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## Senate

The Senate met at 10:01 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The guest Chaplain, Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

### PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In the book of Tobit we hear:

Thank God! Give Him the praise and glory. Before all the living, acknowledge the many good things He has done for you, by blessing and extolling His name in song. Before all men, honor and proclaim God's deeds, and do not be slack in praising Him. A king's secret it is prudent to keep, but the works of God are to be declared and made known. Praise them with due honor. Do good, and evil will not find its way to you. Prayer and fasting are good, but better than either is almsgiving accompanied by righteousness. A little with righteousness is better than abundance with wickedness.

Let us Pray.

Blessed are You, Lord God of mercy. You have given us a marvelous example of charity and the great commandment of love for one another. Send down Your blessings on these Your servants in the United States Senate. May they generously devote themselves to the good of our Nation and to helping others. When they are called on in times of need, let them faithfully serve You and their neighbor.

We ask this through Christ our Lord. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROD GRAMS, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

THE PRESIDING OFFICER (Mr. GRAMS). The Senator from Pennsylvania.

### THE PRESIDENT PRO TEMPORE

Mr. SPECTER. Mr. President, before our distinguished President pro tempore leaves the floor, I wish to make a comment or two about how good it is to see Senator THURMOND looking so well. He had a recent bout with the doctors. I had a bout with the doctors not too long ago myself. But notwithstanding that, Senator THURMOND, our distinguished President pro tempore, is here every morning to open the Senate. I know he was occupied yesterday in the early evening signing the continuing resolution and attended a Bible study group in my hideaway, presided over by a distinguished Biblical scholar. Senator THURMOND was there participating, and I just wanted to make a comment how sharp Senator THURMOND looks today and how good it is to see him opening the Senate.

Mr. THURMOND. Congratulations on your Bible study.

Mr. SPECTER. I thank the Senator.

### SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the leader, I have been asked to announce that today the Senate will immediately begin consideration of the Labor, Health and Human Services, and Education appropriations bill. Amendments to the bill are expected to be offered. Therefore, Senators may expect votes throughout the day and into the evening. Senators who intend to offer amendments should let us know as promptly as possible. Based on the number of amendments which are anticipated so far, it is possible we could finish action on the bill today. In any event, action on the bill must be finished before the close of Senate busi-

ness tomorrow so that the Senate will have acted on all of the appropriations bills before the end of the fiscal year, September 30.

As always, Senators will be notified as early as possible as votes are scheduled. Senator LOTT has asked for notification that the Senate may also consider any conference reports available for action.

I thank my colleagues for their attention in this matter.

### RESERVATION OF LEADER TIME

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

### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

THE PRESIDING OFFICER. Also, under the previous order, the motion to proceed to the consideration of S. 1650 is agreed to.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I ask unanimous consent to permit Dr. Jack Chow, Mr. Mark Laisch, and Jane MacDonald to be present in the Chamber during consideration of this bill.

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

Mr. SPECTER. Mr. President, the bill on which we are now proceeding allocates some \$91.7 billion for the three Departments—the Department of Education, the Department of Health and Human Services, and the Department of Labor. It is an increase of \$4 billion

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



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over the program levels for fiscal year 1999. Most of that money is taken up by additional funding for the Department of Education, \$2.3 billion, and an increase in the National Institutes of Health, \$2 billion.

This bill is very close to the President's mark. It is within \$1.4 billion of the President's mark. It contains advance funding for programs that are currently forward funded of some \$16.46 billion.

Last year, the advance funding was \$8.5 billion. The advance funding, of course, is a consistent, customary practice for the appropriations process. It is worth noting that the President's suggested mark had advance funding, forward funding, in excess of some \$20 billion.

In reporting this bill out from the Appropriations Committee yesterday, I thanked our distinguished chairman, Senator STEVENS, and our distinguished ranking member, Senator BYRD, for the allocations which have enabled us to reach the floor. This appropriations bill is within the caps. My distinguished colleague, Senator TOM HARKIN, and I have cooperated on a partnership basis. Senator HARKIN and I have worked for more than a decade as chairman or ranking member, depending on which party is in power.

I learned a long time ago that if you want to get something done here in Washington, you have to be willing to cross party lines and work on a bipartisan basis. When we are dealing with the two top priorities of the country on the domestic scene—education and health care—in addition to the very important programs in the Department of Labor on worker safety and job training, a bipartisan approach is necessary. Senator HARKIN and I do present this budget in a bipartisan context.

It is our projection, as we move down the line, to present a bill to the President which will be signed. That is not an easy matter, given the budget constraints, given the many different views in the Senate, and, quite candidly, given the differing views in the House of Representatives where we will have to go to conference. But it is our hope that we will present to the President a bill which will be signed. That has not been accomplished in recent years. In fact, last year we didn't even get to bring the bill to the floor of the Senate.

I think it is generally recognized that the American people are fed up, really sick and tired of partisan political bickering in Washington. If we are able to have a bill which can be signed by President Clinton, who is a Democrat, presented to him by a Congress which is controlled, both Houses, by Republicans, it will be good for the country. It will be good for both parties. It will be good for everyone to be able to present a bill on these high priority items of education and health care which can be agreed to.

Just a few of the highlights of this bill: The bill is more than \$500 million

over the President's requests on education. We think that is a matter of great significance because education funding is a priority second to none. Head Start, which has been a very important program for everyone, but emphasized by the President—and I enumerate a number of items where we have acceded to the President's priority line but, in accordance with the constitutional authority to the Congress for appropriations, we have exercised our own judgments. Senator HARKIN will comment on this, as we have had a bipartisan approach, which is an approach with Democrats—not necessarily the President's approach, but an approach by the Democrats—as we have put in some of our own priorities, as they have been reflected in requests we have received from 100 Senators and from many in the private sector.

We have received over 1,000 letters from Senators requesting 2,188 report, bill, or number item changes. In addition, the subcommittee received over 1,000 requests from outside individuals and organizations. Many of those requests have come in air travel from Washington to Chicago and Des Moines, where Senator HARKIN has been importuned by his constituents, not only from Iowa but his constituents from the United States, because he is a United States Senator as well as a Senator from Iowa. Many of these requests have come on the Metroliner between Washington and Philadelphia, as people have approached me with their requests.

So that in coming to this proposal, it is a matter of establishing priorities. That is not easy to do. With a budget of nearly \$1.8 trillion, the whole budget process is priorities. We have established what we think are appropriate lines of priorities. It is worthwhile to note that the President has emphasized Head Start; we have agreed with him. We have a Head Start Program in excess of \$5 billion, with an increase of more than \$600 million.

We have had requests from the President on an important program called GEAR UP, which is designed to help low-income elementary and secondary school children prepare for college. My distinguished colleague, CHAKA FATTAH, a Member of the House of Representatives from Philadelphia, originated this program. The President has embraced it, and we have funded it this year for \$120 million. The President asked for an increase. Senator HARKIN and our subcommittee and the full committee have increased it by 50 percent to \$180 million. I joined the President in one of his weekly radio announcements and talked to him afterward, as I listened to his interest in this on a priority basis. We have increased, as I say, funding there by some 50 percent.

Special education has been a matter of high priority. Now we have more than \$6 billion, an increase of more than \$900 million this year. I could go over quite a number of the other lists,

but the President's priorities have been accorded very substantial consideration and approval.

The Ricky Ray Program now has \$50 million to compensate hemophilia victims. On our Pell grants, in accordance, again, with the administration's request, we have put in an increase to bring them to \$3,325 on the maximum Pell grant a year. Again, on an item of importance emphasized by the White House and many Senators, LIHEAP, Low-Income Home Energy Assistance, has been funded for \$1.1 billion.

On the health line, the subcommittee included a mark of \$2 billion, which was approved by the full committee. The National Institutes of Health, in my judgment, are the crown jewels of the Federal Government, perhaps the only jewels of the Federal Government. We are on the verge of phenomenal breakthroughs on many dreaded ailments.

Yesterday, we had a hearing on Parkinson's disease with Michael J. Fox coming in, putting a face on that human tragedy, a person who is well known and loved by so many millions of Americans as a television personality. It happens to be a fact of life that when Michael J. Fox comes in and testifies about his own trauma, a young man at the age of 39, with three children, facing a very uncertain medical future—medical experts testify that we may well be within 5 years of a cure for Parkinson's, Alzheimer's, cancer, heart ailments and a long list of very tragic ailments. One of the aspects of chairing the subcommittee has been to be the recipient of requests from people with strange and rare illnesses. We have tried to raise the level of funding at the National Institutes of Health so there can be maximum accommodation for research on so many lines. Even with this \$2 billion increase, raising from \$15.6 billion to \$17.6 billion, there are many lines which we cannot fund totally.

We still have, out of every 10 doors of research, the possibility that 7 will remain unopened.

It is my personal view that with a national budget of \$1.8 trillion we ought to fund all of the meritorious applications. That can't be done. Many people have looked at this \$2 billion increase, and have said: How can we afford it? The response that Senator HARKIN, our subcommittee, and the full committee have given us is: How can we not afford it?

One item we ought to be mentioning is that the language on stem cell research, which would have eliminated certain restrictions from the National Institutes of Health, has been deleted. That was inserted on the initiative from the leadership of the subcommittee because the stem cell research has such enormous potential. The stem cell research can go forward now with private funding extracting the stem cells from embryos, and then the Federal funding coming in on the stem cells which have been extracted.

It is my personal view—and the view which Senator HARKIN expressed forcefully at the subcommittee yesterday—that some of the existing limitations ought to be eliminated from this bill. The embryos which are involved are not embryos which would create human life. They are embryos which have been discarded from in vitro fertilization. The bill's prohibition against research on embryos will stay intact.

But what we had originally contemplated was to allow Federal funding to NIH on extracting stem cells from the embryos. But that has been eliminated at the request of the majority leader, Senator LOTT, and the chairman of the committee, Senator STEVENS. We have eliminated that because we never could have finished this bill by the close of business tomorrow had it remained.

Senator LOTT has made a commitment that he will take up a free-standing bill in February, and our subcommittee will move forward to extensive hearings so that everybody may be informed.

There is a lack of information about the importance to medical research in these stem cells and the fact that does not really impinge upon embryos which could produce life.

There are many similarities between this debate and the debate on fetal tissue where for a long time fetal tissue could not be used in research because of a concern that it would promote abortions, and then the understanding was driven home that it would not promote abortions but would only use fetal tissues from abortions which had already been concluded.

To repeat, this will be taken up in February.

One other initiative which deserves attention is an initiative on school violence prevention. We have seen on a recurring basis the tragedies of school violence. The subcommittee undertook three active working sessions lasting about an hour and a half each where I presided in order to bring forward the experts on the working level. From that effort has come a program which is described on pages 6 to 14 of our report.

We brought together ranking officials and people very knowledgeable from the field, including the Deputy Attorney General, the Surgeon General, representatives of the Office of Management and Budget, representatives from elementary and secondary education, from the Department's units administering safe and drug-free schools, from special education, from the Administration for Children and Families, from the National Institute of Mental Health, from Mental Health Services, Substance Abuse, from the Centers for Disease Control and the Division of Violence Prevention, from the Office of the Victims of Crime, from employment and training programs from the Department of Labor, and from the Association of School Psy-

chologists—all who have put together a comprehensive bill which essentially involves the reallocation of some \$851 million. Not pointing the finger of blame in any direction but recognizing school violence as a national health problem, as suggested years ago by the Surgeon General, and putting it under the Surgeon General where we are coordinating with Bruce Reed from the White House Domestic Council—a program has been created which we believe has long range potential. Included in the funding, in addition, are important programs on worker safety.

In the interest of time, I will not delineate all of them. They have been set forth in some detail.

On a personal note, I have recused myself on the funding for the National Constitution Center, since my wife, Joan Specter, is director of fundraising for the National Constitution Center. Senator THAD COCHRAN, the senior Republican on the committee, has taken over.

I ask unanimous consent that a letter from me to Senator COCHRAN on this subject, dated September 17, be printed in the RECORD.

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

U.S. SENATE,  
Washington, DC, September 17, 1999.  
HON. THAD COCHRAN,  
U.S. Senate,  
Washington, DC.

DEAR THAD: As a precautionary matter, I think it is advisable for me to recuse myself on the issue of the appropriation for the National Constitution Center since my wife, Joan Specter, is director of fundraising.

I would very much appreciate it if you would substitute for me on that issue since you are the senior Republican on the Subcommittee for Labor, Health and Human Services and Education.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, this is an abbreviated statement of what the bill contains.

In the interest of moving us promptly as possible to the amendment from the Senator from Washington, Mrs. MURRAY, I am going to yield the floor at this time and yield to my distinguished colleague, Senator HARKIN, whom I again thank for his total cooperation and partnership and bipartisan approach to this important bill.

The PRESIDING OFFICER. The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, before beginning my comments, I ask unanimous consent that Jane Daye, a member of my staff on detail from HHS, be afforded floor privileges during consideration of this bill.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that two of Senator INOUE's staff, Andrew Peters and Patricia Boyle, be given floor privileges during the consideration of the bill now before us.

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

Mr. HARKIN. Mr. President, I again thank Senator SPECTER and his staff for all of their hard work in putting this bill together. Senator SPECTER has done, indeed, a commendable job. He has done so in a professional and bipartisan fashion under very difficult and trying circumstances. We all owe him a debt of gratitude for his patience, his good work, and, above all, his persistence.

Again, my good friend, Senator SPECTER, spoke of the bipartisan effort on this, and that he is hoping the President will sign this bill. I will have something to say about that in a moment. But I want to make it clear that in no way do we want to delay this bill. We ought to get it up and get it through. I am just sorry that we didn't get it up earlier this year. I still feel compelled to say that of the 13 appropriations bills, this is the last one. That should not be our priority. Education and Health and Human Services should not be the last priority. It should not be the last bill up for the fiscal year. It should have been the first bill and not the last bill. But we are here. The fiscal year is drawing to a close, and hopefully we can get this through.

But I want to point out that in my role as ranking member, while I will be supportive of Senator SPECTER in his efforts to get this bill through, I want to make sure that I protect the rights of Senators on this side of the aisle to offer amendments and to debate them in a timely fashion.

Before I say a few more words about the contents of the bill, I think it is important that I briefly talk about the funding of the bill and how it plays into the overall budget situation.

First, let me repeat what I said yesterday in our committee markup.

I am very pleased that the chairman of the full Appropriations Committee has worked to restore a more reasonable level of funding for this bill. Investments in education and health, labor, and other areas are key to our Nation's quality of life, our future, and our next generation of children.

I am concerned, however, that it now seems that the Republican leadership intends to simply shift the funds for the census and the Pentagon to our bill as emergency spending when clearly they are not emergencies. In other words, it looks as if the leadership is going to declare the funds for the census and the Pentagon—which have been shifted to fund our bill—as emergency spending—emergency for the census and emergency for the Pentagon. They are not emergencies. Even Thomas Jefferson could have told us there would be a census in the year 2000. That is no emergency. The Republican leadership is playing a shell game, and the loser may be Social Security.

Money is being moved from one bill to another to make it look as if we can fund all 13 appropriations bills with all

their priorities and still stay within the budget caps.

According to CBO, the Republican leadership has already spent the projected on-budget surplus for next year. About \$14 billion of the non-Social Security budget surplus has already been spent. In addition, it looks as though there has already been about another \$19 billion dig into Social Security.

Declaring the census and the Pentagon—which are clearly non-emergency items—emergency spending doesn't mean anything. It means the Republican leadership will dig that much further into the Social Security surplus in fiscal year 2000. Stay tuned for the next chapter because it looks as though Social Security is going to have a big bite taken out. It shouldn't be that way.

I have drafted legislation that imposes penalties on tobacco companies that fail to reduce teen smoking. CBO has scored my amendment as raising approximately \$6 billion in fiscal year 2000. I think that is better than taking it out of Social Security.

Before the whole process is completed—I don't mean this bill; I mean the whole process this year—we will be looking for new sources of revenue to offset the costs of appropriations without tapping into Social Security. I believe getting this money from the tobacco companies that have already set their targets for reducing teen smoking and having them pay penalties is a much fairer and better way of meeting our goals in our appropriations bills than tapping Social Security.

Having said that, there are many excellent items in this bill. In particular, I commend the chairman for the \$2 billion increase in NIH. Yesterday, as Senator SPECTER said, there was a hearing held on Parkinson's disease. This is a disease that causes untold human suffering, a disease that scientists believe may be cured within the next 10 years or drastically reduced and alleviated. Under Senator SPECTER's leadership, we are taking another step to realize that result.

The morning shows today were talking about the hearing yesterday. Michael J. Fox, the famous movie actor who testified, showed his trembling hands and how Parkinson's disease was affecting him. It was quite a poignant representation of the ravages of Parkinson's disease. Of course, those who had the privilege of serving with Congressman Mo Udall from Arizona know how that affected him and the suffering it caused him in his later years.

Most scientists believe one of the major steps that can be taken in finding the pathways to interventions and cures for Parkinson's disease is through adequate funding of stem cell research. We had it in this bill until it was taken out in committee yesterday on a split vote. I think it won by two votes, if I am not mistaken. It was a close vote.

The provisions on stem cell research were removed. That is a shame. People

suffering from Parkinson's disease or spinal cord injuries, neurological problems, neurological diseases, and neurological accidents could have hope. For example, I think of Christopher Reeves, who has been so diligent and energetic in his efforts to push for more research in finding how to repair damaged spinal cords. Here is an avenue of research that could collapse the timeframe and lead to major breakthroughs on repairing neurological damage through stem cell research. Yet because of a handful of people in the Senate or the House—I don't know where, but it comes from the Republican leadership—we couldn't bring this bill out with that stem cell research provision. That is a shame.

I was talking to some Senators yesterday who started talking about partial-birth abortion and all that kind of stuff. I said, wait a minute. What does that have to do with stem cell research? Absolutely nothing. Again, as I stated in committee, and I will state again for the RECORD on the floor, we approve in this country—and I think all the major religions and ethicists all agree—in vitro fertilization is not only permissible and acceptable but a very good way for a woman who may have problems getting pregnant and bearing a child to do so. In vitro fertilization is a widely accepted practice where the egg is removed from the mother and mated to a sperm. These eggs are then frozen in nitrogen and one is implanted. If it takes, a baby results, a child results, and we have some very happy parents.

However, there are a lot of fertilized eggs still frozen in liquid nitrogen. That is what we are talking about. That is where they want to get the stem cells. It has nothing to do with partial-birth abortion or anything else. The Cell Biology Association says there are probably about 100,000 frozen fertilized eggs in the country. That is where the scientists get the stem cells. These fertilized eggs will be destroyed anyway. They are not going to keep them forever in liquid nitrogen; they will be destroyed. Scientists say, why not let scientists take the stem cells out to do the kind of stem cell research we need to find the cures for Parkinson's and spinal cord injury.

That is what was in our bill. Here are the restrictions we have placed in our bill. First, we say the stem cell research had to be conducted under ethical guidelines. Second, to use any of the fertilized eggs to extract the stem cells, scientists must have the informed consent of the donor. Third, we could only use stem cells from fertilized eggs that are the result of in vitro fertilization. We had all of these restrictions.

Why would we want to take that out of the bill? I understand the leadership says they want to take it out because it couldn't pass with it. Why? Because there are two or three people who have some hangup about this. Perhaps they don't understand. If we could debate it and fully flesh it out and get it out,

perhaps then people would understand what we are trying to do. I think there is a lot of information being promoted and bandied about on stem cell research that is totally false. It prohibits Congress from doing what I think is in the best interests of morality, ethics, and science. So we do not have it in the bill. Now I hear the leadership says they are going to have hearings next year and bring up a separate bill in February. I will believe it when I see it because we cannot get it on this bill, and this is where it logically belongs. This is the bill with all biomedical research funded by the Federal Government, with a couple of exceptions in the Department of Defense. This is the proper place for it.

I cannot see why it is going to take a long time. We have had hearings on it. Senator SPECTER has had hearings on it. We have had hearings on it in other committees. How many more hearings do we need? How many more people have to come down with Parkinson's, die of Parkinson's? How many more people have to linger with spinal cord injuries and other neurological problems before we have the guts to do what is right around here and give the scientists the tools they need to do the research in stem cells?

So I am very upset that this was taken out—and taken out, I might add, at the behest of the leadership, not the chairman of the subcommittee nor the chairman of the full committee, as I understand it, but of the leadership of the Senate. I think it is wrong to do that, coming on the heels of this very powerful hearing yesterday, with all the national publicity coming out, even yet today, on Parkinson's disease, to say: Yes, but I am sorry, we are not going to permit nor fund the kind of research that would lead to a possible cure.

I want to make it clear, there is some stem cell research that will be conducted by NIH but only from two stem cell lines from the University of Wisconsin and Johns Hopkins. These are just from two sources. When you have 100,000 in the United States, you can get stem cell lines from a lot of different sources.

I am trying to think of an analogy here. This is akin to doing research on cancer but saying: But you can only do research on pancreatic cancer. You cannot do research on prostate or breast cancer or thyroid cancer or anything else, but you can do it on pancreatic. That is all. That is all we are going to allow. That is basically what we are saying on stem cell research: You can do this little bit of research, but you can't do the kind of broad research with which you open the doors and find some of the answers.

