNIHAN, because I remember in conference defending these programs. And they were objected to at that time by the House conferees. We didn't get them through. But they have been supported on a bipartisan basis. So I am really at a loss to understand the resistance to these, particularly since three of the four provisions have already been adopted by the Senate. I just wanted to have the Senator confirm for me my memory with regard to the strong vote that occurred.

Should we have other amendments on education and tax provisions that would help education? Sure. Is this going to be the end of the debate this year on education? Probably not. I would imagine that Senators are going to have a number of provisions. Hopefully, we may even have another bill that would address the number of questions. I would like for us to consolidate some of the myriad of Federal programs that provide funds to education into a block grant. I understand there are some 750 Federal education programs of one sort or another, and almost 39, I think it was, different agencies, bureaus, or departments.

Couldn't we consolidate some of those and send them back to the States without strings and let the States decide if they want to use that money for school construction or for a merit pay for star teachers? But let the people at the local level decide how that money would be spent without it being directed by some Washington bureaucrat saying that you have to spend it here, or you must spend it there.

So I wanted today to take the floor. I ask my colleague, Senator DASCHLE, to encourage my Democratic colleagues to work with us on some sort of agreement for the consideration of the Coverdell education savings account bill.

On Friday, March 13, I offered an agreement that would provide for a minority substitute to be debated, and voted on first, prior to a cloture vote occurring, if one was necessary. Late last week I offered a second agreement that would provide for nine education amendments to be offered by Members of the minority, I believe it was 5 by the majority, for a total of 14 education taxes that would benefit education amendments with 9 going to the minority side.

Needless to say, now both agreements were rejected. I understand that it is difficult to get some limit on amendments so that we can debate the ones that really are critical and come to some conclusion on this issue so we can move on to other issues. But I take the floor again today to attempt to reach an agreement on the education bill prior to a second cloture vote on Tuesday at 5:30. The agreement would be as follows:

That there be nine education amendments in order as listed in the previous agreement, plus one amendment to be offered by the minority leader in the form of a substitute, if he so desires; one additional amendment to be offered by Senator MOSELEY-BRAUN of Illinois, as was suggested by Senator DASCHLE, one that might be important to be included on the list; and one to be offered by Senator BOXER. I don't even know the details of all of these amendments, except that I think they generally are in the education, or tax benefits for education category; and that there be five education amendments to be offered by Members on the majority side of the aisle.

Before the minority leader responds, I hope he could keep in mind once again that this bill includes a number of positions or provisions that were advocated by our colleagues on the Democratic side of the aisle—Senators BREAUX, MOYNIHAN, GRAHAM, FEINSTEIN. And, as I understand it, 80 percent of the cost of this bill actually goes into those three areas: the bond program, the prepaid tuition, and the employer-paid higher education provision.

So, having said that, I hope that the minority leader would be able to agree to this agreement in some form in the next few hours, and, if he has some suggestion or some other idea of how we can proceed, I am open to hearing those, also.

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

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, I will begin by asking the distinguished majority leader whether he has unanimous consent on his side. If we were to agree to this, would he get unanimous consent on his side for that particular proposal?

Mr. LOTT. I believe we would. And I certainly would be prepared to aggressively advocate it and pursue it. You never know until you go to the individual Senators and work with them and try to get their agreement to go forward with it.

I would not want to be the Senator on either side of the aisle who stands in the way of this major piece of education legislation.

Mr. DASCHLE. Is the Senator then suggesting that he has not hot-lined it on his side?

Mr. LOTT. We have been making Members aware of the agreement we were offering.

Mr. DASCHLE. Oh.

Mr. LOTT. Let me put it this way. We will get a unanimous consent agreement on our side to go with this, but it is useless to go with it if the Democratic leader does not indicate that this is something on which he would like for us both to try to get approval.

Mr. DASCHLE. The reason I asked, Madam President, is because I am quite sure he cannot get unanimous consent on his side, at least for the moment. And I am not surprised he has

not hot-lined it, because he realizes he cannot get unanimous consent. I know of at least one Republican Senator who has indicated he would object. There may be others.

