



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, WEDNESDAY, JUNE 24, 1998

No. 84

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

Almighty God, whose presence is the source of strength for leaders, we join with the psalmist in affirming our trust in You. "I am continually with You. You hold me by my right hand. You guide me with Your counsel."—Psalm 73:23-24. This both comforts and challenges us. New assurance surges within us when we remember that You are always with us to give us wise guidance and counsel for our leadership and decisions. We are also alarmed by how often during the day we think we are in control and forget to seek Your wisdom.

Now, in the quiet of this moment, if there is a chip on our shoulder, we ask You to replace it with Your hand and to replenish our physical resources, our mental resiliency, and our spiritual responsiveness to You. Change our attitude from ho-hum acceptance of just another day to heightened expectation of a truly great day filled by surprises of Your interventions to help us succeed. Through our Lord and Saviour. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

### APPRECIATION TO THE SENATE CHAPLAIN

Mr. LOTT. Mr. President, I express my appreciation, and I believe the appreciation of the Senate, to our Chaplain for his wonderful prayers for the Senators, for the Senate, and for the country.

### SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will resume consideration of the Coverdell education conference report. Under the previous order, after the expiration or yielding back of debate time, the Senate will proceed to vote on the adoption of the conference report. That vote is expected to occur at approximately 11:30 a.m. Following that vote, the Senate will immediately resume consideration of the defense authorization bill.

It is my hope that the defense bill can be concluded soon, hopefully today, certainly tomorrow. In that vein, I want Senators to be on notice that we will plan on working into the night. I have tried very hard all year, and since I have been majority leader, to be sensitive to night sessions so that Members can be with their families, but we must get more work done. We must get this bill done. So Senators can expect a vote around 8 o'clock tonight. That may be moved a little bit one way or the other depending on how the debate is going, but we will have a vote on the defense authorization bill, an amendment, or on a judicial nomination tonight. So just make your plans to be here around 8 o'clock. If the committee wants to continue to work after that, they should do that also.

So Senators should be on notice that we could very well be in session late Thursday night, and they should be prepared to have votes Friday afternoon at around 2 o'clock. So if you have flights out of here Thursday night, cancel them unless you want to miss some votes. If you plan on leaving Friday morning, cancel it, unless you want to miss some votes. We will be voting as it now stands Friday afternoon. It may be on DOD, if we haven't completed it; it may be on a conference report. It could be on IRS reform and restructuring. I don't think any Senator would want to miss a vote on that conference report. If we could get some

more cooperation around here, which we have not been getting, we could maybe not have to do that. But we are going to act on this authorization bill, we are going to move toward appropriations bills, we are going to do conference reports, and we are going to do nominations.

I asked the Senate to help me. The Senate has not been doing that. And so we will be voting tonight, Thursday night, and Friday afternoon. In fact, I don't have to leave until Saturday afternoon late so I would be delighted to stay here. This sword can be pointed both ways. But we have to go to work, and we have to cooperate with each other on behalf of the country. We are talking about defense authorization. Is there a more important bill we will do this year? We are developing a hollow military. We are not funding defense adequately, and yet we have military men and women steaming all over the world, stretched to the limit. It is ridiculous that we are here arguing over details when we ought to be acting on this very important bill.

If you have amendments, what are you waiting on? Get over here and offer them, because I have already heard, "Well, I haven't had my chance yet." This is the sixth day, I believe, we have been on this bill. If you have an amendment, come offer it. Otherwise, I would like to move to third reading and just let the chips fall where they will because enough is enough. If you have an amendment that is important, you should be over here at 11:30 to offer it as soon as we go back to that bill.

Rollcall votes should be expected throughout the day. We are still working to try to get an agreement on the Higher Education Act. There is a great deal of irresponsibility on that act; Senators are saying, oh, I have two, three, six amendments. This bill expires, the authorization expires July 1, and we are not going to have it passed in the Senate. I think that is a real problem also.

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



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I mentioned the IRS reform conference report. We have at least four appropriations bills that are ready, and we would like to work with both sides to see if we could not clear some Executive Calendar nominations. For instance, the Amtrak board, if we don't approve the board by July 1, the Amtrak authorization expires. Now, anybody who wants their Amtrak efforts last year to be for naught better be thinking about it, because if we don't get the authorization, we don't get the reforms, we are not going to get the money in the future. I have been a supporter of Amtrak, but I said last year it is the last time. We are going to do it right or we are not going to get the money we need in the future.

In conclusion, Mr. President, I again thank Senator COVERDELL and his colleagues on both sides of the aisle who have worked on this very important education bill. I am excited, honestly excited, that we are about to pass one of the most important education bills that the Senate has acted on in years to encourage more savings for our children's education, for their needs. That is certainly worthwhile.