Again, I wanted to go on a bit on this because I think it is that vitally important. I think it is wrongheaded—I might even have stronger words than that but not appropriate for the Senate floor—for the Republican leadership to demand this be taken out of our bill. I

believe the votes would be here if the Republican leadership would stand up for it. Oh, we would probably have a few people, misinformed, not understanding the situation, who might vote against it. But I believe the provisions we had in this bill, carefully crafted to provide all the protections, would have garnered an overwhelming vote in the Senate—were it not for the leadership's position.

Again, I might add, as I said, there are a lot of good things in this bill for which Senator SPECTER has fought: A billion dollars for community health centers, a \$100 million increase of vital importance for low-income people who do not have insurance coverage. In fact, it is probably the best bulwark we have for preventive health care, keeping healthy low-income people who do not have health care insurance. We have \$400 million for afterschool programs; that is a \$200 million increase.

Again, I compliment Senator SPECTER for the anti-school-violence bill he has put together, of which I am a co-sponsor. As we pointed out, there is a lot of talk about school violence these days. The fact is, schools are the safest places for our kids. Less than 1 percent of the violence committed by or against kids is done in school—less than 1 percent. Most of the violence happens after school. That is why we need strong afterschool programs. We have all these school buildings around this country, we have put a lot of money in them, and at 3 o'clock in the afternoon they lock the doors. What is inside? There are gymnasiums, there are swimming pools, there are art rooms, there are computer rooms, basketball courts, weight rooms, music rooms—all behind locked doors at 3 o'clock in the afternoon. You have these kids on the street looking for something to do, and that is when the violence happens; that is when the drugs happen. What Senator SPECTER and I and others have done is increased by \$200 million last year, up to \$400 million, afterschool programs.

Obviously, if you are going to leave the doors of the school open, you have to pay. It costs money for heating, air conditioning; it costs money for supervision, for people to run the programs. If you have a music room, maybe kids want to take up music after school; maybe they want to take up theater. Maybe these young people would like to act a little bit, get into theater. You are going to have to have somebody there working with them. Better we pay the cost of an art teacher, a music teacher, a phys ed instructor or whatever for the 3 hours or 4 hours from after school until the time for dinner at home—better we pay that than we pay for the violence and the drugs and stuff that is happening on the streets. I hope this marks a steady increase this year, next year, and the year after that in afterschool programs.

We have \$5.3 billion for Head Start, an increase of \$608 million, again moving toward the target of making sure

that, in America, every 4-year-old who is eligible is covered for Head Start. I am told that with this increase we are getting close to 80-percent coverage of all eligible 4-year-olds, so hopefully next year we can close that gap and get 100-percent coverage. We have increased the maximum Pell grants to \$3,325, a \$200 increase for low-income students to go to college. So there are some good things.

But there are some big holes in this bill that need to be filled. One of those, perhaps one of the most important—and it is critically important—is the provision the Senator from Washington State, Mrs. MURRAY, I am sure will shortly be talking about. That is the issue of class size reduction. Last year, we put in money for class size reduction. We put in \$1.2 billion last year, and we hired 30,000 teachers around the country to reduce class size. This was a high priority of everyone. When you talk about bipartisanship, let me read what former Speaker Newt Gingrich said of the class size reduction program:

A great victory for the American people. There will be more teachers, and that is good for all Americans.

The former Speaker, Newt Gingrich—not a Democrat.

House Majority Leader DICK ARMEY last year, on class size reduction, said:

Good for America and good for the school-children.

Finally, BILL GOODLING, chairman of the House Education Committee, said, referring, again, to the class size reduction program:

It is a huge win for local educators and parents.

This year, the Republican leadership is saying we have to cancel the program, cancel it—\$1.2 billion. We hired 30,000 teachers, and they are saying this year: Fire them all.

Oh, yes, they are going to say: We are going to put the \$1.2 billion into some kind of block grant program, and then they can use it for this, use it for that, and all that stuff. The priority we have heard from teachers, principals, superintendents, and from parents around the country is that we need to reduce class size. I have heard, on the Republican side, talk that we need teacher qualification, teacher upgrading. I am all for that, but I do not care; you can give me the best qualified, best trained teacher in the world, and if he or she is teaching a second grade class that has 35 or 40 kids in it, I am sorry, they cannot handle it; I don't care how well trained they are.

We had a priority last year on the course of hiring an additional 100,000 teachers to reduce class size in this country, a goal that was shared by the former Speaker of the House, the House majority leader, and the Republican chairman of the House Education Committee.

This year, the Republican leadership says no; because President Clinton wants it, we are going to cut it out.

Talk about bipartisanship. This was a bill that had broad-based support. I do not see it as a Republican or Democratic provision at all.

I have heard from parents in Iowa about reducing class size, and they did not say I am a Democrat or I am a Republican and here is what I want. They said: I am a parent and my kid is in a class with 30-some kids and it is too big.

I hear from teachers. They did not tell me if they were Republican or Democrat. I don't know. I did not ask. They complained to me about what it is like as a young teacher just out of college. They have their teaching certificate, and they are on their way. They want to be a good teacher. They want to make a good profession out of it, and they get stuck in a second-grade class with, I heard one of them say, 38 kids. Talk about teacher burnout. You can handle that for about 2 years and then you are out the door. That is why we are losing so many young bright teachers. They want to teach. They want to get to know their kids and to work with those kids. They cannot do it when they have 30 kids in a classroom.

What we have is a bill that basically disinvests the investment we started last year in reducing class size. If this bill were to go through as it is, 30,000 teachers hired last year will have to be let go this year. They say: We are going to put money in block grants if they want to do it. I am sorry, we decided we needed to reduce class sizes. Let's keep our eye on the prize. Let's keep our eye on the goal. Let's at least accomplish one goal for our kids that we set out to do, and that is to reduce class size.

They say they are going to provide \$1.2 billion for a teacher assistance initiative. There are two problems with this approach. First, I do not know what the teacher assistance initiative is. Maybe someone can explain it. We have not had any hearings on it. We had lots of hearings on reducing class size. I do not know what a teacher assistance initiative is. Some fancy words.

Secondly, when is it going to be authorized? I also serve on the authorizing committee, and the bill to reauthorize the Elementary and Secondary Education Act has not even been written. We have had hearings. We are a long way from passing this major legislation. Under the existing law, even though the Elementary and Secondary Education Act expires this fiscal year—tomorrow—under the law, we are given a 1-year extension, a 1-year grace period. You know how the Congress is, Mr. President. If we get an extension, we will fill up the time. Quite frankly, the Elementary and Secondary Education Act is not going to be passed this year; it is going to be passed next year.

For some reason, the Republican leadership wants no part of the initiative to reduce class size, I guess because the President wants it. Well, big

deal. Last year, the Speaker of the House, the majority leader and the Republican chairman of the Education Committee wanted it, too. Why is it just because President Clinton wants it they do not want to go along with it? I do not understand that. I simply do not understand that.

Last night, President Clinton announced his intention to veto this bill if it comes to him in its current form. He will veto the bill because it does not guarantee we can continue the class size reduction program that we initiated last year.

I have a statement by the President. I will read it:

Today the Senate Labor, Health and Human Services, and Education appropriations committee passed a spending bill that fails to invest in key initiatives to raise student achievement. While its funding levels are better than those of the House version, the Senate bill still falls short of what we need to strengthen America's schools. It does not guarantee a single dollar for our efforts to hire quality teachers and reduce class size in the early grades. It cuts funding for education technology and underfunds such efforts as GEAR UP and after-school programs. And it does not provide funding to turn around failing schools.

To develop world-class schools, we need to invest more and demand more in return. We need accountability from our schools—and from our Congress, too. . . .

If this bill were to come to me in its current form I would have to veto it. I believe, however, that we can avoid this course. I sent the Congress a budget for the programs covered by this bill that provided for essential investments in America's needs, and that was fully paid for. I look forward to working with Congress on a bipartisan basis to ensure that this bill strengthens public education and other important national priorities.

Mr. President, I ask unanimous consent that the President's statement be printed in the RECORD.

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

THE WHITE HOUSE,  
OFFICE OF THE PRESS SECRETARY,  
September 28, 1999.

STATEMENT BY THE PRESIDENT

Today the Senate Labor, Health and Human Services, and Education appropriations committee passed a spending bill that fails to invest in key initiatives to raise student achievement. While its funding levels are better than those of the House version, the Senate bill still falls short of what we need to strengthen America's schools. It does not guarantee a single dollar for our efforts to hire quality teachers and reduce class size in the early grades. It cuts funding for education technology, and underfunds such efforts as GEAR UP and after-school programs. And it does not provide funding to turn around failing schools.

To develop world-class schools, we need to invest more and demand more in return. We need accountability from our schools—and from our Congress too.

In addition, the reduction in funding for the Social Services Block Grant could severely undermine state and local efforts to provide child care, child welfare programs, and services for the disabled. By failing to fund the Family Caregiver initiative, the bill also withholds critical aid to families caring for elderly or ill relatives. The legislation

also shortchanges public health priorities in preventive and mental health, and underfunds programs that would give millions of Americans improved access to health care.

If this bill were to come to me in its current form I would have to veto it. I believe, however, that we can avoid this course. I sent the Congress a budget for the programs covered by this bill that provided for essential investments in America's needs, and that was fully paid for. I look forward to working with Congress on a bipartisan basis to ensure that this bill strengthens public education and other important national priorities.

Mr. HARKIN. Mr. President, all I can say is, I wish they could put Senator SPECTER and me in a room. I think we would come up with a good bipartisan bill. We have already. Because of some outside influences, we are going to have some real problems. That is a shame.

I believe my colleague, Senator MURRAY, will be offering an amendment to authorize and fund the program as we did last year to reduce class size. This amendment will ensure that school districts across the country will not have to lay off almost 30,000 new teachers hired this fall. I urge my colleagues to support Senator MURRAY's amendment.

Again, before I close, I thank Senator SPECTER and his staff for all their work and their willingness to work together in a truly bipartisan fashion to get this bill to the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, Senator HARKIN, for his generous remarks. There are one or two points about which I would like to comment.

With respect to the stem cell issue, on the merits and on the substance, I agree with what Senator HARKIN said, that ultimately we ought to reduce the limitations on the National Institutes of Health. I think it appropriate to say that I took the initiative in putting that language in the bill.

I also agree with Senator HARKIN that this is an issue which I think his position and mine can prevail when it is explained. But I disagree with him on one tiny point, and that is it would not take long to explain it. I think it is going to take a long time to explain it, and a lot of people are going to want to be heard on it.

That is our only point of disagreement, that I don't think it realistic to conclude this bill by the end of business tomorrow. I do not blame him for a healthy share of skepticism, and he will believe it when he sees it. I predict he will see it. He and I have worked together, and our predictions to each other have been accurate right down the line without exception.

Senator HARKIN commented on the statement from the President which I had not seen when I started my comments. I will be responding to that when we have a break in the action. We just received the statement this morn-

ing, and he has made a comment that the President said he will veto the bill in its current form, which surprised me on that abrupt challenge. I am prepared to work through that.

He also said in his statement—let me read the statement specifically:

If this bill were to come to me in its current form I would have to veto it.

I was a little surprised to see that peremptory language without some preliminary consultation. But then he goes on to say:

I look forward to working with Congress on a bipartisan basis to ensure that this bill strengthens public education and other important national priorities.

Our objectives are the same on strengthening public education and other important national priorities. I am instructing my staff to start to work now with the Secretaries.

We had a hearing. I have worked closely with Secretary Shalala, Health and Human Services; Secretary Riley, Education; and Secretary Herman, Labor. We are going to be working with them as this bill proceeds on the floor and also with the Office of Management and Budget to see if we cannot have a meeting of the minds as we work through the process.

I know the Senator from Washington is ready to offer her amendment, so at this time I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. SPECTER. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, after conferring with the distinguished Senator from Iowa and others on the Democratic side, I ask unanimous consent that the Senate now proceed to debate until 12 noon, at which point we will take up the first amendment to be decided at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. REID. Will the Senator from Washington yield for a unanimous consent request?

Mrs. MURRAY. Yes.

Mr. REID. Mr. President, I say to the manager of the bill, so we don't have to wait around until 12. I would like the opportunity—whenever it is—to offer my amendment, so people don't have to continue coming down here waiting to offer amendments. I am ready to offer mine at 12.

Mr. SPECTER. Reserving the right to object, Mr. President, that is satisfactory with me. Senator MURRAY had been on the floor earlier, and if she is prepared to defer—

Mr. REID. If Senator MURRAY wants to offer hers at noon, that is fine with me, too.

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to speak to the Labor-HHS appropriations bill that is currently on the floor. Our colleagues, Senator HARKIN and Senator SPECTER, have done a yeoman's job of trying to put together a bill under extremely difficult circumstances for sure. They have been left with their bill until last, and every other appropriations bill has taken funds from this appropriations item. We are now left with a bill that we actually don't know how it is going to be funded. I have heard a lot of funding schemes, from taking money from defense, forward funding, a 13th month, to declaring emergencies. Basically, we are left with funding education, funding health research with money that is not real, that we don't know from where it is coming.

We don't know what budget it is coming from or whether it is actually there. So I have a great concern about the reality of the funds for the most important funding we do in this body, that of educating our children, that for health care.

Again, we are debating the appropriations bill that funds some of the most important things in the lives of families across this country. Certainly education is a top priority of every family. They have said they want us to make sure the Federal Government does its part to assure that every child, no matter who they are or where they come from, what their background is, what school they are in, gets a good education.

We have fought hard in this body on the issues that make a difference in a child's classroom. Last year, 1 year ago, this body, in a bipartisan way, with the House agreed in the final appropriations bill, the omnibus bill, to reduce class size. It is a major priority of this Congress and of this country. We appropriated \$1.2 billion to reduce class sizes in first, second, and third grades. That decision was applauded across this country by parents, by teachers, by business leaders, and by communities.

Today, those teachers, nearly 30,000 of them, are teaching in our public schools. I had the opportunity last Monday to visit one of the classrooms in Tacoma School District. Tacoma School District has taken the class size funds we allocated and, in 57 first grade classrooms, they have reduced the class size to 15. I had the opportunity to sit down with those 15 children in the first grade classroom and talk to

their teacher. She was ecstatic. She said, compared to a class she had worked in before with 27 children: I didn't know all of the kids. I didn't have the opportunity on a daily basis to sit down with them to find out where they were. I didn't have the opportunity as I worked with them throughout the year to make sure every child was keeping up.

She said: Today, with 15 kids in my classroom, and only 10 days of classroom time at the beginning of the year, I know where every child is. I know what their skills are. I know what they need to work on, and I can guarantee as a teacher that by the end of this year every child in my classroom will be reading, will have the basic skills, and will be able to move on to second grade ready to learn.

That is the goal we set when we allocated those funds 1 year ago.

That is why I was so saddened to see, in the bill that comes before us, no money allocated to continue that program to reduce class size in first, second, and third grades; no money; zeroed out; no money to continue those teachers.

Essentially, this bill fires the nearly 30,000 teachers who have been hired since 1 year ago who work in our classrooms to educate our students. This is an incredible step backwards. We did agree 1 year ago that we need to focus on kids in the early grades, that we need to do what we can to make sure that they learn reading, that they learn math, that they learn those basic skills so they can be productive in the outyears.

We know from the studies that have been done that reducing class size in the first, second, and third grades works. We know students from small class sizes have enrolled in more college-bound courses such as foreign languages and advanced math and science. We know students in smaller class sizes have higher grade point averages. We know students in small classes have fewer discipline problems. We know students in small classes have lower dropout rates. It makes sense for us to continue to make sure that class sizes in first, second, and third grades are reduced, and that we continue the commitment we began 1 year ago.

Our initial commitment was \$1.1 billion. We agreed that we would add \$200 million to that—that is the President's request—so that we can continue to expand and hire 8,000 more teachers. But under the bill that is before us, there is no money to reduce class size. There is no commitment to continue to hire those teachers or to retain those teachers.

Essentially, the language as written in this bill says we will fire 30,000 teachers at the end of this school year. Not on my watch. Not on my watch are we going to go back on a commitment we made 1 year ago. Not on my watch are we going to send a message to young students that we no longer care about making sure they get the basic

skills they need; that no longer is this Senate going to stand behind the dollars and the commitments we made 1 year ago; that no longer are we going to tell teachers they can count on us and they can count on our word when we tell them this is the commitment we are going to make to them.

I have had the opportunity to talk with many teachers around my State and around my country. These teachers have been hired. They are in our classrooms. Forty-three percent of the teachers we have hired are teaching in first grade. Their class sizes are going to be reduced from an average of 22.9 to an average of 17.6 students—from 22 down to 17. And every teacher will tell you that for one less student they have in the classroom, the more time they have to spend with each individual student. Twenty-three percent of the teachers are teaching in second grade, and class sizes in second grades across this country are being reduced an average of 23.2 to an average of 18.1. Twenty-four percent of the teachers are teaching in third grade, and class sizes will be reduced from an average of 23.5 to an average of 18.3 for third graders in classrooms across the country.

The money we allocated last year is being spent. We are getting overwhelming responses from teachers, parents, business leaders, and communities that have this class size money in place and are beginning to see the results of it. They are ecstatic. These teachers are in the classrooms. They are teaching. They are appalled that we are going to go back on our word; that this money is not going to continue to be there so that we continue the commitment we made 1 year ago.

I have numbers from many of our States across the country where class size dollars have been put into place and where teachers are beginning to see the real results of what we did 1 year ago. I think one of the things we haven't talked about is the fact that when we put this program in place, we said—unlike the block grants, unlike many other programs—we want to make sure administration and paperwork are not going to hamper these dollars actually going into the classroom.

The class size money that we put into place last year takes one form for a school district—one form, and a few minutes of an administrator's time. That is all it takes for the dollars we allocated, the \$1.2 billion going directly to hire teachers. This is real money being used in real classrooms. Unlike block grants and other programs that we have, we can keep track of where this money is. We know the money is being used to hire teachers. We know that a portion of it is being used to train teachers to give them the skills they need. We know the real money is being used in a way that we can come back and test it and hold it accountable and show that our kids are learning because of something we did in the Senate.

As a result of the work we did a year ago, 1.7 million children are now benefiting from smaller class sizes this year. More than 29,000 teachers have been hired with that money. Forty-three percent of them are teaching in the first grade, twenty-three percent are teaching in the second grade, and twenty-four percent are teaching in the third grade.

In Anchorage, AK, very far from here, they received \$1.8 million under our Class Size Reduction Program and lowered their average first grade class from 22 to 18 by hiring 40 new first grade teachers.

If the District loses its funding under this bill, the 40 recently hired teachers will be laid off, and they will return their class sizes back to 22 students. And, more importantly, if it ends next year, little will have been gained.

According to Bruce Johnson, Deputy Commissioner of the State Department of Education and Early Development in Anchorage, a 1-year project, he said, generally doesn't yield dramatic results. In Mesa, AR, the Mesa public schools serving 70,000 students received \$1.1 million in class size reduction funds. Half of it was used to hire new full-time teachers to reduce their class sizes, and the other half was used to provide reading instruction, an important goal for small groups of children.

Without these continued funds, we are facing a real dilemma. Superintendents are under the gun to get their class sizes down. But at the same time they have this concern about what will happen if they hire new teachers and the Federal money runs out. That is a quota, according to the executive director of the Arizona school administrator.

San Francisco, CA, has been working very hard to reduce class size in the early grades for many years, and they requested a waiver. I say that all the school districts that have requested a waiver have received one. Because they already focused their money on the early grades, they were allowed the flexibility under the dollars we spent last year, and want to continue to spend this year, to reduce class sizes up to the eighth grade.

With these funds, San Francisco hired 37 teachers and reduced their class sizes from 33 to 22. In English and in math, they reduced their class sizes to 20, and they used the funds to provide training for teachers on how to work effectively in smaller classes.

Whenever I talk to young students who are in a high school math class, they tell me the most frustrating thing they do in a day is have their hand raised for an entire 50-minute period and never get their question answered.

California has already focused their class size reduction money on the early grades. They had the flexibility under our language to reduce class sizes to make gains in K through eighth. Now kids don't sit through a 50-minute period raising their hand, with no answer given, and they don't go home at the

end of the day not understanding what happened that day. That is progress because of the work we did, because of the flexibility we offered in this bill, and because we said our national goal is to reduce class size because we know it works.

In Boise, ID, they received \$547,000 to hire 11 teachers as a result of the Class Size Reduction Program. Some of the teachers will circulate through 10 schools giving students extra help. We have heard from districts that it is a problem because they don't have the classes available to reduce class size. We have allowed them the flexibility, as in Boise, ID, having teachers circulate through the schools so the students get more one-on-one with an adult. Other teachers in Boise were placed in schools with high numbers of low-income students to reduce class size. Boise school administrators will have to lay off the newly hired teachers if they do not receive targeted funding next year. Idaho superintendent Marilyn Howard said this returning of some of our Federal tax dollars to our schools will help support districts' efforts to create smaller classes in the critical early grades.

It is our hope this commitment will continue beyond the current year. These teachers are in place. They are working. They are looking to Congress to see whether what we did a year ago was just an empty promise or whether we really meant it when we said that in the United States of America we want our kids to get a better education and we believe an important role of the Federal Government is to provide the partnership and the dollars to reduce class size. It is a very important goal, one that is achievable, one in which we can help to make the commitment, and one to which we can be held accountable at the end of the day. We know where those funds go. We know they don't go to administration. We know they don't go to expensive bureaucratic work. We know they don't go to a lot of paperwork. We know they go to hire teachers to go directly into the classrooms.