So, having just made that part of the record, let me address the issue that the distinguished majority leader has propounded once more. I see the chart, and it notes that we have been on this bill for 10 days. What I hope most people will recognize is that while we have been on it 10 days, our Republican colleagues have refused to entertain one Democratic amendment in those 10 days. What they are saying is, we want you to debate this bill on our terms or we are not going to debate it at all. So they bring the bill to the floor, they make a couple of speeches, they lament the fact that we cannot have this cave-in on Democratic amendments, and then they pull the bill and move on to something else. We have been playing this charade, this game, now for 10 days: Put the bill down, give a couple of speeches, pull the bill off, blame it on the Democrats. I do not know about anybody else, but I think that gets a little tiresome. We have seen this charade now in the name of education for 10 days, and we may see it for a lot more.

In 1992, we had a similar situation. Democrats were in the majority; the Republicans insisted, in a similar situation, that they be allowed to offer 52 amendments; 52. I have checked with all of my colleagues. I am told there may be somewhere between 10 and 15 amendments, give or take; I am not sure. We are still working on it in good faith, in response to the distinguished majority leader, who said, by the way, late last Friday, we would have some announcement, we would see if we could find a resolution for this, by Tuesday. Here it is 4 o'clock on Monday and I am presented with this once more on the floor. No consultation. No personal discussion. This is: Here is a proposal. Why aren't you Democrats responding as you should? Why are you holding this bill hostage for 10 days? It makes me wonder if they want agreement or whether they want to play games.

So, in 1992 our Republican colleagues said they had to have 52 amendments. What we are simply suggesting is that we have some very good ideas that are beyond the scope of this very limited—''Is that all there is?''—Republican answer to the problems we have in education. And for some reason they are afraid to vote on them. They do not want to vote on school construction. They do not want to vote on after-school programs. They do not want to vote on child care. They do not want to vote on all of the things that we have proposed in our agenda. Why? Because they will have to vote against them, and they don't want to do that.

So that is what this is all about. Don't tell us we are holding this bill hostage. The hostage takers are on that side of the aisle. How they can come to the floor with a straight face and blame us is beyond me. But I have to tell you, we are going to continue to try to find a way to resolve this. I, in good faith, would like to find a way to allow our Senators the chance to offer good amendments on good education public policy. I want them to do it this week.

The majority leader says we will have more opportunities. Why do I somehow fear that every time we will have an education vehicle on the floor, or a tax vehicle, we will be in this same situation? ''It is our bill or nothing at all. It is our amendments or nothing at all. You take this or nothing at all.'' Madam President, that just does not wash. This is the U.S. Senate, for Heaven's sake. Go over to the House and work under those kinds of rules if you want to constrain the debate that consequentially.

So we will try to work it out. We will try to find a way to play by those rules. But I must say, it is very disconcerting. Sooner or later we will have a vote on school construction. There are too many schools out there that need some help. Sooner or later we will have an opportunity to vote on after-school programs, and on child care, and on the things that we have to do to deal realistically with public policy affecting education. No $7 bailout for those making $80,000 a year and say we have solved the education problem. That is not going to work.

I see my colleague—I will be happy to yield to the Senator from North Dakota.

Mr. DORGAN. I appreciate the Senator yielding for an inquiry. The regular order here in the Senate would be to bring a piece of legislation to the floor, amendments can be offered and debated, and then votes occur on the amendments.

It seems to me to be a bad habit to bring to the floor a proposition and then file cloture motions immediately. In this case, the most recent opportunity to bring this bill to the floor occasioned two cloture motions before anybody had an opportunity to offer one amendment. That does not suggest a search for an agreement. Isn't it the case that the procedure that is suggested by the other side is extraordinary? The ordinary procedure would be to bring the bill to the floor and allow those who have amendments to offer the amendments, and then have votes on the amendments. Isn't that the regular order of the Senate?

Mr. DASCHLE. The Senator from North Dakota is absolutely right. I have never seen this so-called debating institution so fearful of debate as I have on this particular bill. It is the most tepid approach to a good, healthy debate about education that I think anyone can imagine: ''File cloture because we don't want any amendments. File cloture because we don't want to have to vote on these amendments. File cloture because we have to move onto other things.'' You can come up with 100 reasons why we should file cloture, but the bottom line is, if it is 10 days, we have wasted a lot of time talking about talking, and we have not been able to deal with one issue. So, the Senator is right.

