

hate. There is just no place in America for hate. There is no place for hatred of African-Americans, hatred of Asians, and there is no place for hatred of Jews, Muslims, gays, or anyone else. That is antithetical to America, antithetical to the concepts of the melting pot. We see around the world what has happened in places like Bosnia, and we see what has happened in Kosovo, and we have seen what has happened in Africa. But in the United States, there is no place for hate.

I have asked both leaders in the Congress and the President to push to have this legislation included in the final Omnibus Appropriations Act. I know it is difficult to do. Let's see what happens on it. There ought to be a very, very strong stand taken against hate. Gays ought to be included in the protection, and we ought not to have the highly technical, legalistic concepts of the exercise of a federally protected right.

I served for 8 years as district attorney of Philadelphia and 4 years as assistant district attorney before that, and crime was horrendous. But when hate is added to the crime, it becomes an intolerable circumstance, something which should be acted upon by the Congress of the United States. The legislation has been modified to arrive at a situation where local authorities would call for Federal assistance. I am not sure that is a wise provision, because so frequently we find local authorities unwilling to act, and that is really the reason for the necessity for Federal action. But the legislation has been modified in a number of important respects to try to give an impetus for enactment. We should not await the next tragedy on hate—whether it is directed to someone of Asian ancestry, or someone who is Jewish, or a Muslim, or a gay, or an African-American—to motivate us to take the appropriate steps and be very, very tough in the response and prosecution of those offenses.

Mr. President, in the absence of anyone else seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 5 minutes.

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

The Senator from New Hampshire is recognized.

#### EDUCATION

Mr. GREGG. Mr. President, we have heard a lot of talk about education in the last few days, especially from the White House, and about adequate funding for education. I think no item more

clearly defines the difference between the two parties on the issue of funding education than the issue of special education.

This White House has been so enthusiastic for creating new programs, that are controlled here in Washington, which tell the teachers, principals, parents, and students back in my State, and in the State of Mississippi, where the occupant of the Chair comes from, and every State of this country, how they shall run their schools on a day-to-day basis, how to manage curriculums, whom they shall hire, when they shall hire them, what they will do after school. This administration has been so insistent in trying to move the control of education to the Federal level and now has come forward with a new series of efforts to accomplish that. But this administration has failed consistently to fund the most fundamental obligation of the Federal Government in the area of education—specifically, the obligation under special education.

Back in 1976, I think, when the special education bill was passed, which was a major step forward in this Nation toward caring for kids who have special needs, the Federal Government committed to the local communities of this country that it would pay 40 percent of the cost of those children's educational needs. But what has happened? Well, when the Republican Congress took control of Congress 4 years ago, at that point, the obligations being paid by the Federal Government weren't 40 percent of the cost of special ed needs, they were only 6 percent of the costs. The difference, 34 percent, which was supposed to be picked up by the Federal Government, was being borne by the local taxpayer.

What was the practical effect of that? The practical effect of that was that the local tax burden was skewed and the local school districts' ability to support their educational agenda was controlled not by what they wanted to do but by their need to meet a Federal mandate that was not being paid for by the Federal Government—specifically, special education. So where a local school board might have wanted to add new teachers, or an afterschool program, or a new language program, or put in new computers, they could not do it. Why? Because they had to pay the cost of the special education students, which costs were supposed to be borne by the Federal Government, at least to the extent of 40 percent.

So you would have thought that this "education Presidency"—as it tries to proclaim itself—would have wanted to correct that problem, would have recognized that as the first step in its efforts on education, and would have fulfilled the underlying obligation to special needs kids and paid the 40 percent the Federal Government is obliged to pay under the law.

What actually happened? In every budget that the President of the United States has sent up to this Congress since this Congress was taken over by

the Republican Party, there has been essentially no increase in funding for special education. As a result, what this administration has said is: Rather than funding the needs of special ed kids, we want to create brand new programs, we want to go out and tell the school districts what they are going to have to do with Federal dollars, rather than using the Federal dollars to fund the needs of the special needs kids the way we are supposed to under the law.

So they set up this scenario where they say to local school districts: We are not going to pay you what we are supposed to and allow you to free up your money to spend it on what you need, such as books and teachers—or whatever the local school district thinks it needs. Rather, we are going to tell you what you need, and we are going to make you come to the Federal Government, come to the Federal bureaucrat, and say, "Please, Federal bureaucrat, give us back some of our money so we can pay for new educational initiatives." But we have to do exactly what you tell us in initiating those initiatives. It obviously makes no sense.

What did the Republican Congress do? It said let's live up to our obligations as a Congress first. So we made a priority. In fact, S. 1, the No. 1 bill of the Senate, made as its priority setting a course to fully fund special education at the 40 percent required under the law. We made great strides in this under the leadership of the majority leader, under the leadership of the Senator from Pennsylvania, who is the head of the appropriations subcommittee, with the strong effort of the coalition here on our side of the aisle.

We have increased funding for special education dramatically in the last 3 years, with no help from the administration. Three years ago, we put it up; we increased special education funding by almost \$700 million. Last year, we increased it by almost \$690 million. This year, we have increased it again by \$500 million. So we have taken the percentage which the Federal Government is paying for special education from 6 percent when we took control of the Congress up to over 10 percent now, and it is moving in the right direction.

Now, one more time this week, we hear this disingenuous argument coming from the administration that if we are going to have good education, we have to create a new program where the Federal Government, the President, and his friends at some national labor union and down here at the Department of Education tell local educators how to spend their dollars and what they must spend their dollars on.