This money is helping. But in the bill before the Senate today, there is no money for class size reduction, no money whatever. Mr. President, 30,000 teachers will be fired as a direct result of this bill now before the Senate. I cannot stand by and let that happen. I know a number of my colleagues will not stand by and let that happen.

In Boston, MA, home of Senator KENNEDY, the Boston public school district received \$3.5 million in funding to reduce class size. In the first year, the school district has reduced class sizes in the first and second grades from 28 students to 25 by hiring 40 new teachers. If the Boston public schools were to lose funding targeted to class size reductions, they would not be able to further reduce class sizes to 18 in the first and second grades and they would not be able to reduce class sizes in third and fourth grades, their objec-

tive. They would have to lay off all 40 teachers or make deep cuts in other areas of education.

That is not a choice we ought to be giving them. We ought to fulfill the commitment we made 1 year ago: Put the money in class size reduction, make the commitment to continue to work to hire 100,000 teachers across the country, and keep the promise everyone made that education is a No. 1 priority and we are not going to underfund it.

I know there are other colleagues who want to do block grants. I commend them for their ideas, their passion, and their commitment. If there is a need for additional funds for schools in the form of block grants, I am happy to hear those proposals. Yes, let's provide that additional funding. However, let's not take away the commitment we have made to reduce class size in the first, second, and third grades. It is a national commitment on which we need to follow through.

I think what we should recognize is that only 1.6 percent of the entire Federal budget goes to fund education. To take away this \$1.2 billion is not the right way to go. I know that my colleagues several years ago passed a sense of the Senate which said we would increase by 1 percent a year the amount of money going to fund education. We have not done that.

If some of my colleagues want to offer a block grant, offer additional funds to schools, that is great. However, let's not take away the commitment, let's not take away the promise, let's not take away the investment that is in place right now with teachers hired, with classes being reduced, with young students in early grades across our country now knowing they will be able to learn to read, write, and do math by the end of first and second grades because this Senate, this Congress, in a bipartisan manner, 1 year ago said: We are going to make this happen. Let's not renege on that promise.

Mr. DURBIN. Will the Senator yield?

Mrs. MURRAY. I am happy to yield to the Senator.

Mr. DURBIN. I am also a member of the Appropriations Committee, and, like the Senator, I was disappointed yesterday. We have a chance with this appropriations bill to define our priority and to say to the American people whether or not we think education is important. I was startled—I think the Senator from Washington, as a former classroom teacher, was surprised as well—when a successful program to reduce class size that put thousands of teachers in classrooms across America was not funded in this legislation.

In my home State of Illinois, we will lose up to 1,200 teachers; nationwide, 29,000 teachers. It strikes me as not only odd but maybe a little bit embarrassing that we are saying to the American people as we start this new century, the first thing we will do for education—

Mr. GREGG. Regular order. I do not think the Senator may be yielded to for a statement.

The PRESIDING OFFICER. The Senator from Washington may yield for a question.

Mr. DURBIN. I was reaching the interrogatory phase of this statement, and it was just about to come to me when the Senator reminded me of the Senate rules. I thank him for that.

Here is the question: Should we in the Senate be kicking off a new century by announcing to America, when it comes to education, we will lay off 1,200 teachers in Illinois?

I will ask another question: Should we announce to America that in terms of education as a priority in the new century, we will kick it off by laying off 29,000 teachers? Would the Senator from Washington respond to that question.

Mrs. MURRAY. The Senator from Illinois is asking the question that every Member ought to be asking. Are we, by our votes on the floor of the Senate today, going to lay off nearly 30,000 teachers nationwide to whom we made a commitment 1 year ago to put into our classrooms, who are working today, who are making a difference today, who are connecting with young children one on one today? Are we going to turn around and say to them: Sorry, you no longer have a job?

Mr. DURBIN. Will the Senator yield for a question?

Mrs. MURRAY. I yield.

Mr. DURBIN. The Senator is a former classroom teacher and follows the trends in education. The question I will ask her: Is the enrollment in schools in America declining so that we can get by with fewer teachers, even if we accept larger classrooms?

Mrs. MURRAY. To the contrary, in answer to the Senator from Illinois. In fact, projections say we will have 500,000 new students in our schools in the next year—500,000 new students. By firing 30,000 teachers, we will increase the classes most dramatically.

Mr. DURBIN. I ask the Senator from Washington: We are struggling to encourage people to become teachers because so many of our current teachers are retiring. Would it not be a disincentive if there were uncertainty about the commitment by the Federal Government for a program to reduce class size?

If the Republican appropriations bill on education passes and lays off 29,000 teachers, what kind of impact will that have on a young person who is trying to decide whether to take up teaching as a profession?

Mrs. MURRAY. I think the Senator from Illinois raises a valid point. We have a lot of young students today who would make outstanding teachers, who would be able to contribute to the future of this country in a very positive way by getting a teaching degree and being a teacher in one of our schools.

However, if we send the message today that teachers will be in an over-

crowded classroom, they are not going to have the support, the backing of Congress and legislatures, and teachers will be sitting in overcrowded classrooms, my guess is, we will have a decreasing number of students willing to work in the public education system.

Mr. REID. Will the Senator from Washington yield for a question?

Mrs. MURRAY. I am happy to yield to the Senator.

Mr. REID. We are here now on the floor considering the Health-Education-Labor appropriations bill, a very important bill. The question I have for the Senator from Washington is this. It is my understanding what she wants is a vote, up or down, on whether or not this bill is going to allow the termination of 29,000 teachers or whether those teachers will have jobs. Is that the question we want to put before the Senate?

Mrs. MURRAY. Yes. The Senator from Nevada is absolutely correct. We want to be able to offer an amendment and have every Senator vote, up or down, whether or not they are going to continue to allow these teachers to be employed, to be working in our classrooms, or whether they are going to say: No, sorry; not on our watch.

Mr. REID. I ask a further question of the Senator from Washington. It is my understanding the Senator from Washington and the Senator from Massachusetts, who knows every rule of the Senate, and others who are on this side of the aisle are going to do everything within the procedural possibilities of this Senate to have an up-or-down vote on this amendment on this bill; is that true?

Mrs. MURRAY. Mr. President, in response to the Senator from Nevada, this issue is so important to me, it is so important to the children in our classrooms and the families of this country, that I will continue to offer this amendment every single hour until the Senate is out of session in November.

Mr. REID. I ask an additional question to my friend from Washington. We have been told by the leadership on the other side of the aisle, it is very important to move this legislation. In fact, they have set the date they want to complete it—by tomorrow night. As I understand the Senator from Washington, this legislation would move along very quickly if we had an up-or-down vote on her amendment. If we had an up-or-down vote on her amendment, we could go on and complete the bill very quickly; is that true?

Mrs. MURRAY. The Senator from Nevada is correct. To our colleagues who are wondering why we are debating and not offering the amendment, if I offer the amendment, it will be second-degree and our colleagues will never have an opportunity to vote or make a statement whether or not they want to continue the funds to reduce class sizes. We are here to continue to talk about the bill. I am happy to do that. I have a lot to say. I know a number of my colleagues do as well.

Mr. REID. I have a last question to my friend from Washington. My friend from Washington speaks from her experience prior to coming to the Senate. It is true, is it not, she was a teacher?

Mrs. MURRAY. The Senator from Nevada is correct. I have been a preschool teacher. I have been a school board member. I have served in my State legislature, been on the education committee there, and I now serve on the Education Committee in the Senate. I have seen all sides of education. Probably most important, I have been a parent of two students in our public education system and participated in everything from PTA to all the activities that go along with being a parent.

Mr. REID. The question I ask to the Senator from Washington—I want to make sure everyone understands: We, the minority, are not stalling this bill. All we want is a simple up-or-down vote on whether or not we are going to lay off 29,000 teachers. We believe those teachers should have their jobs, should be able to keep their jobs. Is that the matter before the Senate?

Mrs. MURRAY. The Senator from Nevada is correct.

Mr. KENNEDY. I wonder if the Senator will yield for an additional question. As I understand, in the Senator's presentation, this concept and commitment to the smaller class size is not only based upon her own experience as a teacher and as a school board member but upon very important results of studies and evaluations of what they call the STARS Program in Tennessee. The results of that study indicate the impact on those children was rather dramatic in math and science, in reading, in reduction of disciplinary problems, and also the benefits of that experience actually carried on through the later grades, through the eighth grade, and actually were reflected in the increasing number of students who attended college.

The amendment of the Senator is based upon what I imagine is rather intuitive understanding of education, and that is, a teacher understanding the students and knowing their needs in a small class. But also, am I correct, this has been really one of the most important new results of various experiments that have taken place in the several States? Am I correct with that conclusion?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. Every parent knows smaller class size is important. It is the question they ask their children when they come home on the first day of school: How many kids are in your classroom? They ask that question because every parent knows the smaller the class, the better chance at learning.

But the fact is, we want our Federal dollars spent in areas that will really work. We have, as a Senate, looked at studies—the STARS study the Senator from Massachusetts just mentioned—and the fact is, when we spend Federal

dollars and we are partners with our local districts in reducing class size, it makes a difference for our students.

As the Senator from Massachusetts said, students in smaller classes have significantly higher grades, as found in a STARS study that followed these kids from the early grades all the way through senior year in high school. In fact, in English, smaller classes had a 76.1-percent average—higher than these. In math it was higher, and in science it was higher. This is real. These dollars make a difference. It means students will learn the skills every one of us wants them to learn, and studies back them up. This money makes a difference.

Mr. KENNEDY. Am I correct also, last year when Congress went on record committing itself to at least the first year of the hiring of additional teachers, it really was not a partisan issue? At that time, as I understand it—I am wondering whether the Senator remembers it—the chairman of the House Education Committee said, essentially, on the proposal of the Senator from Washington:

This is a real victory for the Republican Congress, but more importantly a huge win for local educators, parents who are fed up with Washington mandates, redtape, and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create a big new Federal education program.

This was said last year by the chairman of the House Education Committee, and similar words were used by House Majority Leader DICK ARMEY of the Republicans. Is the Senator aware that this concept was warmly embraced by Speaker Gingrich, Majority Leader DICK ARMEY, and Congressman GOODLING in the final hours of the last Congress?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. I remember the negotiations. I remember everyone coming out in a bipartisan manner, in fact struggling to get their press conferences before their counterparts in the other party, in order to take credit for the class size reduction.

Senator GORTON here in the Senate was part of those negotiations. As the Senator mentioned, the House chairman, a Republican, as well as DICK ARMEY, came out and said: We have made progress. We have done something that is important. We are behind the class size reduction. This is a commitment we are going to make.

So it is very surprising to me that the House has zeroed out money now and said it is no longer a priority, and here in the Senate bill we are doing the same thing.

Mr. KENNEDY. Is it the understanding of the Senator that the Federal participation is very limited, what we do in terms of our contribution to local school budgets—perhaps 7 cents, perhaps somewhat less than that if we consider actually the food? But it is a very small targeted amount; am I correct?

Mrs. MURRAY. The Senator from Massachusetts is correct.

Mr. KENNEDY. Therefore, what the Senator is driving at is to really target scarce resources in an area of education, as I understand it, that has demonstrated and proven to be, under every evaluation, effective in enhancing academic achievement; am I correct?

Mrs. MURRAY. The Senator is absolutely correct. What we did with these dollars is, we focused them directly in an area where we know it makes a difference in the learning of children. In addition, unlike many other Federal programs, we made sure it was not spent on bureaucrats or paperwork or administration. These dollars are targeted directly to the classroom. That is why it has been so effective. That is why it is so well loved by so many districts.

Mr. KENNEDY. I want to ask the Senator whether she is aware of an editorial in today's St. Louis Post-Dispatch illustrating how important class size is to St. Louis families. This is basically Mid-America talking.

I ask unanimous consent the whole editorial be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, Sept. 29, 1999]

#### ABANDONING SCHOOLS

First in the people's hearts, last in Congress' wallet. That's education. Poll after poll has confirmed that improving our schools is a top priority of Americans. The message has been so relentless that even Republicans (ever mindful of the 2000 elections) felt compelled to rethink their long-standing aversion to involving the federal government in local schools. "It's time to quit playing around the edges and dramatically increase the amount of money that we put in public education," Sen. Pete Domenici, chairman of the Budget Committee, vowed last spring.

Translation: The check is in the mail. Reality: Uh, we intended to pay for it, but now we don't have the money.

Why don't they have the money? Because, as Congress sheepishly waits until the final minutes of the fiscal year to do the unpopular work of tackling the budget, the spending bill that includes education, labor and health and human services was stuck last in line, where money was taken from it to fund other bills. "We've used the health and human services account as an ATM machine," fumed Senate Minority Leader Tom Daschle.

So many billions have been withdrawn from it that several education programs are frozen and an especially important one is in jeopardy.

Remember class size reduction? Last year there was a bipartisan commitment to spend \$1.2 billion to hire 100,000 new teachers over a seven-year period, reducing average class size to 18 in grades 1 through 3. St. Louis city and county stood to gain 600 of those teachers. The current spending bills being considered in both houses this week effectively kill the program. So when Congress says "seven years," the education translation is "until the ink on the headlines is dry." It is, as Rep. William L. Clay of St. Louis says, "a shameful abandonment." Thirty thousand of those teachers have been hired. Without the money that was prom-

ised, it becomes questionable how many can return next year.

The rap on public schools is, in most cases, a valid one: If your child is either ahead of or behind his peers, he's going to be lost in the shuffle of 25 to 30 children. If your child has some kind of learning disability, it may take years to zero in on it. And if your child doesn't learn to read and do basic arithmetic by the fourth grade, he'll be playing a losing game of catch-up for the rest of his academic life—which might not be very long.

It's hard to think of anything more obvious or more fundamental than the need for smaller classes in the early years. It's even more difficult to think of anything more unconscionable than bailing out a long-range commitment one step into it. Members of Congress, keep your promise. Give our children schools where teachers can teach and all students can learn.

Mr. KENNEDY. I would like to just ask the Senator to respond to this part of the editorial that says:

Remember class size reduction? Last year there was a bipartisan commitment to spend \$1.2 billion to hire 100,000 new teachers over a seven-year period, reducing average class size to 18 in grades 1 through 3. St. Louis city and county stood to gain 600 of those teachers. The current spending bills being considered in both houses this week effectively kill the program.

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Does the Senator find this kind of expression that comes from Middle America, the heartland of the Nation, is really expressed in other parts of the country, western parts of the Nation, the great State of Washington which she represents, as well as in the other parts of the country?

Mrs. MURRAY. The Senator from Massachusetts is correct. I have not seen the editorial. It does not surprise me. I have seen similar editorials, like in Longview, WA, a very small rural community that understands the need to educate their kids because they can no longer rely on the timber jobs that were there maybe even a decade or two decades ago, and they know their kids need to know math and science so they can attract some of the high-tech industries that are coming in and seeing that those kids get the education they need.

I have heard from schools in Yakima, WA, a farming community, Everett, a suburban district, right in the heartland of Seattle, Garfield High School, where teachers have said to me: This money is critical, it is targeted, it is used for what we need to do, you can be held accountable for it; don't renege on a promise.

Mr. KENNEDY. We had some tragic experience in schools this last year,

and all of us are trying to find ways of avoiding those circumstances. No one pretends the answers are going to be easy and are going to be solved virtually overnight. But is it the Senator's sense that by having the smaller class sizes that we not only are dealing with academic achievement, but we are also dealing with some disciplinary problems, and also since we are talking about K-3, we are also talking about the opportunities for teachers to interact with students and perhaps identify some of the younger children who may be faced with some tensions or some developmental difficulties early in the cycle and perhaps have some opportunities to address those particular children's needs?

Does the Senator also think this smaller class size can have some impact in terms of discipline and also in terms of the climate and atmosphere which exists in schools in this country?

Mrs. MURRAY. The Senator from Massachusetts brings up another extremely important point. I do not think there is a parent in America whose heart does not stop when they see another television show about another shooting and they worry about their own child.

The fact is, when kids are in smaller class sizes in the first, second, and third grades, their tendency toward discipline problems is reduced dramatically. It does make a difference.

More important is what a policeman told me not long ago. He said: I watch these families today, and a lot of kids are home alone essentially in the evening. The parents may even be there, but they are essentially home alone. They walk to school in the morning in a neighborhood where the blinds are closed and the doors are closed and not one adult looks out to see if they are OK. They walk to school without anyone paying attention. They get to school, where it is overcrowded, where the only adult in that classroom never has time to look them in the eye or see that they are OK.

This policeman said to me: These kids feel anonymous in today's world. It is no surprise they act out violently in order for someone to notice them.

Mr. KENNEDY. Finally, because there are other Senators who wish to speak, we will lose some 575 teachers in my State of Massachusetts. I have heard from the parents. I have heard from the school boards. I have heard from those communities that say this is certainly one of the highest priorities they have for this Congress.

I thank the Senator from Washington for bringing this matter back to the attention of the Senate.

Mrs. MURRAY. I thank the Senator from Massachusetts. I remind my colleagues that we are here today because we believe this issue is extremely important; that firing nearly 30,000 teachers, that renegeing on our promise to reduce class size is the wrong way to go. We want this Senate to be on record, we want an up-or-down vote on this

amendment, and we want this country to know we stand behind the commitment we made 1 year ago.

Mr. DORGAN. Mr. President, I wonder if the Senator from Washington will yield for a question.

Mrs. MURRAY. I will be happy to yield for a question.

Mr. DORGAN. Mr. President, I was in the appropriations markup yesterday when the Senator from Washington was preparing to offer the amendment she now describes on the floor of the Senate. I asked the question at that point during the discussion whether the product from the Appropriations Committee that was brought to the committee yesterday, and now to the floor, would, in fact, require or allow or cause the firing of up to 30,000 teachers that had been previously hired under this program. I asked the question, I think, a couple of times, trying to understand, is there a deliberate effort to say we don't want to have a program with national goals or aspirations to reduce class size by hiring more teachers; we don't want to have that program. Is that the goal, to not have that program any longer?

I was not able to get an answer to that. But we now have the program. Is it not correct we have a program in which we in Congress said we will authorize and fund to try to reduce class size around this country in our public schools by adding some additional classroom teachers? We know that works. Study after study tells us that works, that it improves education. A teacher in a classroom with 30 students has substantially less time to devote to those students than a teacher in a classroom with 15. We know that. We know it works in every way to have smaller class sizes.

This Government already decided it wanted to have a program of that type. We funded it and authorized it last year.

Unless the amendment offered by the Senator from Washington is adopted, is it not correct that all across this country, we will see the dismissal of teachers who are now in the classroom helping reduce class sizes, improving education, because the resources will not be available any longer to fund that? And will that not be a significant step backward in our goal to improve public education in this country?

Mrs. MURRAY. The Senator from North Dakota is correct. If my amendment is not adopted, the result will be nearly 30,000 teachers nationwide will lose their jobs at the end of this year.

Mr. DORGAN. But is it not also correct—I continue to ask a question of the Senator from Washington, Mr. President—when we had this discussion yesterday, there was a proposal that perhaps a second-degree amendment would be offered, and they said: Well, we will offer some money that is in the form of kind of a block grant—they do not call it that—where they send some money back to the school districts and say: By the way, do what you want

with this because we don't have any goals or aspirations with respect to how it ought to be used.

In other words, they say: Let us retreat from this program of reducing class size by hiring more teachers and improving education that way; let's decide we will send money but have no national goals.

Isn't that the case with respect to what was attempted yesterday before you decided to withhold your amendment for the floor of the Senate, that the second-degree amendment would have said: OK, we will provide some money, but we want to back away from the commitment of reducing class size as a part of solution to improve education?

Mrs. MURRAY. The Senator from North Dakota is absolutely correct. What the other side wants to do is offer a second-degree amendment that offers Senators a false choice. We want to make sure we keep those teachers in place and continue our commitment to reduce class size.

I say to my colleagues, if they want to create a block grant program that provides additional funds, go ahead and tell us what their goals are, tell us what the program is, tell us what the achievements are. But right now we have in place a program we know works, we know what the goals are, and we know it achieves what we want to see achieved in this country, which is increasing the basic skills of our young students and giving them a chance at the economy when they graduate one day.

Mr. DORGAN. Mr. President, if I may further ask the Senator from Washington, this issue is not new. Is it not the case that this issue has been debated for some long while? President Clinton proposed in a State of the Union Address some long while ago this national goal of improving our country's education system by reducing class size; that is, reducing the number of students each teacher would have in the classroom, and decided there are sort of niche funding areas where we can play a role.

It is true that most education funding comes from State and local governments. It is the case, and always should be, that those who run America's schools are our local school boards and those that make education policy in our States are the State legislatures. That is the case. No one suggests that ought to be different.

Mrs. MURRAY. The Senator is correct.

Mr. DORGAN. But it is also the case we can provide niche funding in certain areas through national goals we establish to dramatically improve education, and one of those methods is to say if we had more teachers, we could reduce the size of the classroom, the number of students per class. We know from study after study that dramatically improves the ability of students to learn in school.