Mr. DORGAN. If I might just inquire further about this notion of individuals being held hostage. What have been held hostage in this process are the amendments that some of us would like to offer to legislation that comes before the Senate. If there is a hostage-taking here it is a hostage-taking of those of us who have ideas that we want to have debated in the Senate.

This, after all, is a process of debating ideas. Some have ideas on the other side. Some of them may be very good. And some of us have ideas. If those who control this Chamber say, ''By the way, the way we are going to run this Chamber will be to allow our ideas to be debated, and then our strategy will be to limit your ideas,'' then I want to say that it doesn't work that way. Whoever stands at these desks is elected to the Senate and can operate in this Senate under the rules of the Senate. The rules allow a bill to be brought to the floor of the Senate and then allow every other Member, even that Member who sits in the farthest chair, with the least seniority, to stand up and offer his or her idea and to debate his or her idea here in the U.S. Senate. That is the way the rules are in the U.S. Senate. What is being asked of us is to create extraordinary rules here. That is where the hostage-taking comes in, taking hostage those who want to offer ideas, those who have other ideas about education in this debate.

We have not had that opportunity, not even one opportunity to offer one amendment, and that is why I object to this notion about hostage day 10. The only hostage that exists here is the hostage of ideas that ought to be able to be offered under the regular order of the Senate.

Mr. LOTT addressed the Chair.

Mr. DASCHLE. Madam President, I assume I still retain the floor?

Mr. LOTT. Parliamentary inquiry, though. Is the minority leader speaking under leader time?

The PRESIDING OFFICER. The assumption is that he is proceeding under leader time.

Mr. DODD. Will the distinguished leader yield?

Mr. DASCHLE. Under my leader time, I will be happy to yield to the Senator from Connecticut.

Mr. DODD. I thank the leader for yielding. I don't believe I heard one of the amendments being potentially allowed to be raised as one on the early education issues of child care alternatives which would promote public and private sector construction and improving the quality of early education. I do not believe I heard a proposal I had suggested on special education, which I might point out, by the way, the distinguished Senator from Mississippi cares deeply about. In fact,

he and I worked years ago, I would say to the Democratic leader, on the Budget Committee on the issue. But I would like to be able to raise that issue, I say to the Democratic leader, so the $1.6 billion specified in the Coverdell bill goes towards special education. I think it is a very important issue. I hope, and I inquire of the distinguished Democratic leader as to whether or not those two proposals would, under the present agreement, be allowed to be raised?

Mr. DASCHLE. The Senator from Connecticut is correct. Under the proposal raised by the distinguished majority leader, you would be denied an opportunity on the bill of offering relevant legislation that might give us an opportunity to debate whether the $1.6 billion ought to be spent on a $37 tax bailout for those making $100,000, $200,000 a year—$37 is all this legislation provides them in tax relief—or an opportunity to sincerely and very deeply help some people who otherwise are having serious trouble finding ways in which to pay for child care in this country today. So you would be denied that right.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, I want to just commend our leader and friend for his response to the proposal. As I understand his position, it is that we would like at least an opportunity to offer and vote on amendments on the important issues that have been introduced by the President of the United States such as increased support for early childhood education, smaller class size, more teachers, after-school programs, and education opportunity zones. Would he think it is appropriate, if we are dealing with an education proposal, that at least he be given, or those ideas be given, an opportunity for debate and discussion here on the floor of the U.S. Senate?

Would I be correct in thinking that at least those proposals ought to be among the ones being advanced by our Republican friends, which targets public tax dollars to private schools rather than, as the President's does, to the public schools? Am I right?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct. This would be the perfect opportunity for us, as we debate how are we going to spend $1.6 billion, whether it ought to be spent perhaps on school construction. Should we spend it on child care? Should we spend more than $1.6 billion on matters concerning after-school programs and the applications of our new technology to education? Should we have an opportunity to say what is the proper Federal role, given our circumstances right now, given the constraints we are working under in the budget?