I particularly note that in addition to Senator COVERDELL, Senator TORRICELLI has been very helpful, sticking to his guns against a lot of opposition. It would encourage prepaid tuition. Twenty-one States have that program. My State has that program. It will be very helpful to get tax benefits of prepaid college tuition. Also, we should encourage employers to give employees benefits for pursuing higher education. This is a really great bill. I believe it will pass with a wide bipartisan margin, and I believe that education will benefit and children in America will be better off because of it.

So I thank those who have been involved. I think it will be one of the most important things that we have done this year. I hope the President will find it in his heart to sign this legislation.

I yield the floor, Mr. President.

(Mr. ALLARD assumed the Chair.)

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. LOTT. Mr. President, I would be glad to yield to the distinguished President pro tempore.

Mr. THURMOND. I thank the able majority leader for his remarks and his plan of action. It is the least we can do in the Senate to cooperate with him. He has outlined the procedure here to get results, and we all ought to help him all we can to go forward with this bill and other matters before the Senate.

Mr. LOTT. I thank the Senator.

I yield the floor, Mr. President.

#### EDUCATIONAL SAVINGS AND SCHOOL EXCELLENCE ACT OF 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 2646, which the clerk will report.

The assistant legislative clerk read as follows:

Conference Report on H.R. 2646 to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KERRY, is recognized to speak up to 10 minutes.

Mr. KERRY. Mr. President, it is my understanding I have available some leadership time, so I yield myself additional time, if necessary, under the leadership time.

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

Mr. KERRY. Mr. President, I just heard the majority leader call this one of the most important bills for education that the Senate could pass, and he hoped that the President would sign it. I regret that I must disagree with the judgment of the majority leader. This could have been one of the most important bills that we pass. We had an opportunity in the Senate to be able to really deal with the broad issue of education reform and the education needs of our Nation, but this bill does not do it. What it does do, it does in a way that winds up being a perpetuation of the divisions in our country between those who have and those who do not, and a division between our school communities in what is available to our children to be able to get the best education in our country.

So I would not only say to the President don't sign it, I would say veto it. This is a bill that, in its current form, deserves to be vetoed. Why? The bill is definitely better than the bill that left the floor of the Senate. It is better because the Gorton amendment, which put all of our education assistance into a block grant, is gone. It is gone for good reason, because it would be an enormous mistake to make that judgment in the country where education is in such enormous need of help. Education now, obviously, is the most important focus of the Nation in terms of revitalizing our democracy, making a skilled labor pool available to all facets of our high value-added job base, to the technology future we know is coming, and to the management of information, all of which requires a first-rate elementary and secondary school system. This bill, regrettably, through the Gorton amendment, would have diminished our ability to achieve that.

The bill, also, in its current form, doesn't do any of that—and I will speak to that in a moment.

The second reason why it is better in its current form is that the bill no longer has a prohibition on the ability of people to implement testing standards. Obviously, at a time when our schools are struggling to be able to produce a verifiable and accountable product, it is critical for us not to deprive those schools of the ability to adhere to some kind of national measurement of what we are and are not achieving. Parents all across this Nation want to know that their children are, indeed, learning something. So it is important that we now have empowered the schools to be able to conduct some kind of a test that measures that, on a voluntary basis. It allows them to say, "Here is what they are accomplishing in California, here is what they are doing in Massachusetts, here is what they are doing in Georgia. Is there something that we are not doing in our State that maybe we ought to that would allow us to be able to do a better job?"

So that is why it is better. The answer to the question why this particular bill still deserves to be vetoed is very simple. I am in favor of a savings program for our parents to be able to send their kids to school, and particularly to a school of choice. This bill, in wisdom, says: Private, parochial, public—you choose. That is good. That is part of what this country is. But the basic choice that it is giving to those parents is, in my judgment—I say this respectfully to my friends who support it—fundamentally flawed because, according to the Treasury Department, 70 percent of the benefit of the savings account given in this bill will go to the top 20 percent income earners in America.

I know my colleague will try to refute that, but the facts are the facts. If you earn \$45,000 or less in this country, the tax benefit to you through this bill is \$2.50, on average. But if you are in the higher income-earning area, because of the benefit of a tax credit, you will get upwards of \$96 or so. So what this bill does is comfort the comfortable and do very little to assist the problems of those who are in the most challenged areas of our school system in this Nation. And that is wrong.

I asked my colleagues how they can come to the floor of the U.S. Senate for the last 3½ weeks—the Senator from Texas, Senator GRAMM, the Senator from Missouri, Senator ASHCROFT—with this extraordinary concern for the working poor of America. By God, we weren't going to pass a tax bill in this Senate that somehow fell disproportionately on blue-collar, working-class people who went out and bought a pack of cigarettes. For weeks the Senate was subjected to the notion that our friends on the other side of the aisle really do care about working people and the burden that they bear. And the first bill to come along after that debate turns around and offers a classic Republican giveaway to those who are already earning the most in America.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.