The recipe for a good education is not a mystery at all. You have to have a

good teacher, you have to have a student willing to learn, and you have to have a parent willing to be involved in that student's education. Those are necessary ingredients for education to work.

What about this notion of a good teacher? You have to have a good teacher and put that teacher in a position of teaching well in a school that is functional, not in a crumbling school or a crumbling building that is in desperate need of repair, and we know of plenty of those and are working on that, but also in a classroom that is not overcrowded.

I know the Senator from the State of Washington—

Mr. SPECTER. Mr. President, regular order.

Mr. DORGAN. My understanding is, the Senator from Washington has the floor.

The PRESIDING OFFICER (Mr. BURNS). If the Senator would withhold, the Senator from Washington has the floor, and she may only yield for a question.

Mr. DORGAN. Yes. The Senator from North Dakota understands that. I have been in the process of asking a series of questions. I have asked the Senator from Washington several questions. I was in the middle of asking her another question.

The PRESIDING OFFICER. Then the—

Mr. DORGAN. My understanding of the 12 o'clock issue is, there was to be no amendment offered prior to 12 o'clock; and it is now 12 noon. But that restriction has nothing to do with whether or not the Senator from Washington has and retains the floor of the Senate.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator may finish his question.

Mr. SPECTER. Mr. President, parliamentary inquiry. Is it—

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. SPECTER. I am asking the Chair, isn't it correct—

The PRESIDING OFFICER. The Chair advises the Senator from Pennsylvania, the Senator from Washington does have the floor.

Mr. SPECTER. Parliamentary inquiry. With 12 noon having passed—

The PRESIDING OFFICER. Does the Senator from Washington yield for a parliamentary inquiry?

Mrs. MURRAY. Without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Parliamentary inquiry. Isn't it true that the hour of 12 o'clock having passed, that prohibition against offering amendments has lapsed and amendments may now be offered?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield for a question.

Mr. DORGAN. Let me just ask a final question of the Senator from Washington. I do this saying, first of all, that I have great respect for the Senator from Pennsylvania. I am a member of the Appropriations Committee, and I watched what he did yesterday in the area of education and health care and a range of other areas, where he tried to take resources that were rather limited and make the right investments with them. There are many areas on which I applaud the Senator from Pennsylvania and the Senator from Iowa. I think they deserve our accolades and applause for their work in a number of areas.

The Senator from Washington, however—

The PRESIDING OFFICER. The Chair—

Mr. DORGAN. Let me finish the question, if I might.

The PRESIDING OFFICER. The Chair advises the Senator from North Dakota that the Senator from Washington cannot yield for a statement but a question.

Mr. DORGAN. I understand.

I did not expect that the Chair or the Senator from Pennsylvania would have a problem with my complimenting the Senator from Pennsylvania. But I will cease and desist that.

Mr. SPECTER. I have no problem with that.

Mr. DORGAN. I have a question I want to propound to the Senator from Washington. Isn't it the case that while in some areas there has been adequate funding, in this area on the major initiative dealing with class size, we will have to fire classroom teachers around this country unless this resource is put back in the piece of legislation before the Senate?

Mrs. MURRAY. The Senator is correct. Unless we dedicate this money to the class size reduction bill we passed last year—that we continue it—those classroom teachers will be fired at the end of this year.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. MURRAY. I will yield for a question.

Mr. DURBIN. I would like to ask the Senator from Washington the following question. It was my understanding it was the President's goal to try to recruit and train some 100,000 teachers across America in order to reduce the class size in virtually every community and school district in need of that. Is that correct?

Mrs. MURRAY. The Senator is correct.

Mr. DURBIN. It is my understanding, because of bipartisan action last year—an agreement between Republicans and Democrats that this was a good goal—we appropriated \$1 billion or slightly more—

Mrs. MURRAY. It was \$1.2 billion.

Mr. DURBIN. And we went on to hire almost 30,000 teachers under the President's program. Is that correct?

Mrs. MURRAY. The Senator is correct.

Mr. DURBIN. I would like to ask the Senator from Washington this question. Am I correct that the Republican leadership now is suggesting we abandon this program, we walk away from this program, and we lay off 29,000 teachers across the country in terms of at the end of this school year and not being retained after that?

Mrs. MURRAY. The Senator is absolutely correct. That is what the bill before us does.

Mr. DURBIN. I would like to ask the Senator from Washington, is this not analogous or parallel to the same debate we had about 100,000 cops on the street, where the President proposed working with communities and police chiefs and sheriffs so we would be able to have safer neighborhoods and safer schools by putting 100,000 cops on the beat?

Mrs. MURRAY. The Senator is correct.

Mr. DURBIN. If I recall correctly—I would like to ask the Senator from Washington—at one point, after many thousands of these policemen had been hired and crime rates were coming down, did not the same Republican Party object to extending the President's 100,000 COPS Program and say we should give this money to States and they could decide what to do with it?

Mrs. MURRAY. I recall the same effort; correct.

Mr. DURBIN. I would like to ask the Senator from Washington, there seems to be a pattern: Instead of trying to meet the goals of 100,000 cops to reduce crime or 100,000 teachers to reduce class size, is it not the case that the Republican majority, time and again, wants to stop the President's programs for more cops and more teachers?

Mrs. MURRAY. The Senator from Illinois is correct.

I continue to add, what we have seen is what we call block grants proposed under the guise of: Well, we are letting the local people decide where the money is going to go. All of us want that to happen. All of us want local people involved in the decisionmaking. But what I have seen in the almost 8 years I have been here is that block grants are reduced dramatically. In fact, the title I funds, under the current bill—when we look in the block grants—are being reduced. So it is pretty easy to reduce a block grant. It is a lot harder to fire 29,000 teachers.

Mr. DURBIN. I would like to follow up on that with a question.

The Senator from Washington is not only a leader in education but is a former classroom teacher. I don't know that many of us—I certainly cannot—in the Senate can claim to have that background when we address this important issue.

So I would like to ask the Senator from Washington, as perhaps one of the

few, if not the only, classroom teachers on the floor of the Senate, whether there is any importance to the President's priority of saying, we are going to try to fund 100,000 new teachers and reduce class size, as opposed to some other way this money might be spent?

Mrs. MURRAY. I say to the Senator from Illinois, my experience not only as a teacher but as a parent and school board member and a State legislator working on education is that this initiative has made more of a difference in classrooms than anything I have seen in a number of years. Reality: New teachers hired; smaller class sizes; kids getting the attention they deserve. The reality is that our tax dollars—the moneys allocated under this program—are making a difference. They are making a difference for 1.7 million children right now.

Mr. DURBIN. Is it not true—I would like to ask further of the Senator from Washington—that most, if not all, of us believe there should be accountability in education, accountability by students with their testing, by teachers in terms of the results, by parents in terms of their involvement, and that if we accept the Republican approach, which basically says, let's block grant the money, let's give it in large sums to the school districts, and not hold them accountable in terms of teachers and class size, we are not meeting this national goal?

Mrs. MURRAY. We are not meeting the national goal. And we have no way, as people allocating this money, to know where it went, how it was spent, whether it is on paperwork or bureaucracy or administration. We will not have any way to show that it makes a difference in our kids' classrooms, whether it increases test grade scores—which is a goal for everyone—and we will not know whether this is going to make a difference in a child's learning.

When we put these teachers in the classrooms, we can follow those kids in those classrooms, and we will know for sure, as the years go by, that these dollars make a difference. We will be able to look at those kids, and we will know.

Mr. DURBIN. Further inquiring of the Senator from Washington, if we are going to talk about accountability and results in education—and we have a program where school districts will be held accountable, Senators will be held accountable in terms of reaching the goal of 100,000 new teachers, and we can measure how many teachers are being hired, we can measure class size, and results—are we not going to lose accountability if we accept the Republican approach of basically just sending the money, with no strings attached, to the school districts?

Mrs. MURRAY. The Senator from Illinois is correct; we will not be able to. If our proposal is second degreed, we will not be able to win my amendment and we will not have any accountability. We will not know a year from now how that money was used; we

won't know if it made a difference. We will have no accountability; and, frankly, we will not see class sizes reduced in a way that we want them reduced. We know it is important.

Mr. DURBIN. The last question which I will ask of the Senator from Washington: Is it true, you are on the floor leading this debate because of one simple request, and that is that the Senate go on record—yes or no—with a rollcall vote printed for the RECORD to see whether or not we are going to continue this program to move toward 100,000 new teachers in America and lower class sizes, and at this point in time—I hope it changes—there is resistance to that up-or-down vote from the Republican majority?

Mrs. MURRAY. The Senator is absolutely correct. I want an up-or-down vote on this amendment. I want the Senate to be held accountable for their vote on this. I want to be assured that we actually have an opportunity to move to do this amendment without rule XVI applying.

I went to the appropriations subcommittee hearing the night before last. We could not offer any amendments in committee yesterday, as the Senator from Illinois knows; he was there. We were unable to offer this amendment. It was going to be second degreed. The chairman of the committee pleaded and begged that no amendments be offered, that we do it on the floor. Now we get to the floor. I am going to be second degreed. We will never have a chance for an up-or-down vote and rule XVI may or may not apply. The Senate will never be on record.

I want our colleagues to vote. I want us on record. I want the American public to know who wants to make sure that we continue the promise we made, the commitment we made 1 year ago, to reduce class sizes in first, second and third grades.

Mr. KENNEDY. I have one final question, if the Senator will yield for a question.

Mrs. MURRAY. I am happy to yield.

Mr. KENNEDY. Correct me if I am wrong. The Department of Education has estimated that we are going to lose 2 million teachers over the next 10 years, which is 200,000 teachers a year. At the present time, we add 100,000 teachers a year. So we are basically in a 100,000 deficit, as I understand it, at a time when we are seeing the total enrollment for students increase by half a million. Is that the Senator's understanding as well.

Mrs. MURRAY. The Senator is correct.

Mr. KENNEDY. So we are falling further and further behind at the start of this discussion and putting our children in jeopardy without the amendment of the Senator from Washington. It seems to me, for the excellent reasons she has outlined, in terms of quality of education enhancement for children in grades K through 3, that as a matter of national purpose and na-

tional priority, this has a sense of urgency.

Mrs. MURRAY. The Senator is absolutely correct. In fact, we know there is going to be a teacher shortage. We need to make sure young people want to go into a career in education. If we are going to tell them they are going to be in a large class, in a crumbling school, and will not have the support at all levels—local, State, and Federal—we are going to have a hard time recruiting those teachers we drastically need.

We do know if we tell our young people that we are going to reduce their class sizes so they can really do the professional job we have asked them to do, and we have a commitment that we are not going to renege on every year, that we believe in this, I believe we will be able to recruit young, great students into the teaching profession, and I think we have a lot of work to do on that. Certainly this is a commitment we need to make.

Mr. President, the majority leader has indicated that he is willing to discuss with us a way to move forward on this.

At this time, I am happy to yield the floor in order to move to that.

#### PRIVILEGE OF THE FLOOR

Before I do, Mr. President, I ask unanimous consent that the privilege of the floor be granted to Emma Harris, who is a congressional fellow in the office of Senator EDWARDS, during the pending Labor-HHS bill.

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have heard a great deal of talk about class size. There has been an absence of recognition that the bill provides \$1.2 billion for teacher initiatives, which may well be defined as class size, where the authorizing committee works. We have heard a castigation about failure to fulfill a promise for the discharge of teachers, which is factually untrue. There is currently \$1.2 billion to fund class size reduction on an authorization which was contained in last year's appropriation bill.

This year's appropriation bill includes \$1.2 billion on what is called a teacher initiative. So when a number of Senators have talked about the desirability of reducing class size and what that does for education, that is something to which this Senator agrees. That is something the subcommittee agrees with, the full committee agrees with, and is not a partisan issue. It is not a matter that the Democrats say we ought to have small class sizes and the Republicans say there ought to be large class sizes. That is not an issue at all. There is not a controversy.

It is not a controversy that there is any reneging on a promise to take out the \$1.2 billion to discharge many teachers. That is simply not factually correct.

The fact is, this appropriations bill contains \$1.2 billion.

Yesterday, the Senator from Washington, in the committee, offered an amendment for \$1.4 billion. So there was an increase of \$200 million, and the Senator from Washington offered that amendment without an offset. This bill is already at \$91.7 billion, which is at the breaking point, maybe beyond the breaking point of what this body will enact or what may go through conference. In the absence of an offset, the priorities are not subject to be rearranged, at least in my opinion.

There has been an objection made, understandably, by Senator JEFFORDS, who is the chairman of the authorizing committee. That is the role of the authorizing committee.

Yesterday, there was talk about Senator GORTON. Senator GORTON introduced or was prepared to introduce a second-degree amendment, which would have appropriated the \$1.2 billion, subject to authorization, and if the authorization did not occur, then the \$1.2 billion would be given to the States. They can make a determination as they see fit in a block grant concept, allocating it to class size or teacher initiative or whatever it is the States decided.

My preference is to see that the \$1.2 billion stays in the area of class size and teacher initiative, but that is a matter for the authorizers.

I understand the Senator from Washington wants an up-or-down vote, but the rules of the Senate permit another Senator like Senator GORTON to offer a second-degree amendment. When the Senator from Washington says she is prepared to stay until the end of November to reoffer her amendment, she is entitled to do that. Senator GORTON is entitled to continue to offer a second-degree amendment, if he decides to do that. Those are the rules of the Senate. Nobody is entitled to an up-or-down vote if another Senator wants to offer a second-degree amendment.

Now, it may be that Senator GORTON and others will yield and will allow an up-or-down vote. I am not sure how that will work out, but it is not a matter of right. No Senator has a right to an up-or-down vote. A Senator has a right to follow the rules. Senator GORTON has a right to the rules, just as Senator MURRAY has a right to the rules.

It is simply not true that there is a reneging on the commitment for \$1.2 billion. It is in the bill. It is categorized as a teacher initiative. That is another way of saying class size, or it is another way of saying what the authorizers may do by way of specifying how the \$1.2 billion is to be spent.

We have a deadline of September 30, the end of the fiscal year, to finish our work. We had the Senator from New Hampshire, Mr. GREGG, call for regular order. I called for regular order. You can articulate questions which are speeches, a lot of speeches that have consumed more than an hour. It is my

hope that we can proceed with this bill, proceed with the rules of the Senate, and move to let the Senate work its will.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the comments made by the Senator from Pennsylvania, who has worked so hard to bring this bill to the floor. The bill has been so distorted in its presentation from the other side for the last hour and a half, and the Senator from Pennsylvania, in fairly quick terms, disposed of that distortion. But let me reinforce the point that was made.

There is \$1.2 billion in this bill for teachers—teacher activity. It is not an authorized program in the bill because this is an Appropriations Committee, and it doesn't authorize.

I find it a bit unique to hear the ranking member of the authorizing committee come to the floor and say that he wanted it as an authorization on this appropriations bill when 2 weeks ago—or 5 weeks ago now—we passed an amendment in this body which said we weren't going to authorize on appropriations bills.

So the chairman of this subcommittee has appropriately put the money in for teacher assistance—\$1.2 billion. And he has not authorized, which is the proper way to proceed.

On the issue of class size itself, there are disagreements. Time and again, we heard in the speeches from the other side how they were going to tell the local school districts how to run their business. There is no longer any sugar-coating of this issue. The fact is that the proposal from the other side of the aisle, which originated with the White House, is a proposal specifically directed at telling local school districts how to run their local school districts. We heard terms such as: How can we pass the language in the appropriations bills when there are no strings attached? The Member from the other side said that. How are we going to know it works if we don't put strings on?

Yesterday, in the committee, the junior Senator from Washington, Mrs. MURRAY, stated as a metaphor: Well, this is like a parent who gives a child an allowance. If you do not tell the child how to spend that allowance, how are you going to know how the child spends it? She might go out and buy candy instead of buying school lunches. That was the metaphor used in committee yesterday.

I point out that the Federal Government is not the parent of the local school districts. The parent in this instance happens to be the parent of the kids. They are the parents. They are the ones who should be making the decision as to how the money gets spent. We are not the parents.

We are not the local parents for every school district in the country, although that happens to be the view of the Democratic minority in this House

and the White House. They are the great fathers from Washington who come down into the school districts, and say: Oh, school districts. Give us your money so we can take it to Washington, and, by the way, spread a little bit of it out among the bureaucracy in Washington. And then we will send you back some percentage of your money—maybe 85 cents on the dollar, if you are lucky—and then we will tell you how to spend the money. That is the theory that comes from the other side of the aisle.

This class size proposal is the ultimate example of that because where do they get the money for the class size proposal? They took it out of special education dollars, which essentially meant that local money which was supposed to be used for local decisions—whether it was to add a new teacher for a school or to add a new wing to the school or to add a new computer program to the school—that local money was lost because it had to go to support special education needs which were supposed to be supported by the Federal Government, while the Federal Government came and took the special education money and put it into a classroom program and said: Here, school district. In order to get your money, you have to take our program as it is presented to you, and in no other way. You must accept a class size program in order to get your money back, money which you were supposed to be getting to begin with to help you with special education dollars, for example.

The whole theory of this class size proposal, as it comes from the White House and on the other side of the aisle, is flawed because it essentially is the theory that says Washington knows best. You either do what Washington says or else you are not going to get your money back from Washington—your hard-earned dollars you sent here.

We, however, take a different approach on this. We suggest that when you send money to Washington—unfortunately it still goes through bureaucracy—when you get it back, especially in the area of education, the teachers, the parents, the principals, and the local school districts know best how to spend it.

Yes, we are going to put in some very broad parameters that basically go to quality. But we are not going to exactly tell you that you must hire a new teacher. Rather, we have proposals such as the TEA bill, which passed the House, which I hope will pass here, which says for this money—\$1.2 billion—if you want to hire a new teacher, fine, but if you want to train your present teachers to be better math teachers, you can do that, too. Or, for example, if you have a really good teacher, maybe in the sciences, and a lot of pressure is being put on that teacher to move out of the classroom and into the private sector because they can make so much more, you can

use the money to give that teacher some sort of bonus in order to keep them in the classroom where they are doing such good.

Give the local communities flexibility. Let's give some credibility to the idea that the teacher, the principal, and the parent actually know what is best for the kid; that maybe the President does not know what is best for every classroom in America; that maybe the Department of Education does not know what is best for every classroom in America. Maybe it is the people in the classroom and the parents, who have a huge interest in what is happening in this classroom, who know a little bit more about what is happening in that classroom and what the adequate allocation of resources should be.

Our proposal is that we put this \$1.2 billion in the context of flexibility. Make it applicable to teachers, make it available for teacher activity, but do not say you must hire a teacher.

Remember that this is not a debate over money, although some will try to characterize it that way. In fact, this bill brought forward by the Senator from Pennsylvania exceeds the President's request in education by almost \$5 billion.

In this account—the issue of the teachers account—the money is the exact same. What the President asked for and what we have in this bill is \$1.2 billion.

It is not an issue of money. It is an issue of power and who controls the dollars and who makes the decision over how those dollars are spent. We happen to think the parent, the teacher, the principal, and the school district should have the power. The other side thinks they should have the power—specifically right here in this Chamber, with no strings. They have to have strings attached—from that desk right over there; that desk three rows up and two desks over—running from that desk out to every school district in the country; thousands of strings all over the country running out of that desk telling Americans how to spend that money and how to control the classroom. Then we are going to reel in those strings. And when we find at the end of the string that somebody did something we don't like, somebody from that desk three rows up and two desks over will say: You are not educating your kids correctly, and we know how to do it better. So we are going to take your money away. Here, we are cutting this string right here.

That is not right. Let's send the money out to the schools. Let's let the parents make the decisions. Let's let the teachers make the decisions. Let's let the principal make the decisions within the context of requiring quality.

While we are on the subject, let's talk a little bit about this mythology—that is what it is, mythology—that class size isn't the issue. This has been polled. That is the reason this is being put forward. This is a polling event. It

has nothing to do with the substance of the studies that have been done on the education.

They keep quoting the STAR study out in Tennessee. The STAR study has been reviewed by a lot of other studies, including the STAR study itself. The conclusion has been that it isn't so much class size that is important, but it is quality of the teacher that is important. One of the conclusions in the Tennessee study was that if you had first-class teachers for 2 or 3 years, then those students' ability to do the work was improved dramatically. It not only was improved dramatically for the years they had first-class teachers, but it carried forward for 3 or 4 years after they got a really good teacher. That ability of that student went up. It wasn't size of classrooms so much as quality of teachers.

That is what our proposal does, the TEA proposal that goes to the issue of quality teachers and trying to keep quality teachers in the classroom, and letting the local school districts decide who is the quality teacher and who isn't.

It does no good to put a child in a classroom—whether it is 18-to-1, 15-to-1, 10-to-1 or 25-to-1—if that kid is being taught by a teacher who does not know anything about the subject they are teaching or who is an incompetent teacher. It simply doesn't do any good. The child doesn't learn anything because the teacher doesn't know the subject or the child isn't able to communicate with the teacher because the teacher doesn't have the ability to communicate effectively with children.

Class size is not the critical function. It is whether or not that teacher knows the subject and knows how to communicate it and deal with the children. That has been the conclusion of study after study. If we are citing studies, there was an excellent study done by the University of Rochester which has led the subject for years. They looked at over 300 other studies on the question of class size and teacher quality. The first conclusion of that study by Professor Hanushek was that class size reduction has not worked. The second conclusion was that Project STAR in Tennessee does not support overall reduction in class size except perhaps in kindergarten. Remember, this study looked at 300 other studies. Third, the quality of teacher is much more important than the size of the classroom.