For whatever reason, our Republican colleagues are saying, ''I'm sorry we don't want you to offer those amendments. We don't want to have to vote on them. We don't want to spend the time on them.'' Apparently they don't think it is important enough to spend the time on them. ''We just want you to decide for us, and with us, whether giving $37 to people making $100,000 or more a year a tax break of $37 makes sense. That is what we want you to decide with us.'' We don't think that ought to be the rule of the Senate. We think the debate of the Senate on education ought to be broader than that. We think there ought to be a real opportunity to talk in detail about these issues.

We are prepared to perhaps work through some suggestions on how we might limit amendments and try to find a way with which to deal with those issues that are directly confronting us. We are not there yet. Maybe we can't. But simply to tell Democrats, ''No, you are going to debate this bill on our terms or on no terms at all,'' is just not something we can accept. So the Senator from Massachusetts is entirely correct.

Mr. KENNEDY. Does the Senator, finally, really understand what our Republican leadership or Republican friends are really afraid of? Are they afraid to debate these issues? Is it just a question of working out a time agreement to discuss these matters fully and openly, or they afraid that their proposal won't measure up?

Mr. LOTT. Madam President, I would be glad to try to respond to that.

Mr. KENNEDY. I was asking my leader. I would like to hear from Senator DASCHLE first, and then perhaps Senator LOTT could respond.

Mr. DASCHLE. I would be happy to hear the majority leader's answer. My guess is, if I understand the Senator's question correctly, that they don't have an interest in school construction. They don't really have an interest in some of the amendments we are trying to offer here. They would prefer not to have to vote on them, because oftentimes these amendments are critical to school districts back home. So I don't blame the majority leader for trying to avoid having some of these tough votes. Maybe if I were in that position, I would, too.

But the fact is that they are critical issues directly confronting education. We have an education bill pending. We have a tax bill pending, and the last time a circumstance similar to this occurred when we were in the majority, we let the Republicans offer 52 amendments. So that is really the essence of the question before us. Do we have a good debate about issues that are directly relevant to this bill or not? So far, the Republicans have refused us that debate. According to that chart, we are now in day 10.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, first of all, I want to respond to several questions that have been asked and comments that have been made. I would be glad to talk to the minority leader any time he would like about trying to work out a list. I was willing to do that Friday. I was willing to do that today. I hadn't really heard any suggestions or movement since we last talked on Thursday, and I thought it was important to come out here and show that we are willing to make movement.

For instance, on the school construction issue that you just mentioned, I believe that one of the additional amendments that I listed here, the one by Senator MOSELEY-BRAUN, would deal with that issue. So we are not prepared to try to—we don't want to duck that issue or other education and taxes-for-education-related issues.

I will tell you what we would like not to do. We would first like to stay on and talk about education and how to improve education in America. We would like the amendments to relate to improving the quality of education. What we would prefer not to do is debate amendments on this bill that have to do with the sale of livestock. That is one of the amendments that I understand somebody wants to offer—to amend the Internal Revenue Code to exclude gain or loss for the sale of livestock from computation of capital gain net income for the purposes of the earned income credit. That is something I might be for, but I don't think it relates to education and an education bill.

You talk about let us have a good debate about education. Do we want to get off into cows? And there are several others. Senator WELLSTONE wants to debate welfare reform on an education bill, food stamps on an education bill. There will be other times where those amendments can be offered. But I think to agree to a reasonable list of education amendments or tax amendments related to education, to have that kind of debate is fine. I think we can work that out if they are education related. But I don't think getting into all these other issues serves the purposes of getting a focused debate on education and getting this bill to a conclusion so that we can go to other, even emergency, pieces of legislation.

Let me take, for example, the bill Senator DODD just mentioned. He is right. I have, over the years, worked to try to support the Individuals with Disabilities Education Act, IDEA. But I note that the administration flat-lined that program. They did not provide the funds we promised, did not provide for increasing funds in that area. Yet, the Budget Committee this past week voted to add $2.5 billion over 5 years to get the funding up for that program. So you can be assured, as the year goes forward, that we are going to have a debate about how much more money is needed for IDEA.

But what we don't think we should have is what the Senator from Connecticut is proposing, which is to turn that program into another entitlement program—mandated appropriations, which would be an entitlement program. We need to face up to the fact

that this is an important education program that, quite frankly, is having real difficulties now because we have not provided the funding we said we were going to give. What it really has to do with is, we should not make it mandatory or an entitlement; we should live up to what we said we were going to do.