If the President really wanted to address the educational needs of this country, he would say to local school districts: I want another \$1 billion, but I want to give it back to the local school districts to help them with special education, and that will free up the local school districts to be able to spend money for what they think they need.

Not every school district in this country needs more teachers. Not every school district in this country has a terrible school building. Some school districts need more computers. Some school districts want to expand their language programs. Some school districts want to expand their dance programs. Some may want to expand their math programs. That decision should be made at the local level. Only the parents, only the teachers, only the principals really know what a local school district needs in order to make it a better place for kids to learn in. We don't know in Washington.

Yet, the President and his friends and his supporters seem to feel that they know best, that they can run all the school districts in this country out of some building down here on Constitution Avenue. It doesn't work that way.

If we really want to help out local school districts, what we will do is relieve them of having to fulfill the obligations of the Federal Government by paying the costs of special education and free up those dollars so that the local school districts can spend them where they see fit, where they feel they will get the best return. If we really want to help local education, what we will do as a Congress and what the President should be suggesting is that we will fund the special education needs of kids in this country to the tune of 40 percent, which we committed to.

Ironically, if you take the dollars being proposed by the President to be spent on his new categorical programs where he tells everybody in the country how to run their school districts, and you add them up, in 5 years—which is the goal that we have set as a Republican Congress—in 5 years, you will be at just about the 40 percent that the Federal Government said it was going to spend on special education. If you take those dollars and you move them over to special education, you will be accomplishing what we said we were going to do back in the 1970s. But, more importantly, we will be freeing up the local school districts to educate kids the way they know they must be educated rather than the way some bureaucrat down here in Washington thinks they should be educated.

That is the difference. That is what the debate is about. The Republicans believe that schools should be operated at the local level, that it should be the parents, the teachers, and the principals who make the decisions on education. Regrettably, some of our colleagues on the other side, and clearly the people down on Pennsylvania Avenue, feel that they know better than parents, teachers, and principals—they should be the ones operating our schools.

This is not a dollar fight. It is not a question of putting more dollars in education. It is a question of where the dollars go, how they are better managed, how they can give the best return

for the dollars spent for education which we need.

So there is the difference.

The Republican Congress is showing the right way. We have put our money in the right programs. We have committed to special education the huge increase in spending. I just wish the President would join us in that.

Mr. President, I yield the floor.

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#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that all the debate time on the 2-day continuing resolution be yielded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the order, the joint resolution is passed.

The joint resolution (H.J.Res. 135) was considered read a third time and passed.

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#### EXTENSION OF MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m. with Senators permitted to speak for up to 5 minutes each.

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

Mr. GORTON. Mr. President, I ask unanimous consent that I may go over that 5-minute limit by not to exceed an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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#### THE DEBATE OVER EDUCATION

Mr. GORTON. Mr. President, I can do no better than to echo the eloquent remarks of my friend and colleague from New Hampshire. The debate over education today is not a debate over its importance. It is not a debate over the relative commitment of Republicans and Democrats to increase the educational opportunities for our children. The debate, as we have it today, is over who determines how and where that money should be spent—bureaucrats in Washington, DC, or the parents, teachers, principals, and elected school board members in thousands of school districts across the United States. That debate is a vitally important one.

In his 1997 state of education speech, Secretary Riley said, "We should not cloud our children's future with silly arguments about Federal Government intrusion." But that is exactly what this debate is about. It isn't silly, and it couldn't possibly be more important.

Secretary Riley may feel it very natural that he and the President and his

bureaucrats in the Department of Education here in Washington, DC, should set those priorities for all of the thousands of school districts across the country. We do not. We believe in the wisdom of school board members and in the dedication of principals and teachers and parents to the quality of their children's education.

I want to emphasize once again, the President in his budget this year asked for \$31.4 billion for education. The budget passed by the Senate of the United States has \$31.4 billion for education. Later, the President came back and asked for an additional \$1.1 billion. Republicans have agreed that that \$1.1 billion is appropriate.

But in negotiations, of which I have been a part, the President has narrow prescriptions for the use of that \$1.1 billion. In fact, when I looked at the statutory language that the President's people asked for, the first two lines were about the appropriation of \$1.1 billion. All of the rest of the language was designed to restrict the discretion of State and local education agencies in connection with the spending of that \$1.1 billion, narrowly focused on teachers, focused even more on teachers in the first three grades; subject to the rules and regulations of the Federal Department of Education at every possible turn, the distribution formula and the set of rules already adopted for the spending of money from the pot into which this \$1.1 billion is to go, according to the President. The formal rules take up just 15 pages of regulations—perhaps 15 pages too many. But the nonregulatory guidance for those regulations is another 171 pages. And, of course, there would have to be additional regulations on top of those, and additional guidance on top of those, for this program as the President has recommended it.

In its publication called "Education At The Crossroads," the Education Committee of the House of Representatives reports that there are now 760 Federal education programs, requiring something over 48,600,000 hours of paperwork per year—48,600,000 hours of paperwork. We simply need not add to that burden. Mr. President, 90 percent of those hours now paid for out of the education budgets of our school districts and of our States, 90 percent of those hours could be far more profitably spent on additional instruction for our students or the money spent on improving the physical quality of our schools or the equipment that our schools and our teachers use to train our children. But those moneys are now spent meeting the regulations of the Federal Government accompanying the modest amount of money—some 7 percent to 8 percent—the modest amount of money that the Federal Government supplies as against the States and local taxpayers for the maintenance and the instruction in our public school program.

We, on the other hand, without a debate with the President over the