That study is not unique. He looked at 300 different studies.

In the State of Washington, there was also a study which came to the exact, same conclusion. In my own State of New Hampshire we did a study. The New Hampshire Center for Public Policy Studies did the same study and came to the same conclusion. A study in Boston dealt with a charter school and found the same. Studies have been done. The evidence is absolutely clear. It is not size of the classroom; it is quality of teacher.

Yes, size may play a marginal function. So we may ask, isn't it obvious

size has an impact? We all can agree that size has a small impact but size has been addressed in most States. The President's initiative said we had to have an 18-1 ratio in class size. That is what his goal was. Maybe Members haven't been out of Washington to look at the school systems; maybe they are getting their information from the Education Department or their teacher union friends. But the fact is 42 States have an 18-1 ratio in class size; 42 States already meet the class size requirements. What those 42 States need is a better effort in producing high-quality teachers. What we have in this country is a severe lack of well-trained teachers, teachers in the classroom who are not capable and not doing the job in core disciplines and in areas of education communication. That is where we need help. That is where our teachers need help.

More than 25 percent of the new teachers entering our schools are poorly qualified to teach; 1 out of every 4. Mr. President, 12 percent of the teachers entered without any prior classroom experience; 14 percent of the teachers entered our Nation's schools having not fully met the State standards. In Massachusetts alone, 59 percent of the incoming teachers failed the basic licensing exam; 96 percent of those who retook the exam failed again.

The issue is not numbers in the classroom. The issue is quality of the teacher, how to get a good teacher into the classroom. This is especially true in mathematics and science where we have a dearth of the talent we need because the teachers are not being adequately trained and science moves so quickly they can't stay up with the science. Forty percent of the math teachers in this country do not have a major or a minor in the field in which they teach.

Tell me how it will help a student to be in a classroom with a teacher who has not had algebra, who has no major in algebra, maybe didn't even take algebra? How does it help a student, whether there are 10, 15, or 20 students in the classroom, if the teacher doesn't understand the subject matter? Clearly, we are not going to help the student no matter how many kids are in the class.

The issue is not class size. The statistics prove it is not class size. Studies show it is not class size. Even the Tennessee study referred to by the Senator from Massachusetts shows it is not class size. The issue is quality. Yet the President's program and the program of the junior Senator from Washington says to the States: States must reach this ratio, and if they don't reach this ratio, we will take your money away to some other account. And you must hire a teacher to get your money back—the money you sent to begin with.

We say that is foolish. It is intuitive. It is obvious if you have a school district with parents involved, teachers involved, principals, and school boards

involved, they will know whether they need another teacher or they will know whether they need another classroom or they will know whether they need another computer science lab or they will know whether they have to send some of their teachers to educational classes that might help them in their capacity to handle certain subjects, or they will know if they have a teacher about to leave whom they think is good and they want to teach. The local school district will know these things. These people are not out there committing their lives to education in order to bring down education. These people are well-intentioned, well-purposed, well-meaning, sincere, hard-working individuals who work in our schools. Yet we treat them, as the Senator from Washington described yesterday in committee, as if they were children getting an allowance.

It is insulting to them, No. 1. No. 2, it doesn't work. Obviously, these folks who are running our schools should be given the flexibility to make the decisions within certain parameters so they can do what they think is best for the school district. The parameters we laid out are quality parameters set not by the Federal Government but set by the States. We say: State, you can have this money, but you have to meet certain quality standards and you set those quality standards and test for the quality standards. When you fail to meet the quality standards, you have to take action to correct it. If you don't correct it, then action can be taken by the Federal Government, but not until the local community has had a chance to meet its decisions in the context as to what it sees as its problems. That is a much more logical approach to all of this.

I know the Senator from Arkansas is one of the leaders on this subject and wants to speak. I could go on for quite a while because I find the arguments on the other side to be so outrageous and so arrogant in their viewpoint which is: We know best for school districts of America. We know best because we happen to be elected to the Senate or elected President of the United States. We know what is best at the local school districts.

That is outrageous. This is not about money. The money is in the bill, \$1.2 billion. It is there. The Senator from Pennsylvania has been extremely aggressive in funding education. We have on all sorts of accounts exceeded what the President requested. This is about power and the fact there are interest groups in Washington, specifically major labor unions and the education bureaucracy, who want to control the curriculum and the school activities and the educational structure of our elementary schools across this country. They don't want to give up that control. Every time they create a new program, it is directed at control from Washington, telling the local districts how to spend their money. That is what it is about.

We put forth proposals which are aggressively funded which do the opposite: We empower the parent; we empower the teacher; we empower the principal; we empower the local school district. That is the way it should be done and that is the way we improve education.

This is a debate which I enjoy engaging in because I believe it is fairly obvious that proposals from the other side are misdirected and do little to improve education—maybe a lot to improve the power of the local unions, the national unions, and the national education lobby, but they do nothing for local education, whereas our proposal does a great deal to help the local school districts help their kids get a better life, a better education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I certainly associate my remarks with those of the distinguished Senator from New Hampshire who truly has displayed not only great leadership but great expertise on this whole subject area, and who, I think, very eloquently and very articulately explained the differences in philosophy and approach, and while sincere, the misguided efforts of the proponents of this amendment.

I take a few minutes to make a couple of observations about what the other side said about their amendment and then will outline my objections and what I think are the flaws in the approach advanced by the Senator from Washington. Certainly, I think Senator GREGG was right. The Republican approach is superior because it emphasizes the qualities of the teacher, not simply putting more teachers out there.

I recall very well, in the third grade, when there was an overabundance of third graders in a small rural school in Arkansas that I attended, we were placed in the second grade class. There were 7 third graders placed in the second grade class. Our teacher, Mrs. Hare—I remember her well—had 30 students in her class: 23 second graders and seven third graders. It was not an ideal situation by any means. It was not what anybody desired. We would have liked it if they had smaller classes. But I will tell you this: I am glad I had a quality teacher and that quality teacher was able to turn what would have been a disadvantage in having a combined class into an advantage for every student in that classroom. It is far more important that we have good teachers, qualified teachers, and teachers who have a heart for those students than it is for us, with a command-and-control approach from Washington, DC, to simply put more teachers out there and hire more teachers at the Federal level.

It struck me that the Senator from Washington, in her arguments on behalf of her amendment, wanted to have it both ways. In one breath she said:

The Class Size Reduction Program was dramatically effective, so effective that we had to continue it. In virtually the next breath she said: Yes, it is impossible in 1 year to judge the effects of the program; therefore, we need to fund it again so we can give it time to judge its effectiveness.

You cannot have it both ways. So I think, as in many of the sincere arguments from the other side, they are, in fact, quite misguided.

Let me outline a few of my concerns. Senator GREGG rightly pointed out it is a one-size-fits-all approach; it is a command-and-control educational system in which the Federal Government micromanages what the local school districts can and should be doing. It is highly inflexible.

Lisa Graham Keegan, from the State of Arizona, who is one of the great education reformers in this country, stated recently that:

President Clinton made it abundantly clear that he decided smaller class sizes are a good thing, even though research has provided no clear indicators of the impact that class size has on a child's ability to learn.

Time and time again, I heard the other side say they have lots of conclusive studies, that reduction of class size inevitably improves educational achievement. But I have heard very few studies cited, other than one, in fact, from the State of Tennessee.

She continued:

Nevertheless, because [smaller] class size had been a good thing in some of the classrooms the President had visited, then smaller class sizes had to be a good thing for every classroom in America.

There, I think, is the flaw in the argument. Because it helps in some situations does not necessarily mean it is the panacea for educational reform across this country.

Second, I believe the approach cited by the Senator from Washington will reward States that have failed to address this issue. Education is primarily a State and local issue. Most States now address class size. In fact, 25 States have had class size reduction initiatives: California, Virginia, Florida, Wisconsin, Tennessee, and on and on. Twenty-five States have already addressed this. Yet this Federal program, in which we fund from the Federal level 100,000 new teachers, basically says that failure to act will be rewarded by the Federal Government stepping in and assisting States. So it has a negative incentive. It rewards States that have failed to address this issue.

Third, it creates either a new entitlement program or an annual battle such as we have now had for two successive years in the appropriations process, pulling the rug out from under school districts that have hired teachers based upon this Federal program. It is a Band-Aid approach to a more systemic problem. It will either create a new entitlement which we feel obligated to keep funding year after year after year because school districts have acted on

the basis of this Federal program, or we will go through this annual exercise, the schools never knowing for sure whether or not there is going to be this Federal program, and therefore we would be accused of pulling the rug out from under them.

The Democrats keep mentioning we need to fulfill the promise we made last fall in the omnibus appropriations bill, which funded the Class Size Reduction Program at \$1.2 billion. I simply ask the question: What happens if we do it this year and next year? At the end of the 7 years, what happens?

I will tell you what will happen. Every school district that has acted on the basis of this program will be saying: Reenact it, keep on because we are now dependent on this Federal program for the hiring of teachers.

As usual, in Federal education programs, it will continue to grow from year to year. It will become a new restrictive program that places more regulations on the localities and further contributes to Federal oversight of a local issue. Many school districts in Arkansas have declined to participate simply because of the amount of red tape and bureaucracy involved in the program. In fact, it feeds Federal dependence. It encourages those schools to look to Washington for funding. It encourages schools into a kind of Federal dependency.

No. 5, needy, small districts oftentimes do not even qualify for one single teacher. I think one of the saddest results of this legislation was that some of the neediest school districts, because of their size, were unable to qualify for even one. They were unable to form the consortia required to allow them to receive even partial funding for additional teachers. So in a State like Arkansas those schools that are the neediest are those that are least able to avail themselves of this program.

I might add, we have heard time and time again from the other side that failure to pass the Murray amendment will result in the firing of thousands of teachers across this country. That is not the case. Funds are only now flowing into the school districts from last year's Omnibus Appropriations bill. It is for this school year the teachers who have been hired are already funded, all the way through to the end of this school year. The way this should be addressed is through the Elementary and Secondary Education Act, which the education committee is addressing, and they will be bringing forth a reauthorization bill. That is the proper way for this issue to be addressed. But the issue of firing teachers, that is an absolute red herring; no teacher will be fired by the passage or failure of the amendment before us today.

I might add also, listening to the other side, you would think when the \$1.2 billion, 1-year appropriation for this program was enacted last year, that there was bipartisan, universal consensus that this was what we ought to do. That was far from the case. It is

a revision of history. The fact is, when the Murray amendment was offered last year, it was defeated on the floor of the Senate, and it was only in the huge omnibus appropriations bill at the end of the session that, in order to reach an agreement with the President to prevent a Government shutdown, there was a resolution of the issue by a 1-year funding of the program. But there was not a 7-year authorization under ESEA, nor was there ever any consensus of this body that this was a proper Federal approach.

The sixth reason I think this is a flawed approach is, while it is very expensive, it will make minimal difference in academic achievement. We have already discovered decreased class size oftentimes does not result in any marked improvement in achievement. Between 1955 and 1997, school class size has dropped from 27.4 students per classroom to 17 students per classroom, according to the National Center for Education Statistics. The number of teachers has grown at a far faster rate than the number of students.

Mr. SPECTER. Will the distinguished Senator from Arkansas yield for a unanimous consent request?

Mr. HUTCHINSON. I will be glad to yield.

Mr. SPECTER. I thank my colleague. The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that at 1 p.m. Senator MURRAY be recognized to offer an amendment relevant to additional teachers, and following reporting by the clerk, the amendment be laid aside, and Senator GORTON be recognized to offer a first-degree amendment.

I further ask unanimous consent that the time between 1 p.m. and 4 p.m. today be divided equally for debate on both amendments, and the vote occur on or in relation to the Gorton amendment, to be followed by a vote on or in relation to the Murray amendment, at 4 p.m., and any rule XVI point of order be waived with respect to these two amendments only.

I also ask unanimous consent that no second-degree amendments be in order to either amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent when Senator HUTCHINSON concludes, the distinguished chairman of the Appropriations Committee be recognized.

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

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I only have a few more remarks.

The point I was making, my sixth point, is why I think theirs is a flawed approach. The evidence is very clear that a simple reduction in class size does not improve academic achievement. In Arkansas, we have seen en-

rollment decrease from 1970 to 1996 by only 1.3 percent, but there has been a reduction in the number of students.

Mr. REID. Will the Senator yield?

Mr. HUTCHINSON. I would like to yield, but I have a number of points I want to make before I wrap this up.

Mr. REID. We want to clear up who controls the time on this side so there is no confusion later. Can we do that quickly?

Mr. HUTCHINSON. Sure.

Mr. REID. Time will be controlled by Senator MURRAY on this side.

Mr. SPECTER. Acceptable.

Mr. HUTCHINSON. Mr. President, if I may return to the State of Arkansas where we had a reduction in the number of students by 1.3 percent over the 25 years from 1970 on; the number of teachers grew by 17,407 in 1965 to almost 30,000 in 1997. That is an increase of 70 percent in the number of teachers, while we saw a decrease in the number of students. That is dramatic class size reduction.

Unfortunately, we have not seen a comparable increase in academic achievement. I believe, if you look nationwide, that will be the story in State after State. While student-teacher ratios have decreased, we have not seen a comparable increase in academic achievement. Why would we then put this huge investment, dictating from Washington what the solution should be?

If I were to make no other point in these remarks, it would be this seventh concern, that a one-size-fits-all approach from Washington will actually have a negative impact on the poorest students in this country. It will actually penalize poor children in districts across this country.

The L.A. Times, in an editorial entitled "Class-size Reduction Doesn't Benefit All; Quality Teachers Gravitates to Upper-Income School Districts, While Inner-City Students Lose Out"—it is an interesting phenomenon. Because of the influx of Federal funds to hire teachers, the result has been inner-city schools and poor school districts that can compete less effectively with larger and more affluent schools are actually penalized under this proposal.

The L.A. Times editorial said it very well:

A substantive reduction in the size of classes in the lower grades for virtually every one of California's public elementary schools triggers a frenetic stirring among the existing teacher force. Schools post job openings for the newly created classrooms. Teachers apply to multiple sites, some more attractive than others. The more attractive schools—those in middle to high-income communities—receive stacks of applications along with well-honed cover letters. The least attractive schools—poorly performing schools in high poverty areas—scrape far fewer applications from their mailboxes.

That is the phenomenon. As so often is the case when we have a federally initiated program trying to decide in Washington, DC, what is best for local school districts all across this country, we have unintended consequences, and

the tragic unintended consequence of this program has been that the poor school districts, the inner-city school districts, are those that have been penalized while the more affluent and middle-class communities have prospered under this program.

Randy Ross, vice president of the Los Angeles Annenberg Metropolitan Project, in testifying before our health committee in the Senate, noted this phenomenon. He said:

One would think [that] . . . a policy that benefits all teachers would benefit all children—rich and poor. But for reasons that are all too clear, such is not the case with the wholesale reduction in class size. . . . I believe the federal government ought to take the moral high ground to insure that government spending helps poor children, and never, ever hurts them.

That has been the tragic result of this program, that poor children are the ones, in fact, who are penalized.

Senator GREGG rightly said the issue is not money. There is \$1.2 billion set aside in this bill for teacher initiatives, including the hiring of additional teachers, if that is what is necessary. That is the better approach, where the local authorities have an option as to how those Federal funds should be spent.

Frankly, in the area of IDEA, we have made an enormous commitment, but we have failed to meet that commitment with adequate funding. My sister Jeri who teaches in Reagan Elementary School in Rogers, AK, knows very well that if the local needs were best met, it would be in providing additional help in special education.

Why shouldn't the local authorities have the right and have the option of determining whether or not hiring more classroom teachers fills the greatest need or whether spending that money to better meet the needs of special ed students would be the better use of local money?

I suggest our approach is far superior, that while very sincere, Senator MURRAY has brought forth, once again, a flawed approach in the area of this Class Size Reduction Initiative. I think we should meet the responsibilities that we have already assumed in the area of IDEA before we create a new commitment and new responsibility that we are unprepared and unable to meet.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have been in conference this morning on other matters, but I did hear the distinguished Senator from Washington, Mrs. MURRAY, discuss the situation in Alaska and particularly Anchorage.

Anchorage did receive \$1.8 million last year and reduced class size from 22 to 18. The Senator from Washington indicated if her amendment is not adopted that the Anchorage School District would lay off those new teachers.

I asked my staff to get in touch with the school district. I have to point out

it is 4 hours earlier in Alaska, and we had to wait a little while. I have come now to report the conversations that have taken place with the Anchorage and Alaska entities that would receive moneys under this bill.

I want to make it very plain that the Alaska position is, we want no strings on these block grants. We contacted the Anchorage School District superintendent, for instance, Bob Christal. He told my staff to tell me, without any question, they prefer this block grant money without any strings. But he said if Anchorage did receive the block grant, they would use the money to keep the teachers who were hired and for other purposes.

We also contacted the Deputy Commissioner of Education, Bruce Johnson. He said the Alaska Department of Education encourages the greatest amount of flexibility for small districts. There is no question that Alaska wants flexibility in this money. He also indicated there has been no contact with him about this prior to our call this morning.

The superintendent of the Fairbanks School District, Alaska's second largest city, Stewart Weinberg, said he much prefers the flexibility of a block grant. He would like to use a portion of the money that would be received for staff development by hiring mentor teachers to help other new teachers.

There is no question that is the Alaska situation. I know of schools in our State where the school population is going down so far that they are in the situation of maybe having to close schools. We are not talking about an across-the-board concept of money to reduce class size. We want money that can be used to meet the needs of the particular school district.

In some school districts, because of the very unfortunate circumstance of fetal alcohol syndrome, fetal alcohol effect in Alaska, we need teachers' assistants. There ought to be flexibility to use this money so it can meet the needs of the particular school district.

I want to make it very plain in voting, and I intend to vote on the Murray amendment, I will vote to support the position of the educators in Alaska who want this money without strings attached. They want to meet the needs of their districts and they do not want the Federal Government dictating how the money must be spent.

I yield the floor.

Mr. COVERDELL. Mr. President, under the previous order, we are now in 3 hours of debate, equally divided, beginning with the presentation by the Senator from Washington?

The PRESIDING OFFICER. That is correct. Under the previous order, the Senator from Washington is now recognized.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Washington.

AMENDMENT NO. 1804

(Purpose: To specify that \$1.4 billion be made available for class size reduction programs consistent with the provisions of Section 307 of 105-277)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. DASCHLE and Mr. KENNEDY, proposes an amendment numbered 1804.

Mrs. MURRAY. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 54 strike all after "Act" in line 18 through page 55 line 5 and insert the following: "\$3,086,634,000, of which \$1,151,550,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which \$1,439,750,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000-2001: *Provided*, That of the amount appropriated, \$335,000,000 shall be for Eisenhower professional development State grants under title II-B and up to \$750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That \$1,400,000,000 shall be available, notwithstanding any other provision of federal law, to carry out programs in accordance with Section 307 of 105-277, the class size reduction program.

"Further, a local education agency that has already reduced class size in the early grades to 18 or fewer children can choose to use the funds received under this section for locally designated programs—

"(1) to make further class-size reductions in grades 1 through 3, including special education classes:

"(ii) to reduce class size in kindergarten or other grades, including special education classes; or

"(iii) to carry out activities to improve teacher quality, including recruiting, mentoring and professional development."

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, if my colleague desires to speak and use some of her time before I actually offer my amendment, I will let her do so. I will seek recognition when she has completed her statement.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment I have sent to the desk corrects a major flaw in the appropriations bill that is currently before the Senate.

Last year—1 year ago—in a bipartisan way, Members of the Senate, from both parties, and Members of the House, from both parties, agreed to fund an initiative called Reducing Class Size in the first, second and third grades. This is a commitment we made to hire 30,000 new teachers across the country in the early grades to make sure that these kids learn the basic skills that are so important to them as they begin their education.

We did this as a national commitment because we understand that the funds that are directly targeted to the classroom, directly to hire new teachers, directly makes a difference in children's lives, and will mean that we, as Federal partners in providing funds for education will be doing something concrete to make the education of every child in this country better off. It was a bipartisan commitment by both parties.

Unfortunately, in the bill that is currently before us, the money that was to be allocated for class size reduction has been put into something called a teacher assistance program that has not been authorized. Unless it has been authorized, the \$1.2 billion will be lost. Essentially, what that means is that the newly hired 30,000 teachers who are in their classrooms—one on one, working with young students—at the end of this year will be laid off, if the current bill moves forward as we now have it in front of us.

My amendment corrects that flaw. It recommitments the Senate, it recommitments the Congress to doing what we said was the right thing to do a year ago, and that is reducing class sizes in first, second, and third grades.

This idea of reducing class sizes did not come from some bureaucrat in Washington, DC. It came from grassroots organizations across the country, from parents who know that if their child is in a classroom with 30 students throughout the year, they are not going to get the attention they need to have a good education.

It came from teachers who told us they were teaching in overcrowded classrooms, with young students coming to them with problems that none of us probably have experienced in our lives but who are in their classrooms, and the teachers do not have the time to deal with those problems when there are 25 or 30 students.