Mr. DODD. Will the Senator yield?

Mr. LOTT. Yes, I will, since I was responding to his particular question about that amendment.

Mr. DODD. I thank my colleague. I was proposing something that Senator LOTT and I talked about years ago, which was the Federal commitment to special education, where we made a promise long ago to our communities across this country that we would have the Federal level of participation for special education around 40 percent. We are nowhere near that presently. We are still quite short of that 40 percent commitment. I raise the question that if we have $1.6 billion would it be better allocated to help out families and communities with escalating special education costs?

Mr. LOTT. How about helping out families by letting them make the choice on how to use that money at the local level?

Mr. DODD. That is $37 is for private schools. You do not receive special education in private schools. It is a public school commitment I am referring to. I was in Connecticut recently and I spoke with a group of mayors, and they were very interested in ISTEA. I thank the majority leader for the way he moved on the transportation bill. But every mayor I talked to said, ''Senator, we need help on special education.''

Mr. LOTT. I say to the Senator, we should do that—I wish the administration had done it—and we will have an opportunity to add funds to that when we vote on the budget resolution next week.

Mr. DODD. But this is an education proposal. I would like to be able to offer this amendment. I would like to be able to offer communities money that can go to defray special education costs more than a $7 tax break. That is an alternative, a choice, I say to the leader. I should be allowed to offer that choice. It is an education matter. Shouldn't I be allowed to offer this amendment to our colleagues?

Mr. LOTT. In answer to that, as a matter of fact, from the beginning, we have suggested to the minority leader that he could offer a substitute, which could include that and a number of other very attractive things. We think, though, the emphasis should be on giving parents and grandparents more opportunities to save for their children and decide how their own money would be spent. Let me yield to the Senator from Georgia——

Mr. DODD. Well, I respect the prospect of offering that idea. But is that idea any more meritorious than my idea?

Mr. LOTT. It is very interesting here——

Mr. DODD. Shouldn't I be allowed, as an equal here, to offer an idea that says——

Mr. LOTT. Madam President, if I could reclaim my time?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. First, it was 14 amendments, and 16 amendments, and then it was 16 amendments and a substitute. Where does it end? Quite frankly, if it was directly related to education and a tax provision, I would be inclined to say, yes, let us debate and vote. I don't think we ought to vote on cows and welfare reform. Where will it end? I don't really think that you want us to be able to get a process that gets us some amendments and votes and gets to a conclusion.

I yield to the Senator from Georgia.

Mr. COVERDELL. I thank the majority leader. I think a better question is, where did it begin? Let us remember that this is the fourth filibuster. This all comes from a proposal that was passed by the Senate with 59 votes—overwhelmingly—and the President of the United States told us he would veto the entire Nation's tax relief if that line stayed in the bill. So that is where we began—the Senate adopting a proposal, the House adopting a proposal, and the administration saying, no way, no deal, no how. It all goes down. So we brought it back as a freestanding proposal. That was filibustered. Then we tried to move to the bill in this sitting of the Congress, and that was filibustered. And we have now had a cloture vote to bring it to an end. We have had three separate suggestions to try to keep it within the realm of germaneness.

But I think one thing that has not been really talked about here today is that, yes, there is a concern that this is just another filibuster. There is no end to it. If you look at the empirical evidence, everything we have seen is designed not to modify, but to kill or to ''poison pill'' this thing. You all have used that term very frequently, ''poison pill.'' We are concerned about that. Now, I don't want to get into debate now. We have both leaders here.

I will come to the point of my good friend, Senator DODD, on the $7 and the like. You don't acknowledge the principle that it has gathered up to support public and private education when you try to describe it as the amount of tax relief. What that means is that a person has, on the private side, saved over $1,000, which is a 50 percent increase in the average family savings. On the $7 side, it is a $200 account. It ultimately means that over $2.5 billion in 5 years—$5 billion-plus—is going to public support and private support within 10 years.

But we will have time to come back to that. I want to honor our two leaders here by trying to iron out how we might proceed.