As professionals and as educators, they told us that what we could do that would make a difference would be to target money across the country, to add new teachers to lower class sizes which would give them the opportunity to do what they have been educated to do—to teach our young children.

This came to us from community leaders who saw the increasing occurrences of violence in youth across their communities, who are saying to us: We want you to do something that makes a difference, that is a reality, where our tax dollars can be held accountable, where we can see a real difference occur because we see too many young people who do not receive any adult attention, who are in overcrowded classrooms, in neighborhoods where no one pays attention to them. They come from families that, for many varied reasons, do not give them the attention they deserve. Reduce class sizes so there is one adult in their lives, in those early grades, who pays attention to them, works with them one on one, and makes a difference.

This idea of reducing class sizes came to us from parents and teachers and community leaders who knew that the role of the Federal Government was to be a partner with their State legislature and their local school district to do the right thing for our young students.

We did not just pull this out because we imagined it may make a difference. We knew from the studies that have been conducted that reducing class sizes in first, second, and third grades makes a difference. It makes a difference in the learning of our young children.

We knew, in fact, that students in smaller classes had significantly higher grades in English, math, and science. This came from a STAR study, a scientific study that took young kids in first, second, and third grades, put them in smaller classes, and then followed them throughout the next 10 years of their education. As they went on, these students, who had been in smaller class sizes to begin with, had significantly higher grades in English, math, and science. They were able to do what all of us want them to do, and that is to learn.

So this idea to reduce class size was backed up by science. It was because of studies similar to the STAR study that we knew that putting our Federal resources into hiring teachers was going to have an outcome that actually made a difference in the education and learning of students across this country. It is real and it is there.

This is the result of the work we did a year ago. We currently have almost 30,000 teachers now teaching in our classrooms that would not be there if we had not begun this approach a year ago. We need to make sure we follow up on that commitment.

How can anyone turn around and now say: Well, what we did a year ago was an empty promise at the end of the year. We got tied up in a budget negotiation. We did not mean it.

How do you say to the teacher that I met in Tacoma a week ago—with a class of 15 first graders as a result of what we did—that it was just an empty promise, that we did it on a whim, that we had to do it? We need to say to that teacher: We meant it then and we mean it now. We know that having 15 first graders in your classroom is going to make a difference. We agree with you as a professional, with you as a teacher, when you look me in the eye as a legislator and say: These kids are going to get an education this year.

She said to me: I want you to make sure you continue this program so it isn't just a 1-year program, that every child in the first grade in the United States of America knows that they are going to learn to read, that every parent who sends their child to a first grade classroom will have the commitment from us that we are doing something in reality that makes a difference for their classrooms.

I know that we are going to be second-degreed. I know another amend-

ment is coming that will block grant these funds and say: Sure, this money is still going to go out to the districts, but that does not touch what parents are asking us to do, that does not touch what teachers are asking us to do.

They said: You as a Federal Government, you as our national leaders, have said that reducing class size is a priority and you are behind it. Tell us that is true, and follow through on that commitment. Don't let it get lost in the bureaucracies of block grants. Don't let it get lost in the politics that happen between where you are and where we are. Please make sure that the money stays there for our teachers.

This is a program we know works. We know that in a lot of block grants the money gets lost in administration and bureaucracy and paperwork. When we passed this legislation to reduce class size, we did it in a way that makes sure the paperwork is minimal. In fact, it is a one-page form that school districts fill out. It takes an administrator 10 minutes—no bureaucracy involved. That class-size money that we began a year ago—\$1.2 billion—gets directed all the way into a classroom.

The money doesn't go to bureaucracy and paperwork. It goes to a teacher in a classroom with young kids, giving them time, one on one, to be together and to learn and to be educated.

That is what we all want. That is what is important for our country's future. That is what is going to make a difference 15 years from now when those young kids graduate. Instead of being a dropout, instead of having discipline problems, instead of not going on to college, we know from studies we have seen that these children have a much higher rate of being successful.

Our economy will be better because these children have had that kind of attention. Our education system will be finally working, and we can sit back—15 years from now, 12 years from now—and take credit for doing something that is real. If we block grant this money and send it out there, none of us can say we made a difference. We won't know. But we do know because it is something that is wanted by parents; it is wanted by teachers; it is wanted by community leaders; it is wanted by grassroots people who are in the classroom working with our young children, and it is part of what we have a responsibility to do at the Federal level.

We spend only 1.6 percent of the Federal budget on education. That is appalling. If my colleagues on the other side of the aisle want to add a block grant fund that adds to what we have done in the past, I am all for it. I want to hear about it. I want to hear what it is targeted for. I want to hear what its purpose is. I want to know it is going to make a difference in education. I am delighted to join in that discussion.

But to rob from the Class Size Initiative to add a new program they have developed, I say that is wrong. We know the class size money we put into

effect a year ago is in the classrooms and working. We know a year from now we can be held accountable for that. We know there are 1.7 million children today who are in a smaller class size, getting the skills they need and being taught what they need, having an adult pay attention to them and whom we won't be able to look at if this bill follows through and takes away the Class Size Reduction Initiative we began 1 year ago.

This is an important commitment. It was an important promise a year ago. It is an important promise today. I hope this Senate will step back and say we have a responsibility as Federal legislators to work with our States, to work with our local governments, to reduce class size, and we are going to ante up our part. We are going to put the resources behind our rhetoric. We are going to put \$1.4 billion into class size reduction, keep those 30,000 teachers we have hired, add 8,000 new ones, and, a year from now, know we can look back and say we have made a difference—we have made a tremendous difference. We have told a lot of kids, probably more than 2 million, a year from now, if we do this right, that we care about them; that we want them to have the attention they deserve; we believe their education is important; we believe it is more important than just words and rhetoric and empty promises; we are going to live up to the commitments we have given. I urge my colleagues to support the amendment before us.

We have a number of Senators who are going to come and debate this amendment. We will be talking about this for the next several hours. I will retain the remainder of my time at this point and allow the Senator from Washington to send his amendment forward.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1805

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 1805.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 55, line 2, strike all after "Provided further," to the period on line 5 and insert the following: "\$1,200,000,000 is appropriated for a teacher assistance initiative pending authorization of that initiative. If the teacher assistance initiative is not authorized by July 1, 2000, the 1,200,000,000 shall be distributed as described in Sec. 307(b)(1) (A and B) of the Department of Education Appropriation Act of 1999. School districts may use the funds for class size reduction activities as described in Sec. 307(c)(2)(A)(i-iii) of the Department of Education Appropriation Act of

1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act of 1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act that will improve the academic achievement of all students. Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section."

Mr. GORTON. Mr. President, the bill that is before us today, an appropriations bill for a wide range of subjects, including education, includes just four lines on this subject:

\$1,200,000,000 shall be for teacher assistance to local educational agencies only if specifically authorized by subsequent legislation.

Now, the distinguished chairman of the subcommittee, the Senator from Pennsylvania, described this money in this fashion because the chairman of the HELP Committee, the committee in charge of education in this body, has conducted a long series of detailed hearings on education in the United States toward the goal of renewing the Elementary and Secondary Education Act.

Sometime next month or, at the latest, in January or February, the committee chaired by Senator JEFFORDS will report that Elementary and Secondary Education Act to the floor for debate. I will be surprised if the debate on renewing our most fundamental educational bill does not last at least a week. But it is simply because these issues are so vitally important and so key to the future of educational quality, so key to the achievement of our students, so key to their performance in a 21st century world, that it is not a debate that should be conducted on an appropriations bill in a 3-hour period.

I must, incidentally, say that this is 3 hours more than was devoted to the subject last year, when the first installment of this 100,000 teachers program was authorized. It was authorized as a part of that massive, overweight, end-of-session proposal that included at least half a dozen appropriations bills and hundreds of pages of authorizing language, the content of which most Members were entirely unaware when they voted on it.

The amendment of my colleague from the State of Washington is, at the very least, premature. She presents issues that are significant and important. They do deserve debate. I think there is a considerably better way. The way we wrote it last year created some overwhelmingly significant problems. It created, first and foremost, in the State of Washington, our own State—and I suspect in every other State in the United States—a situation in which a very large number of school districts got too little money to hire a single teacher. Slightly over 50 percent, slightly over half, 154 of the school districts in Washington State, didn't get enough money out of this program to hire one teacher, already distorting the priorities set forth in the bill.

Interestingly enough, I don't think this is a debate that ought to divide liberals from conservatives, much less those who believe in a Federal role in education from some, though I know of very few, who do not.

In the course of the last year, after the passage of that bill, I have been working with some of my colleagues on the other side of the aisle and with many on my own side of the aisle to come up with a set of ideas as to how we provide more trust in the people who have devoted their entire lives to education as teachers and principals and school board members and, for that matter, parents. We have heard from various of the academic organizations and think tanks, both on the liberal side of this spectrum and on the conservative side of the spectrum.

Interestingly enough, a paper was recently published on this field, authored by Andrew Rotherham of the then Public Policy Institute, a very liberal think tank. Here is what he said in the section of his paper on the subject of teacher quality, class size, and student achievement:

Now a part of Title VI of ESEA, President Clinton's \$1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington's obsession with means at the expense of results and also the triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential. However, mandating localities do it by reducing class sizes precludes local decision-making and unnecessarily involves Washington in local affairs.

That describes perfectly the proposal before us right now: Washington, DC, knows best. This criticism was written by a scholar at a liberal think tank on education. But, interestingly enough, that scholar has now left the Public Policy Institute and works as President Clinton's Special Assistant for Education Policy today. His study is on our side of this issue, not on the side of this issue presented by the previous amendment.

I was disturbed by the way in which the bill came before us because essentially the bill says that if we don't pass authorizing legislation for this particular program, the schools lose the \$1.2 billion. I believe, as does the committee that reported this bill, we should be providing our schools all across the United States with more means to provide quality education for their students.

So I really think in the debate over my amendment that at least we ought to secure a unanimous vote, whatever the views of Members on the amendment by my colleague from the State of Washington, because the amendment that is now before you, which I have offered, simply says that if Congress does not authorize this program by June 30 of next year, the schools will get the money anyway for any valid educational purpose, and they will get it in exactly the same dollar amount in every single school district in the country that they would have gotten had the Murray amendment passed and

had we authorized the program she proposes.

But what is the big difference? The big difference is that in the Murray amendment we are telling every one of 17,000 school districts in the United States that we know better than they do what they need in order to provide education for their students. Somehow or another, an immense ray of wisdom has descended on 100 Members of this body who know more about the needs of a rural district in North Carolina, more about the needs of New York City, more about the needs of 256, I believe it is, school districts in my own State, more than the men and women who have been elected school board members in each one of those school districts, more than the superintendents they have hired to run their schools, and more than the principals who preside over each of their schools or the teachers in those schools or the parents in those districts.

That is not a supportable proposition. That is not a supportable proposition.

Obviously, the needs of school districts vary from place to place across the country. Obviously, there are thousands of school districts that already have ideally low class sizes and have other urgent needs for the improvement of the performance of their students.

I am convinced that when we get to the debate over the Elementary and Secondary Education Act, we are going to make profound changes in an act that has had wonderful goals for decades and has largely failed to meet those goals. I am convinced that one of the principal reasons those goals have not been met to anything like the extent we would wish is the fact that we are telling all of the school districts how to spend the money on literally hundreds of different programs.

I have a better idea, I am convinced, than even this amendment I proposed here today—the idea that we allow States to take a large number of these Federal programs and spend the money as they deem fit, with just one condition, that one condition being that the quality of education be improved as shown by testing students by their actual performance.

Let me go back again to this critique by Mr. Rotherham: “Illustrates Washington’s obsession with means at the expense of results”—“means at the expense of results.”

In one amendment here today, we are saying to every school district in the United States: Here is what you have to do with respect to the structure of your schools. We are telling them nothing about what they have to do from the point of view of the performance of their students. But when we get to the debate on the Elementary and Secondary Education Act, we will have that opportunity to go from a set of Federal programs for which the school district becomes eligible by filling out forms and meeting requirements set

out here by the Congress of the United States or the U.S. Department of Education to one that says: Use your money to improve student performance, and if you do, if you keep on using it that way, you can keep on using it that way, but that is the only condition—provide a better education.

As an interim step, my proposal says if we don’t agree on some of the proposals here, we are still going to trust you, Mr. and Mrs. member of the school district boards, and all of the professional educators, all of the men and women, the hundreds of thousands, millions of men and women in the United States who are dedicating their entire careers to education to being able to do the job.

Earlier this spring, when we came up with the proposition—that we passed last year without debating it—of a program that created a tremendous amount of awkwardness in half of our school districts because they couldn’t hire a single teacher with the money, the associate executive director of the State school directors association in my State of Washington wrote this to us:

At some point elected officials in Washington, DC, simply must trust local education officials to do what is in the best interests of the kids in their community. We all have their best interests at heart.

Yesterday and this morning, all we heard from the other side of the aisle was that if we don’t pass that previous amendment from my colleague, the 30,000 teachers who have been hired in the last year will all be fired and they will all be out on the street. We heard that from Member after Member on the other side.

If we do it my way, each of these schools districts will have the same number of dollars. Are they going to hire teachers with it? Do we have so little confidence in the ability of our schools to set their own priorities that 30,000 teachers will be out on the street? If we did, it would be because it was the unanimous opinion of school districts across the country that this wasn’t the right way to spend money on improving education.

I expect that most of the money will continue to be spent on teachers—a very large amount. But it will be a little more in one district and a little less in another because each one of them will have different needs and different priorities.

No. Between these two ideas this is a great gulf. Each of us, I guess, has a strong ego, and humility is not a virtue widely practiced in the Congress of the United States. However, it doesn’t take a great deal of humility to say maybe the teachers in my State know more about education than I do; maybe our principals and superintendents know more about running their school districts than we do; maybe the elected school board members who run for just that office and are in the communities and are working with the parents know a little bit more about what their

schools need in 17,000 different school districts across this country than do 100 Members of the Senate.

Members who vote for that other amendment will be saying: We know what’s best; you don’t. We know what’s best. Do it our way. It’s the only way to do it.

Those who take a different philosophical point of view will say: Let’s provide our schools with the tools to do the job, but let’s let them determine how to do the job.

Beyond that, my own amendment ought to unite us. We certainly ought to assure the money goes to the schools, and then when we have that week-long or 2-week-long debate this winter and decide how much Federal control we are going to impose, whether we are going to begin to provide more trust, the money will be there; it will be guaranteed to each of the school districts. But we don’t need to do it here and now in a relatively brief debate. We do not need to say we know better than they do what their students need.

Guarantee the money for our schools through this amendment, guarantee our schools can set their priorities through their own professional educators, through their own parents, their own often amateur members of the school board, without our having to tell them how to spend every dollar.

I believe we should vote in favor of this amendment and against the other.

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senator from California, Mrs. FEINSTEIN, be added as a cosponsor, and I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I think the amendment offered by the Senator from Washington, Senator MURRAY, is a no-brainer. I want to say why I believe it is a no-brainer and why I believe it is prudent for the Senate to move ahead with it and approve it today.

The Federal share of elementary and secondary education in this country has declined from 14 percent in 1980 to 6 percent of the share going to schools in 1998. Let me say this another way. Back in 1980, we funded 14 percent of elementary and secondary education needs; in 1998, we funded 6 percent of those needs.

Essentially what Senator MURRAY is trying to do is raise the appropriation level by \$200 million and say let’s go do it.

What does she want to do? She says, let’s reduce class size. What does that mean? In 1999, we spent \$1.2 billion on the first installment of hiring 100,000 new teachers all across this great country. The United States could hire 30,000 teachers under that appropriation; my State, California, could hire 3,322 teachers. President Clinton’s request for this year, FY 2000, was \$1.4 billion. That meant the United States could

hire 8,000 teachers to continue that and California could hire an additional 1,100 teachers.

The recommendation of the Appropriations Committee, of which I am a member, is \$1.2 billion. How the money would be used is not specified. The legislation reads that it is for "teacher assistance" and that it can only be appropriated if it receives the authorizing legislation.

Senator MURRAY's amendment adds \$200 million and deletes the contingency language. Therefore, with the passage of this amendment, the United States could hire 8,000 new teachers all across this great land. For my State, California, that means 1,100 additional teachers. That is important. Class size reduction is important.

I think there are three things that can be done to improve education:

One, elimination of the practice of social promotion, under which youngsters are promoted from grade to grade even when they fail, even when they don't show up in class, even when there are major disciplinary problems and youngsters are not learning. But they are still promoted. This has come to denigrate the value of a high school diploma all across this great land.

We also have large class sizes. California has some of the largest classes in the Union. I have been in elementary schools, K through 6, with 5,000 students in the school. In California, in some schools, students speak 50 different languages, which adds additional burdens on the teachers. No one can learn adequately in overcrowded classes with overburdened teachers.

Because of the challenge of diversity, of the need for additional English training, of the challenge of tightened core curriculum standards, smaller class sizes across this land makes sense. I don't think there is anyone in the Nation who has a youngster in public school who wouldn't say: My youngster can learn better in a class size that is smaller.

That is what this money will go to—reducing class size. Class size reduction, school size reduction, elimination of social promotion, and more qualified teachers across this land can make a huge difference in the accountability and excellence of education for our youngsters.

My State has 6 million students, more students than 36 States have in total population. We have one of the highest projected enrollments in the United States. California will need 210,000 new teachers by 2008—210,000 new teachers. How could I say, let's wait and authorize this some other time? We don't even know whether there will be an elementary and secondary education bill this session. We have an opportunity to address a big problem in education right now. I would hazard a guess that States such as that of the Presiding Officer, Ohio, could also benefit from small class size reduction.

The Murray amendment essentially provides \$200 million in additional

funds and specifically says the funds will go for class size reduction and the hiring of this additional increment of teachers. That is why I say it is a no-brainer. The need is there; the need is clear. Every parent knows their child is better educated in a smaller setting than a larger setting in elementary school. Why not do it?

California needs to build six new classrooms a day—\$809 million a year just in our State—to be able to meet demand. It is a huge obligation. Our teachers are actually spending \$1,000 a year out of their own pockets to pay for books, Magic Markers, scissors, and other school supplies. Our needs are huge.

I think reducing class size, increasing the amount of Federal dollars that go to the schools for education, is something we should do, and something we should do forthwith. We should do it because we face an emergency in our schools.

I commend Senator MURRAY for her effort in this. Mr. President, \$200 million more dollars can help get the job done. We have an opportunity, and we should use it.

I also take this opportunity to thank the chairman of the subcommittee and the ranking member of the subcommittee, as well as the chairman of the full committee and the ranking member. I actually think this is a good bill in terms of dollars. It has at least \$2 billion more for health research. This bill probably includes the largest single priority bill of the American people. I compliment the distinguished Senator from Pennsylvania, the chairman of the subcommittee. I compliment the ranking member, the Senator from Iowa. We may have some differences over how the money should be spent, we may have some differences over stem cell research or some of the specific wording of the bill, but the bill does provide many of the necessary dollars.

I will speak at a later time on the health aspects of the bill. I ask unanimous consent I be afforded 15 minutes after this vote on the amendment to be able to speak on the health aspects of this bill.

Mr. SPECTER. Mr. President, reserving the right to object, we have a time agreement now until 4 o'clock, where we have two votes. After that time, we are going to be moving on to another amendment, I think, of the Senator from Nevada. But I expect at some point we could accommodate the request by the distinguished Senator from California.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, technically I do object, not knowing where it is going to come. Let us see if we cannot work it out. Let us not have an agreement at this moment as to time, and I will consult with Senator REID, who is managing the time for that side, and we will try to find the time.

Mrs. FEINSTEIN. I appreciate that. I withdraw the request.

How much more time do I have?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri. Who yields time?

Mr. SPECTER. I yield 5 minutes requested by the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the manager of the bill. I wanted to take a few minutes to share with my colleagues the very clear, overwhelming message I received as I traveled over the State of Missouri and met with teachers, parents, principals, superintendents, and school board members. They asked me a very simple question: Why is it the people in Washington know so much more about our needs than we do? How are you, in Washington, DC, so smart, to know that what we really need is more teachers?

I can tell you instance after instance where, for example, they say: Look, we are in a small school. We only have so many classrooms. We cannot put another teacher in those classrooms. What we need is more equipment. Do not give us the money for a teacher for whom we do not have a classroom, or do not give us more money for another teacher when our salaries are so low we have to raise all the teachers' salaries in order to make sure we keep good people in teaching. It is not just quantity. In a lot of these areas it is getting the money to pay for quality teachers. That is why I believe the Gorton proposal is the way to go.

I have talked to those in small school districts who say: Do you know what we would get? We would get .17 of a teacher, 17 percent of a teacher. That makes a pretty poor teacher, when you have only 17 percent of the teacher. They have not quite figured out how to usefully employ seventeen one-hundredths of a teacher.

But that is the extreme case. The real case, time and time again, is that this is viewed in school districts around my State, and I suggest it would be viewed that way in your own States if you asked them, that Washington is not so smart as to know what each district—whether it is North Callaway or the Scotts Corner or the Martinsburg-Wellsville-Middletown School District needs another half a teacher, or a teacher-and-a-half. Those decisions should be made by the school boards that represent and serve the parents of the district who employ the superintendents and the principals and the teachers.