Mr. LOTT. Madam President, I see the chairman of the Appropriations Committee here. He has some work he needs to do, amendments he needs to work on between now and 5:30. I believe we have an amendment to be offered around 5 with a vote to occur at 5:30. I see that Senator DASCHLE may want to respond more. I will run down two or three points, and perhaps we can wrap this up.

As far as a move to try to block amendments, I remind the body that when this bill was called up, the motion to proceed was filibustered, objected to—not even to get to the substance or get to amendments, just the motion to proceed was filibustered. We had to have a cloture vote on even proceeding to the point where we might get to the substance. No amendments. I have suggested here 16 amendments, I believe it is, plus a substitute. If we need to give or take some, I am willing to work on that. Now, as far as whose willing to go along with this agreement, I remind my colleagues on the Democratic side of the aisle that 55 of our Senators, every one of them, voted for cloture last week. And as far as regular procedure around here, regular procedure is that after you have talked for a while, cloture motions are quite often filed. I have watched Senator Mitchell and Senator Dole and Senator BYRD file cloture after cloture. I note to my colleagues that I have had to file clotures 43 times in the 105th Congress, and we have had to actually vote 31 times. Tomorrow, if we don't get this worked out, it will be 32 times to stop the talk and get to the substance. Also, you need to remember that postcloture doesn't mean you can't have amendments. They have to be germane amendments. There would still be amendments. I think there were maybe 14, 15, or 16 amendments filed that would have probably cleared the postcloture vote.

So, who is being cut off here? I think the average American sitting out there listening to this is saying, ''I don't understand. You mean you are going to have 14 amendments on an education bill and you don't think that is enough?''

What is reasonable? I have tried to be. I will continue to be. If the Senator from South Dakota has some specific recommendation of how we can get to an agreement and not have to go through another cloture vote, I would certainly be more than glad to entertain that.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Madam President, let me respond to a few of the points made by our colleagues in the last few minutes.

First, with regard to the motion to proceed, the majority leader wasn't forced to file that motion. We could have gone on a motion to proceed. We could have gotten onto the bill. The problem, as the majority leader, I think, would note, is that there is a great deal of concern on this side about

his inaction on judges. We have done 10 judges so far this year. There are approximately 40 judges still pending in the U.S. Senate. Six are on the calendar. He knows very well that that was a vote on judges. It was a vote desired by several of our colleagues on my side of the aisle to express how frustrated they are that we are not getting the cooperation that we were promised about Federal judges, about moving through these judges. We get one, we get another, we get a third maybe now and then—just enough to keep everybody mollified. But the fact is, you have 40 judges that still have to be acted upon, most of which haven't even come out of committee yet.

He makes mention of the fact that he was ''forced'' to file cloture. He hasn't been forced to file cloture this year. He has chosen to file cloture, but he hasn't been forced to file cloture. No leader is forced to file cloture. He has filed cloture to prevent Democrats from offering amendments. So I suppose from that perspective, in order to preclude us from offering amendments, he is forced to do so, but he isn't forced, as leader, to prevent the Senate from having a good debate about these issues.

I defy my Republican colleagues to find a time when we were in the majority that we filed cloture to prevent an amendment. Now, we had amendments; amendments were offered; but we never filed cloture to prevent an amendment, and I defy my colleagues to find a time.

I would like to go to the point raised by the majority leader about how improper it is to offer amendments to a tax bill that are not directly related to education. Again, I go back to this time in 1992 when our Republican colleagues demanded they be able to offer 52 amendments. This particular bill, this Enterprise Zone Tax Incentives Act, was a tax vehicle very similar to the tax vehicle we have here on the education bill. This is an enterprise zone tax act.

Our colleague from Florida, Senator MACK, whom I admire immensely, demanded the opportunity to offer an amendment on, what? On tractors. That is right. Our colleague from Florida asked to be able to be recognized so that he could offer an amendment on tractors on an enterprise zone act.

And then my colleague, the distinguished majority leader, even though this was an Enterprise Zone Tax Incentive Act, said, ''You know, I know it is just on enterprise zones, but I want to talk about scholarships; I want to have an amendment on scholarships.'' And guess what? That is on the list, too.

And then our colleague from Washington, Senator GORTON, said, ''You know what, I know it is just a little old tax bill dealing with enterprise zones, but I have an amendment on dental schools, and I want to offer that.'' And guess what happened? The U.S. Senate had a debate, we agreed to debate all the amendments to be offered, we had a debate on them, we offered our amendments, we had our day, we finished the bill, and it went on.

But our Republican colleagues were not coming to the floor then saying, this is just an enterprise zone, so we don't think we ought to be able to offer nonenterprise zone amendments; we want to offer amendments on tractors; we want to offer amendments on dental schools; we even have a great scholarship amendment we think the Democrats ought to vote for.

What a difference some time makes. It is now 1998. We have a tax bill on the floor. Our Republican colleagues are saying, ''No, we don't want you to offer 52 amendments.'' Last week it was a half a dozen, then it was 9, now the leader is saying 15—but not 52 and not on anything but education; you have to stick to education, by golly.

This is an entitlement program. Let nobody misunderstand, this is an entitlement program we are talking about. If we pass this, we pass a new entitlement program. We pass a tax bill. So when you manage the Senate floor, you have to come to the realization that when you pass something with the consequences of a new entitlement and a new tax program, there may be a few amendments and they may not be just on the topic to which the bill is supposed to be directed.

So, Madam President, we can talk about cattle and welfare and education and all of these issues. The bottom line is, are we ever going to get to a point where we can move off this impasse? I again make the offer to make my best effort to do so. We will continue to try to do so. But I hope nobody here is swayed by these arguments that we can't come on to the Senate floor with a tax bill and not talk about taxes and not talk about entitlements, and if we are going to talk about farms, maybe we ought to remember that once, not long ago, we talked about tractors and that was OK.

I hope we can resolve this, but it is going to take some give on both sides, and we both have to realize that to move forward, it is going to require some cooperation here; we are not going to get it just the way we want it. We may not be able to offer 52 amendments, but we have some darn good amendments that ought to be considered here, and we are going to do all that we can to ensure that our rights are protected.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senate majority leader.

JUDICIAL NOMINATIONS

Mr. LOTT. Madam President, I know we are faced with a time problem, but since a separate extraneous issue was raised, I must respond to this question of judicial nominations.

First of all, when I go to my State or around the country, the last thing I hear people clamoring for is more lifetime-tenured Federal judges. There is no clamor out there in the real world for more Federal judges.

But, so the record will be clear, the number of Clinton appointments to the Federal judiciary as of that date is 252. The total number of Clinton nominees confirmed by the 105th Congress—that is last year and the first 3 months of this year—48, 9 for the court of appeals, 37 for district courts, 2 for the USIT; 36 in the first session and 12 in the second session.

There are currently 81 vacancies in this very large Federal judiciary, and of that 81, 41 of them have not had nominees. It is pretty hard for us to consider nominees if we do not have them even presented to the Congress.

I have been hearing this now for months about, ''Oh, why don't you move more?'' Maybe the administration ought to consider moving a little faster. They can't send them up here and immediately start complaining that they are not considered in the next week or even the next month. But half of the vacancies do not have a nominee pending. Plus, there are only six pending on the calendar, and we will probably consider a couple of those this week. So there will only be four pending on the Senate Executive Calendar for judicial positions.

Then let me make one other point. Should we take our time and look at these people who are nominated to be Federal judges for life and hold sway over us in ways that exceed the imagination—and certainly I don't approve of—right down to trying to run our schools at the local level?

Should we take our time, look at them carefully when they are received in the committee, have hearings on them, ask them a lot of questions, then send them to the floor and have them checked once again?

Yes; and I will give you exhibit A of why we need to do that.

Just look at the one that was withdrawn last week—Frederica Massiah-Jackson, a nominee for the Eastern District of Pennsylvania, who used profanity from the bench, had identified undercover policemen so that they could be recognized by the criminal element, a whole raft of things that came out, and, by the way, much of it after she was nominated, after she was reported by the Judiciary Committee and had been pending in the Senate for months.

Finally, the local district attorney—I might say, a Democrat—and the Pennsylvania District Attorneys Association came out in opposition to this nomination, and, after it had been reported by the Judiciary Committee, held on the floors for weeks and months, the administration, realizing she was going to be defeated, withdrew her nomination. Should we take our time on these Federal judges? Yes. Do I have any apologies? Only one: I probably moved too many already.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.