I proposed something called a direct check for education, which is molded on the work of my colleague, Senator GORTON. That has had overwhelming support from people who actually do the job of teaching our students. We entrust the future of our students to these people. Then we come in from Washington, DC, and say: We are a lot smarter; we know what you need in the

school district. One size does not fit all. Washington's solution is not right in every school district. I can assure you of that. I can assure you the people who are responsible, the people who are elected—usually by the constituents in that district, the patrons of the school district—want to see the best for their children.

Do you know what bugs them? Do you know what is causing them problems? It is all the time and energy they waste in filling out the forms on how they used that 17 percent of a teacher. Filling out those reports, sending them to Washington to keep more bureaucrats busy, does not educate a child or teach the child to read. It doesn't help that child figure out multiplication or division or even to learn about science and history. We need to get the Federal redtape and regulations and misdirected priorities off the backs of the schools that are laboring to teach our kids.

If you have any confidence at all in public education, public education in America today is, and must be, controlled at the local level. Yes, it is a national priority. It must be a national priority.

I commended President Bush when he set out to start the work of raising the standards and the expectations for everybody in America to improve our education system. That is a national priority. But it is a local responsibility. Let us not impose our will on local officials, school board officials, parents, principals, and the teachers on how to spend that money.

I think this is a clear-cut case where we want to trust the people who teach our kids. They know the kids' names, they know the kids' problems, and they know the kids' opportunities.

I urge support of the Gorton amendment. I reserve the remainder of the time and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent Senator LEVIN be added as a cosponsor.

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

Mrs. MURRAY. I yield such time as he may use to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will use 10 minutes, Mr. President.

What we have heard from the other side in this debate today is a technique which is sometimes used in this body. But the people who are watching this debate ought to understand it. Those listening to it ought to understand it. It is a familiar technique; that is, not to describe what the amendment is and then to differ with it. That is what we have seen.

With all respect to the Senator who recently spoke about all the time that is necessary in order to make the application—here it is: One page, to make an application. One page for the local school community to make the application.

Let's come back a step and understand the Federal role in education and what this program is basically all about. There is not anyone who is serious about education policy who believes with the 6 or 7 cents out of every Federal dollar that the Federal Government is going to control local decisions on education, not a serious educator. There may be Senators who would like to misrepresent what they understand would be the results of any particular amendment, but that does not stand. I think it is basically intuitive to understand when we are only providing the 6 or 7 cents out of every dollar, basically it is a modest opportunity for local communities to take advantage of these programs.

Second, so we have made a commitment to what? Smaller class size, which is the debate now, ensuring we are going to have a quality teacher in every classroom, that we are going to

take advantage, later on in these debates, of afterschool programs which have proven effective and which people desire. We are going to have an opportunity to address those issues. But it is all within that 7 cents.

To listen to our friends on the other side, you would think this is being jammed down the throats of the various school districts. What is in this amendment of the Senator from Washington? It is \$1.4 billion to provide for the hiring of various teachers. I have listened to the other side, the Senator from New Hampshire and other Senators, talking about how this is going to threaten local education, how the heavy hand of the Federal Government is going to come down and dictate to every local school community.

This is what it says. Section 304:

Each local education agency that desires to receive the funds under this section shall include in the application required. . . .

If they so desire to participate—completely voluntary. Do we understand that on the other side? This is voluntary. This says, if your parents, your local teachers, the local school boards, want to participate under this, if there is enough resources and the Murray amendment is accepted, then they can voluntarily participate. Do we understand that on the other side? Voluntary.

Then the question is, all of this Federal bureaucracy, here it is—one page. I wish those who comment on the Murray amendment would at least extend the courtesy to the Senator from Washington to actually understand, to read the amendment and understand what it does. Here it is.

I ask unanimous consent it be printed in the RECORD, the one-page application for local communities to apply for these teachers.

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

III. BUDGET PLAN

1. Indicate the plan for the amount and percentage to be spent per budget category.

(a) Administration	(b) Teacher Salary/Recruitment	(c) Professional Development	Total
\$ _____	+ \$ _____	+ \$ _____	= \$ _____
_____ %	+ _____ %	+ _____ %	= 100%
Allowable maximum (3%)	+ Minimum (82%)	+ See directions	= 100%

2. If the district or consortium will use a portion of the grant funds for recruitment purpose(s), list the amount and describe the activity.  
 Amount: \$ \_\_\_\_\_  
 Describe: \_\_\_\_\_

IV. HIRING PLAN

(Proposed use of funds listed under Part III 1.b.)

Report the number of additional teachers to be hired using these funds, by teacher type and grade (write in "0" for teacher types/grades where no teacher will be hired using these funds)

Teacher Type	1st grade	2nd grade	3rd grade	Other grades
Regular .....	_____	_____	_____	_____
Special Education .....	_____	_____	_____	_____

For grades with hires planned using these funds:

Estimate the average number of students per class expected in 1999–2000 without CSR Fund hires

Estimate the average number of students per class expected in 1999–2000 with CSR Fund hires

1st grade

2nd grade

3rd grade

1st grade

2nd grade

3rd grade

## V. DESCRIPTION OF PROPOSED PROFESSIONAL DEVELOPMENT ACTIVITIES

(Proposed use of funds listed under Part III 1.c.)

Describe: \_\_\_\_\_

## VI. ADDITIONAL ASSURANCES

(Proposed use of funds listed under Part III 1.c.)

1. District will hire only certificated teachers.
2. District will produce an annual report card for public issue that describes the use and effect of class size reduction funding.
3. District will provide data on class size reduction for state and/or national reporting.

Mr. KENNEDY. Mr. President, with all respect to the Senator from the State of Washington, Mr. GORTON, under his particular provisions it would put \$1.2 billion in a title VI block grant program that allows 15 percent to be used for administration, reducing the funds to schools.

How hollow it is for those on the other side to talk about how we are not getting the bang for the buck when virtually 100 percent of this goes to the local school boards for them to make the judgment in hiring those teachers. Our Republican friends, under title VI, spend 15 percent in administration of it.

Let's get real about this. Please, let's get real on it. Let's debate it on the merits. I would be tempted, if the Senator from Washington, Mr. GORTON, wants to put this as an add-on, to perhaps support it. But that is not what we have here. It is a substitute saying that their program is better than this particular program that has been tried, tested, accepted, and working, and improving the quality of education for children and, importantly, there is a desire for it to be continued.

We have heard again from our good friend from New Hampshire about how this is basically robbing the funding for IDEA, the disability program in education. We should not hear that anymore from that side of the aisle, and I am going to tell you why. When we had the major tax proposal under the Republicans, we had an amendment on the floor of the Senate that the Senator from Washington supported and which I supported, the Senator from Minnesota supported, and others supported, that said: Let's take the full funding of IDEA for 10 years and carve that out of the tax bill; let's carve it out and fully fund it for 10 years.

It would have amounted to a one-fifth reduction in taxes. That was the key vote in terms of IDEA. That was the key vote in terms of priorities for disabilities. Every single Member of the other side of the aisle voted against it—every single one of them.

Let's not come to this Chamber in the afternoon and say: Look what is happening with the Murray amendment; they are trying to take the money from scarce resources.

We had the opportunity to do that, and they said no. That was a serious debate at that particular time. Perhaps maybe even the President's position on

the tax bill might have altered or changed—might have, maybe not—if we were going to have full funding of IDEA. But absolutely not and not a single one supported that particular proposal.

I do not often differ with the chairman of our Appropriations Committee, but he suggests we reserve \$1.2 billion subject to authorization, and if the authorizers choose to authorize class size, fine, and if not, it can be a block grant for the States to choose. That is the whole problem. We have not been given the opportunity to authorize that. We have been denied, on each and every opportunity, as the Senator from Washington has pointed out, doing that.

The fact is, last year on the appropriations bill, they in effect authorized it and Republicans supported it. All we are asking is to extend it, like we did last year.

I mentioned earlier, and it continues to echo in my ears, what the Republicans said about this very program. It is a shame this issue has somehow developed into a partisan issue because last year, with the Murray amendment, it was widely embraced by the Republicans.

Listen to what Congressman GOODLING, the chairman of the Education and Workforce Committee, declared about this program, the Murray amendment:

... a real victory for the Republican Congress...

That is fine with us. As long as we can get the substance, as long as we get teachers, if Congressman Goodling wants to declare that, fine.

... but more importantly—

Thank you—

it is a huge win for local educators and parents who are fed up with Washington mandates, red tape, and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create big, new federal education programs.

Mr. ARMEY:

We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so we could let the state and local communities use this money—

That was always the intent, and not only the intent, but specifically the language of the MURRAY amendment.

He continues:

... make these decisions, manage the money, spend the money on teachers where they saw the need, whether it be for special education or for regular teaching, with freedom of choice and management and control at the local level, we thought this was good for America and good for schoolchildren. We were excited to move forward on that.

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

Mr. KENNEDY. I ask for 2 more minutes.

Senator GORTON said this about the class size:

On education, there's been a genuine meeting of the minds involving the President and the Democrats and Republicans here in Congress. . . . It will go directly through to each of the 14,000 school districts. . . and each of those school districts will make its own determination as to what kind of new teachers that district needs most, which kind should be hired. We never were arguing over the amount of money that ought to go into education. And so this is a case in which both sides genuinely can claim a triumph.

What in the world has happened in the last 10 months to those Republican leaders who were enthusiastic about this program 10 months ago and now discard it? What is it? We have not heard it in the Senate; we have not heard it from one single speaker. We hear generalities; we have rhetoric, but there has not been a specific reason for opposition.

In conclusion, the results of that investment show the children are benefiting from the Murray amendment every single day they are in those smaller class sizes.

I hope this body will accept the Murray amendment and do something that is important for local schoolchildren all across this Nation.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in the beginning of his remarks, the Senator from Massachusetts said the Senator from Missouri, not having read the Murray amendment, made a factual error. I regret to say the Senator from Massachusetts, obviously, has not read my amendment when he stated it allows 15 percent to be used for administration and not go to teachers. In fact, the distribution formula under the Gorton amendment is identical to the distribution formula under the Murray amendment.

Mr. GREGG. Will the Senator yield for a question?

Mr. GORTON. Yes.

Mr. GREGG. I also note the Senator from Massachusetts must not have heard my speech because I outlined specific reasons why class size is not as important as quality of education and quality of teachers. Isn't it true the quality of the teachers is what is the key here, and the amendment of the Senator from Washington will go to allowing schools to improve quality of education and quality of teachers?

Mr. GORTON. The Senator from New Hampshire, in 30 seconds, is precisely correct. He summed up the entire debate. I yield 5 minutes, or such time as he may use, to the Senator from Arizona.

Mr. KYL. Mr. President, we should step back from the rhetoric for a moment and calmly ask the question: What is this debate all about? It is about two simple ideas. They are competing ideas, and neither one is necessarily a bad idea. The question is which one is better.

On the one hand, we have an idea that comes from Washington, DC. It is not a bad idea. It comes from very smart people. The idea is that a lot of school districts in this country could benefit by having the money to hire more teachers. There is nothing wrong with that. Washington, DC, has a lot of bright people, and sometimes some good ideas come from them.

But every school district in this country is different. What the Kennedy-Murray amendment will provide for is only one program, only one idea, and that is that Federal money would be available for one purpose and one purpose only: the hiring of more teachers.

As I said, it is a fine idea; it is good for many but not all. That is where the other idea comes into play. The other idea is that the same amount of money should be made available to the local school districts to be used not just to hire more teachers but for any other legitimate purpose which they believe would best meet the needs of their students based upon their circumstances.

It is a matter of choice. A school district may well decide that what they need more than anything else is to get new books for their library or new computers for the kids or to develop a new reading program; maybe, in view of what is happening to some schools around the country today, to make sure their schools are safer, to provide new antidrug or drug education programs in the schools.

We believe strongly that every parent and child in this country should be guaranteed a safe and drug-free, quality education for themselves or their children. What that means in a school district in Brooklyn, NY, may be very different from what it means in a school district in rural Arizona, for example.

So what the amendment propounded by Senator GORTON says is: Let's let the local school districts decide what to do with this money. The people in Washington may well be right that it

ought to be used to hire teachers, but maybe the local folks have a better idea for their school district as to what they think that money should be used for.

I ask my colleagues on the other side, what is the matter with choice? Why wouldn't you want to give the local school districts the choice over how to use that money? I think the answer is: Well, because that is not our idea. We in Washington have a better idea. We know what's best.

The presumption is, we know what is best for every school district in the country. But that isn't true. It is the folks who know the kids' names, who are right there in the local community, who understand what they need most. If they could use that money for purposes other than hiring a new teacher or to better the education of their kids—because maybe they have enough teachers—then why shouldn't we give them that choice? It is a very simple proposition—two competing ideas: Washington knows best or letting the school district decide.

There is another potential problem with the Murray amendment. Perhaps those more familiar with the funding could speak to this issue, but I think there is a significant likelihood that with \$200 million more in money under the Murray amendment, the forward funding concept being proposed here would result in that money coming from the Social Security trust fund. If there is any chance of that happening, I must say, we should be firmly and unequivocally in opposition.

We should not be here today making decisions which—maybe not next year but the year after—could result in taking money from the Social Security trust fund, even to fund something as beneficial as education. There is plenty of room in the non-Social Security budget for all of the things we need to do. Remember, this year we have a surplus. The President just announced the size of that surplus—well over \$100 billion. Much of that is in the non-Social Security side of the budget.

A surplus, by definition, means that after we have paid for everything else we need, we have money left over. So we are not talking about not being able to fund what we need to fund.

The PRESIDING OFFICER (Mr. GREGG). The Senator's time has expired.

Mr. KYL. I ask for 2 additional minutes.

Mr. SPECTER. I yield the Senator 2 minutes.

Mr. KYL. May I ask my colleague from Pennsylvania, is there another speaker on our side who wishes to speak next or would we go to the other side?

Mr. SPECTER. We should alternate to the other side of the aisle. Then we have Senator JEFFORDS after that.

Mr. KYL. Fine. I will take just another minute and a half of the 2 minutes of which I asked.

Just to summarize the point here, there are a lot of good ideas that come

out of Washington, DC. We provide money for them. But we should not presume that everything we come up with here fits every single school district in the country. There may be needs in one area that are not shared in another area; whereas one school district may need teachers, another school district may say, down the road we may need to hire more teachers, but what is more needed is a better math program or a better history program or whatever it might be.

We ought to give them that chance—that is all the Gorton amendment says—instead of saying they can only spend the money on one thing. The Gorton amendment provides that they can spend the money on a variety of things. The application is simple. They simply set their goals, and a year later they demonstrate whether they have met their goals. If they have, they can re-up for the money. If they have not, they cannot. So it is a very goal-oriented program, and they are the ones who set the goals.

I urge my colleagues to support the Gorton amendment to the Murray amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

PRIVILEGE OF THE FLOOR

Mrs. MURRAY. I ask unanimous consent that Ann Ifekwunigwe, a fellow in my office, be given floor privileges during the consideration of this bill.

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

Mrs. MURRAY. I ask unanimous consent that Senator WELLSTONE be added as a cosponsor to my amendment.

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

Mrs. MURRAY. I yield to Senator WELLSTONE 10 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. First of all, I ask unanimous consent that an intern, Jonathan Wettstein, be granted floor privileges during the duration of this debate.

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

Mr. WELLSTONE. Mr. President, let me just say to my colleagues on the other side of the aisle, and, for that matter, to the people in our country who are watching the debate or those who are writing about this debate, that if Republicans want to block grant an additional \$1 billion or so, having some sense of what it will be for, above and beyond the commitment we have made to our school districts—which has everything in the world to do with not only what teachers but students tell me they really need, namely, more teachers for smaller class sizes—we might be for it.

But that is not what this is about. I have been in a Minnesota school about every 2 weeks for the last 9 years. I was

at Centennial High School just 2 days ago—on Monday. We were talking about education, I say to my colleague from Washington.

I always say to students: You are the experts. Tell me, given your experience—they were juniors and seniors, from a very good school—what works? What are the things you think work best? Also, tell me where you think the gaps are, where you think the weaknesses are. The first thing students talk about is smaller class size. That is the first thing they talk about.

We have used this commitment from the President and what Democrats have pushed through for this last year to hire an additional 519 teachers in the State of Minnesota. That makes a difference to our State. I do not want to see these 519 teachers who are adding—not subtracting, but adding—to the education of young people in our schools in Minnesota receive pink slips, to be without work. I do not want to see that happen. I do not want to see us retreat from the commitment we have made.

A lot of people back in our States are fairly cynical about what we are doing or what we are not doing in the Nation's Capital, what we are doing or not doing in the Congress.

One of the programs that people really respond to is sort of the way people view the Cox program, this initiative we have taken, which is working. What infuriates school districts, what infuriates the education people, who we should be supporting in all our States, is when we go down the road of a commitment, we come up with something that is not bureaucratized, we come up with an initiative that makes all the sense in the world, that speaks directly to the challenges we are faced with in our schools, that provides the funding for school districts to hire more teachers so they can reduce class size, which is really appreciated, which really makes a difference, all of a sudden we go back on that commitment. That is what this is all about.

This amendment, on the part of Senator GORTON from Washington, is an effort to essentially negate the commitment we have made, which is what Senator MURRAY and Senator KENNEDY and all of us are speaking for.

As I listened to my colleagues on the other side speak, I think there is also a philosophical difference. It is not true that we in the Congress do not or should not think of our country as a national community. We should. We are a national community. There are certain kinds of values that inform us.

Sometimes we come to the floor and support legislation, and hopefully pass legislation, that says to every child in America, no matter where he or she lives, no matter what State, no matter what district, no matter rural or urban or wealthy school district or low-income school district, we are going to do everything we can to make sure that child has an opportunity to do well. That is a commitment we make

for our national community. We are going to say this is a priority. We are going to focus on this priority. We are going to fund this priority.

What Senator MURRAY has said is, we have made that commitment. The priority that we have outlined is that we make the commitment to provide the funding for the school districts, if they want, so they can use that funding to hire more teachers to reduce class size. We know this is important, important to the students in this country, important to the students in Minnesota, important to the students of Illinois or Washington or Massachusetts. That is what we have done. That is what this debate is all about.

The Republicans on the other side of the aisle want to basically go back on this commitment. They want to say no, we don't want to do that. We are simply going to undercut the commitment. They haven't authorized it yet.

Let me tell Senators, there are a lot of us who would like to have a lot of substantive debate about education, including authorizing this bill in committee, getting it out on the floor. That can't be used as an excuse.

What we have from Republicans is a counterproposal which essentially means that we go back on this commitment and we block grant this money. We wipe out this program. We wipe out this commitment. We wipe out this priority. We no longer say that as a Federal Government, as a Congress, as a national community, we are committed to getting more resources to school districts so they can hire more teachers and reduce class size.

If my colleagues on the other side think there isn't a lot of support in their States for this initiative, they are making a big mistake.

What my Republican colleagues want to do is say: We will just block grant this. The money can be spent however it can be spent. We don't establish the priorities. We don't think of this as a national community. We don't think of this effort to reduce class size as an important enough priority that we should continue to fund it.

That is an outrageous proposition. All of us will be held accountable for our vote.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. WELLSTONE. I will make one more point, unless there are any colleagues on the floor who need to speak right away.

I think there is a kind of difference between Democrats and Republicans, a difference above and beyond a philosophical question, which is that we are prepared to say this is a priority and stand by this priority, and we are not prepared to walk away from the commitment we have made to school districts or a commitment we made to children or a commitment we made to teachers or a commitment we made to education. We are not going to walk

away from that commitment. Our Republican colleagues on the other side of the aisle want to.

The other problem is this pattern of funding. Here is a Republican 5-year history of cutting education funding: I remember the 1995 rescission, a cut of \$1.7 billion. That was a House bill. Fiscal year 1996, \$3.9 billion below 1995, House bill; fiscal year 1997, a cut of \$3.1 billion; fiscal year 1998, \$200 million less than the President's proposal; fiscal year 1999, \$2 billion below the President's proposal.

It is incredible to me. I was on the floor with Senator BOXER, Senator FEINGOLD, Senator DURBIN—there were a number of Senators involved. We were saying: Wait a minute; we now see an effort on the floor of the Senate to feel so sorry for these big oil companies that have been caught cheating; they ought to pay their fair share of taxes, but some of our colleagues on the other side of the aisle were right there for these oil companies. They wanted to make sure they got their breaks, wanted to make sure they didn't have to pay their fair share, wanted to make sure they got this benefit. That is a priority. You can be for big oil companies or you can try to work out deals for this special interest or that special interest.

We are arguing that children and education is a special interest. We are arguing that this is a special program. We are arguing this is a special program that has worked very well. We are arguing that we made a commitment to our school districts to continue this funding. We are arguing that it would be simply unconscionable, indeed, unacceptable, for this Senate to now abandon that commitment after 1 year of a successful program.

We speak against it. We fight against it. We are proud to vote for the Murray amendment. All of us will be held accountable.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I ask unanimous consent that the majority leader, Senator LOTT, be added as a cosponsor of my amendment.

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

Mr. GORTON. I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Washington. I appreciate his leadership and commitment to education. He is an excellent spokesman on this issue.

Mr. President, my daughters have graduated from public schools. My wife and I have graduated from public schools. We want to strengthen our public schools. We want to improve schools; certainly, we do.

What we really want to do is improve public education. We want to make it better. I believe that so strongly. It is curious to me that there are some in

this body who think there is only one way to do it—to spend an extra billion or so—and that is to spend it on 100,000 teachers, which I suppose is an issue that somebody poll tested and ran surveys on and thought that sounded like a good political way to fix education. We have to be responsible. We have to think these thing through.

The Gorton amendment says, OK, we want to do more than we have done. The Senator from Washington says, I will sponsor an amendment that spends more for education than the President has requested. But he wants to give the local school systems the ability to decide how to use that money.

As I travel around my State having town meetings in every county in my State, almost every meeting I have the local superintendent of education comes up and we talk about education. I am not hearing them tell me they want more micro-managed, targeted assistance from Washington, more regulations, more paperwork to fill out, and more controls on how they are operating to improve their education. They are not asking for that.

What they are saying is—and this is happening all over America; school systems are in intense self-study; Governors are in intense study of their education situation—we have to do better about how we do education. Just to say we need more teachers and that is all you can spend this money for does make good sense.

It is not being against education; it is not being against learning; it is not being against schools, to say we ought not to target this money for one use only. We need to be flexible.

What we do know is this: Class size in America is down. As a matter of fact, it has been reported that 42 States already meet the goal of 18 students per teacher; 42 States are already doing that. What is troubling—and I know the Presiding Officer, the Senator from New Hampshire, has talked passionately about this so often—is our achievement numbers are still going down.

When you get at the level of 16, 17, 18, 19 students per teacher, what do we know from scientific study and analysis? It is not whether it is 19 or 17 in a classroom that is key. It is the quality of the teacher, the learning environment that occurs there. Do they have the kind of textbooks and equipment needed? Do they have the resources from which that teacher can draw? Is there discipline there, or are there Federal rules and regulations hampering a teacher's ability to maintain discipline and to remove students who are disruptive from the classroom?

Aren't those the things my colleagues hear when they talk to teachers? That is what they are telling me.

I agree with the Gorton amendment, to allow the school systems to use this money—more money in this amendment than asked for by the President for education—as they see fit but without the restrictive rules and regulations and controls.

Why isn't that what we ought to be doing? Why is it that some people in this body have their own idea about how they have to improve education and only their way is the way to have it done? I would just say that this is a mistake. I believe it very strongly. We are all united together in our concern to improve education. But how we do it is the question.

My wife taught for a number of years. I taught for a year. We both were in the PTA. She was a volunteer teacher in the classroom to help teachers teach on a daily basis. I think that helps. Perhaps a program that will allow local schools to help parents to participate more directly as aides to teachers on a volunteer basis may be of far more benefit than adding 1 more teacher to a classroom and getting that number down from 19 to 18. Who knows for sure?

We know this: There is an intense re-evaluation of education in America today. There are a lot of things we don't know. But our superintendents, our principals, our State school boards, and our Governors are having to answer to the American people about why they should continue to give more and more money to the system when progress is not occurring and in fact we are showing a decline in so many different areas in our education achievement.

We know that among the industrialized nations, the United States finished 19th recently out of 21 countries in mathematics and lower in science and technology. Something is afoot here. Mandating teachers without giving school systems a choice to improve education and learning is a big mistake. I certainly share that.

I would like to mention a few other things we ought to think about as we go through this debate.

The "Washington knows best" attitude is wrong. The federal government funds 7 percent of the money for education in America. While 93 percent comes from the States and local governments. That is what we have always believed was correct. We have always believed that we don't want a central state government educating all our children. We want our children to be educated by people we know, people who know our children's names. For the most part, that happens in America today. And we ought to enhance that.

But what we have found is that there are 778—get this—778 Federal education programs in existence today. That is a lot of programs. That is why the education systems are telling me: JEFF, we have to have a full-time person just to fill out the paperwork in order to comply with the federal regulations. This amendment by Senator MURRAY would add number 779, I suppose. And before the education bill goes through, we may even try to add a bunch more in addition to that. But we never go back and eliminate those that are not proving to be effective.

We have also found that today only 65 cents out of every dollar we dedicate

to education from Washington actually gets to the classrooms where the kids are and the teachers are. To me, that is not acceptable. It is simply not acceptable. Too much of it is kept in Washington. That which gets down to the schools and the classrooms has so many strings on it and regulations and so much paperwork that it is not as effective as it ought to be.

I just say this: We have 50 States in this Nation that fund 93 percent of the cost of education in their States. Most of these Governors have made education a top priority. More and more, are doing everything possible to fix education in their states. We ought to give them some freedom and flexibility to be innovative, creative, to fix and improve education, and not try to run it from up here. There is just no doubt about that in my mind.

I know we can do a better job with education. I know we can improve the quality of American life. I know this for a fact: We would have better education if the Federal Government gave more money to the school systems with fewer strings, fewer regulations, less redtape, and less bureaucracy.

Somewhere, some way, we need to enhance that magic moment that occurs in a classroom, that sublime moment when a child learns, when that teacher and child communicate and good things happen. Just having 789 programs instead of 788 I don't believe is the right direction.

SLADE GORTON's amendment would allow the school system to use it for teachers, computers, textbooks, or whatever they need. It would be available for that in the same proportion the proponents of the amendment would require. It would go to schools in the same fashion. But they would be able to use it for teachers or any of the other things you can imagine that would be necessary.

I thank the Chair. I thank Senator GORTON for his dedication and his leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

I think one of the great things about the class size initiative that is so important to remember is that this money goes directly to the classrooms, with no bureaucracy and one piece of paper. There is essentially no paperwork. This money is allocated directly. There is no bureaucracy and no administration cost. This money goes to the teachers in our classrooms. That is what so many of us believe is the right way to spend our Federal dollars.

Mr. President, I ask unanimous consent that Senators DURBIN, TORRICELLI, MIKULSKI, JOHN KERRY, BOXER, SARBANES, and JOHNSON be added as cosponsors.

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

Mrs. MURRAY. Mr. President, I ask for 10 minutes for the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the Senator from Washington, Mrs. MURRAY, for her very strong leadership on this important issue.

We just heard the Senator from Alabama, Mr. SESSIONS, talk about 779 different programs. My friends in the Senate, we are not talking about 779 different programs. We are talking right now about a very important issue. It is one issue. It is one program. It is a program that has placed 29,000 teachers across this country in schools.

We have a bill before us that would end that program. That is what the Senator from Washington State is doing. It is bad. It is bad on the merits. It is bad in terms of the whole issue that has been raised here about us moving forward and then turning our back on a program we just began. It is bad for the children. It is bad for these teachers.

If I were the Senator from Alabama, I wouldn't feel so good about having a vote that is going to result in teachers getting their pink slips in his State and in every State in the Union. In my particular State, we are talking about 4,000 teachers being given pink slips.

A lot of us like surprises. We like nice surprises. We don't like bad surprises. This Republican bill has a surprise for the children of this country. Surprise: Many of you are going back into large classes after you have spent a year getting the attention you deserve, because that is the impact of the Gorton amendment, and everybody on the other side tries to cover it up by saying: Oh, no; Senator GORTON is merely trying to make this thing a block grant package. It doesn't matter.

The Murray amendment is a fight with Senator GORTON about whether or not we are going to live up to our promise. The Senator from Washington, Mrs. MURRAY, said it is a very simple form to fill out. I have the form here. You have seen it before. It is a one-page form.

I hope no one on the other side of the aisle gets up and says what bureaucracy this is. They talk about 779 programs. But this is one program, one sheet of paper, a program that was praised by Republican DICK ARMEY, the Majority Leader over in the House. It was praised by the Republican chairman of that committee. They took all kinds of credit for it. We said: Great; take credit for it. Now they are going to end it right here in the Senate. I have a problem with that.

I also have a problem with the way the bill was put together. I have a chart. I am going to try to explain what has happened with this bill.

The Republicans promised to have their appropriations bills ready in time. Wrong. What do they do? They left Health and Human Services, which includes education, for the last appropriations bill. I find that interesting

since they often say education is the highest priority. When they wrote this bill, they were short \$11 billion for education.

We had been saying on the floor we need to make education a priority. Desperately, they looked around and came up with the all-time gimmick of the year. They said: Let's take two issues which we can argue later are emergency issues.

One is the census. I find it interesting to declare that an emergency since we have known it was coming since the founding of the Constitution. Be that as it may, they called it an emergency. Then they said: We can say the defense budget is an emergency even though we have already funded it as a nonemergency.

So they took the \$11 billion from defense and they put it over to education. Now they had a bit of a problem. They were short \$11 billion on this side of the chart. How would they replace it? Guess what, folks. Social Security—Social Security had that \$11 billion. They decided to declare defense and the census emergencies; they took the money, by declaring them an emergency, out of Social Security and put it in defense. Then, something they promised they would never do because this was supposed to be locked up, we have an \$11 billion IOU in the Social Security trust fund.

This was quite a maneuver, going against what the Republicans said they would not do. In order to get this money, they steal from here; in order to get this money, they steal from there; and Social Security, which they were not going to touch, will now be owed \$11 billion because that is where the emergency spending comes from. I think it is time we used a little fiscal discipline and paid for things as we go. I think that is the right way to go.

Some Members say one good thing about this, they do have \$11 billion for education. I say right, but even within that, they zero out the teachers in the school program. They have the money now, but they take it away, and in their appropriations bill they set up a whole new program that no one has ever heard of called teachers assistance. We don't know what it is or what form it will take. We don't know if it will be authorized.

The Senator from Washington says if it isn't authorized, we will figure a way to give the schools a block grant. This is an important issue. The Senator from Alabama gets up and says: I don't understand how we in the Federal Government know what people want.

Maybe he doesn't know what his people want, but I know what my people want. I ran two tough elections for the Senate. One of the biggest issues was education; within that, putting more teachers in the schools, afterschool programs, and school construction. My Republican opponent was against me on every single issue. My election was based on issues.

I say to my friend from Alabama, yes, I know what the people in my

State want. I am proud to know that. I didn't come here to give my responsibility to someone else.

Today, in the Public Works Committee we honored a great President, Dwight Eisenhower. We named a building after him. I was thrilled to vote for it. Dwight Eisenhower, a Republican President, the first President to say there is a function and a role for the Federal Government in public education. He outlined it in the National Defense Education Act. It amazes me when Republicans stand up and say this is some radical idea. It came from one of their leaders whom I greatly admire. We are doing too little for the schools, not too much.

I don't want to be a party to children in school being told they have to leave a class of 15 or 20 and return to a class of 35 or 40. That is what will happen with the Gorton amendment. Senator MURRAY is right on target in her fight. It stuns me that we are dealing with this situation. As Senator KENNEDY said, all the Republicans, a year ago when we funded this program, not only praised it but took credit for it.

I ask, is anyone writing to complain about this program? No. The local districts want this program to continue. They want the certainty of this program to continue. They want the smaller class sizes to continue. Even with this \$11 billion that they will eventually take out of Social Security and place in here, they ignore teachers in the classroom. They underfund afterschool programs by \$200 million under the President's proposal. That will leave a lot of children out in the cold, tens and tens of thousands. I will have an amendment on that.

The crumbling schools initiative is as if every school is beautiful. I have been to schools where the tiles are falling off the ceilings. Yes, they put in the \$11 billion, but they are not spending it in ways that the people in our country want Congress to spend it. Education is a priority. We all say it; we ought to mean it.

In conclusion, my friends talk as if the schools are forced to apply for this program. Nothing could be further from the truth. This is not a mandate to put teachers in the school. This is Congress responding to a request to help put more teachers in the school. It is a one-page form. With one vote, we can do away with a great program. I hope we will follow the leadership of Senator MURRAY and Senator KENNEDY.

I yield the floor.

Mr. SPECTER. I yield 5 minutes to the distinguished Senator from Vermont, Mr. JEFFORDS.

Mr. JEFFORDS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Gorton amendment No. 1805; there is also pending the Murray amendment. There are two amendments pending.

Mr. JEFFORDS. Mr. President, first of all, everyone should realize this is

the year we start reevaluating the educational programs of this country. The Elementary and Secondary Education Act is up for reauthorization. This is most comprehensive. It is the one bill we look at to try and get guidance from the Federal Government in the area of elementary and secondary education.

There are many things we must be concerned about. One of those has been raised by the Senator from Washington—class size. There are many other issues to be involved. In addition, this is an attempt to authorize on an appropriations bill. It is not the time. The time is when we take up the Elementary and Secondary Education Act. We have begun doing that. The committee has been very active. We held over 20 hearings on what should be done to make the Elementary and Secondary Education Act more successful.

This Nation, as everyone has articulated, is in an educational crisis situation. We have many wonderful schools and many wonderful teachers, but relative to our competition in other areas of the world, we could be doing much better. The question is, What do we do and how do we do it? On the 23rd of June this year, the Health, Education, Labor, and Pensions Committee held a hearing on the class size proposal. We have had this under review. Statements were heard from an expert panel of witnesses who offered an array of views on the merits of creating a Federal program that mandated local communities use funds to lower class sizes.

We examined important issues, including the impact of reducing class size on student achievement and other factors impacting student achievement; the tension between quantity and quality with respect to hiring teachers; whether large class sizes are the biggest obstacle to improving student achievement; and the value and role of schoolteachers in making decisions for providing the best education to young people in their schools.

What did the witnesses who came before the Committee have to say? Dr. Eric Hanushek, a respected professor at the University of Rochester stated, for the record:

a move to mandate smaller classes . . . is misguided and could even hurt students and student achievement; . . . the accumulated evidence on the impact of reduced class size on student performance gives no reason to expect that the current wave of class size reduction will have an overall effect on student achievement; and that class size is very expensive and takes resource and attention away from potentially more productive reform efforts.

He based his views on extensive research and historical evidence. In U.S. history, between 1965 and 1995, pupil-teacher ratios have fallen from 25:1 to 17:1 yet performance on the National Assessment of Educational Progress (NAEP) has remained roughly constant. That produces no evidence that class size makes a difference. He noted that while pupil-teacher ratios are defined somewhat differently than class-

size, the two measures do move together. International comparisons suggest no relationship between pupil-teacher ratios and student performance. So in Europe their studies show the same as reported in ours: It doesn't make a difference. In looking at some 300 advanced statistical studies, the studies show an equal number of studies that suggest positive improvements as suggest negative effects.

We also heard from Dr. Randy Ross, who spoke not from a research-based perspective but from the heart and common sense. He has witnessed the results of class size reduction efforts in California first hand and is concerned about what he saw. He stated:

A wholesale reduction in the sizes of classes in schools throughout a state predictably nibbles away at the chances that students in poor, inner city neighborhoods will get a better education.

He watched the better teachers in low-income neighborhoods be lured away to higher paying suburban schools, leaving the inner-city schools to fill vacancies which those individuals that did not make the cut in other school districts. It is a policy that has hurt students, not helped them.

At this same hearing, we talked at length about the Innovative Education Program Strategies, or title VI of the Elementary and Secondary Education Act. Witnesses on that panel told us how states and local education agencies are improving student achievement by investing in reform efforts, education technology, professional development, school library activities, and support for at-risk students. I would argue that investing in any one of these activities may have a more profound and significant impact on helping students achieve at higher levels than mandating that a local school hire one more "teacher"—qualified or not.

Let's not forget our common sense in this debate. My common sense says the quality of the teacher does matter. Common sense tells me that local leaders in schools across the country have the student's best interest at heart and must have a say in implementing programs that will provide the greatest benefit to their students. If class size reduction is the greatest need in a community, we can all rest assured that local leaders throughout the country will direct their portion of the \$1.2 billion made available in this bill to that effort. There is no need for my colleagues to worry.

If on the other hand, local leaders have other ideas for ways to vastly improve the educational opportunities of young people in their communities, in their classrooms, I think we should provide them with some flexibility to do what is best for the student, and what is best in accordance with that community.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator DODD

and Senator HARKIN be added as cosponsors.

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

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Kelly Green Kahn, a fellow in my office, be given the privilege of the floor during the remainder of this debate.

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

Mr. DODD. Mr. President, let me begin my brief remarks by commending our colleague from the State of Washington for her leadership on this issue once again. She has, on numerous occasions over the last few years, raised the issue of class size as one critical to improving the quality of public education in the country, and she is doing so again this afternoon with the introduction of this amendment. I am pleased to be a cosponsor and hope we can build strong bipartisan support for it.

There is no question that the size of a class, the number of students in a classroom, and academic performance bear a correlation. My State of Connecticut has one of the lowest ratios between teachers and students in the United States. The most recent statistics indicate that class size in Connecticut hovers just over 20 students per class. A couple of States actually are lower, but the national average is around 25—about 5 additional students per class.

Also, we in Connecticut make other investments in education. We pay our teachers well. We also have led the nation in the adoption of high standards for student performance measured with the Connecticut Mastery Test and with support for whole school reform. I note this, because it is these investments that have shown such dividends in Connecticut. It is no mystery that we end up, in national surveys, at the top in the country in academic performance.

I do not know how many of my colleagues this morning noted in the Washington Post an article entitled "Students Weak In Essay Skills." The top State in performance was Connecticut, by a margin of some 12 percentage points, in essays by 4th graders, 8th graders, and 12th graders.

I ask unanimous consent this article be printed in the RECORD.

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

[From the Washington Post, Sept. 29, 1999]

STUDENTS WEAK IN ESSAY SKILLS

(By Kenneth J. Cooper)

Three-quarters of the nation's school-children are unable to compose a well-organized, coherent essay, a skill frequently demanded in the modern workplace, according to results of a federally sponsored writing test released yesterday.

Most students tested last year managed to get across their main, simple points in the short essays they were asked to write, but their writing did not have the sophistication to meet the standard for proficiency set by a national board of educators, state officials and business leaders.

The test results from a representative sample of 60,000 students in the fourth, eighth and 12th grades provided another source of concern about the condition of the nation's schools and follows similar results showing students falling short of new academic standards in the states.

"The average, or typical, American student is not a proficient writer. Instead, students show only partial mastery of the knowledge and skills needed for a solid academic performance in writing," said Gary W. Phillips, acting commissioner of education statistics.

The testing found that girls wrote better than boys in each grade, in keeping with the outcome of earlier, less demanding versions of the test. The gender gap in writing skill was large: Twice as many girls reached or exceeded the standard for proficient writing.

There was also a gap in the performance of different racial and ethnic groups, with white and Asian students writing better than African Americans, Hispanics and Native Americans. That gap was narrower in schools on military bases, where African American and Hispanic students scored higher than their counterparts elsewhere. Analysts suggested minority students benefited from an equitable distribution of resources at the Defense Department schools and the financial security of military families.

For the first time, it was possible to make comparisons of writing skill in the states. Of 35 states where 100,000 additional eighth-graders were tested, Connecticut led the nation, followed by Massachusetts, Maine and Texas. Virginia was one of eight states above the national average, while Maryland fell slightly below average. The District had the lowest score of any jurisdiction except the Virgin Islands.

Mark Musick, president of the Southern Regional Education Board, suggested that Virginia did well in writing because a large percentage of the state's students attend solid suburban schools in Northern Virginia, and state residents have above-average income, an advantage shared by many high scorers.

Top scorer Connecticut has the highest per capita income in the nation and has tested students in four grades in writing since 1985. "What you test is what you get," said Marilyn Whirry, a high school English teacher in California.

Musick and Whirry are members of the board that governs the National Assessment of Educational Progress, a congressionally mandated series of tests that provides the best measure of student achievement in the country. Last year's writing test had a higher standard than one administered in 1992, making comparisons between them unreliable, testing officials warned.

Students had 25 minutes to compose one of three different types of essays—narrative, informative, persuasive. The expected standard of proficiency was reached by 22 percent of fourth-graders, 26 percent of eighth-graders and 21 percent of high school seniors.

In an example of proficient writing by a senior, a girl told an imaginative story about falling in love and marrying another Italian immigrant who died after the birth of their four children. "As I gaze out my window, I turn look at my hand still wearing that same gold ring from so many years ago. I smile because I know I don't need to bring him back. . . . I never really lost him," the girl concluded the five-paragraph essay.

The National Center of Education Statistics said her essay was well-organized "and shows good command of stylistic elements and control of language."

Whirry said seniors "had the most trouble with persuasive writing . . . a serious problem because persuading a reader to take a course of action or bring about a certain change is enormously important, not just to get ahead on the job, but also to make sound decisions in our democratic society."

Most students demonstrated basic writing skills—able to make simple points but not put together sophisticated sentences. Writing at this level were 61 percent of fourth-graders, 57 percent of eighth-graders and 56 percent of seniors.

Incomprehensible essays were produced by 16 percent of fourth- and eighth-graders and 22 percent of seniors.

In each grade, 1 percent of the students were writing at the highest level.

Mr. DODD. This news follows on reports earlier this year that indicate Connecticut students lead the nation in reading performance and in math and science.

In my state, we have invested in class size, we have invested in teachers. As a result of that, we are getting this kind of academic performance. Not everywhere in the state, performs at these high levels and frankly even in the most affluent parts of my state, too many children fail to reach the advanced levels of performance that we know will be needed to succeed in the next century.

What we are suggesting today is, if this works for children, and all the studies as well as the experiences of states like mine suggest, then we should be helping all communities to achieve these smaller class sizes that will help their children succeed.

If this amendment is defeated and this appropriations bill is passed without the inclusion of the Murray amendment, it is tantamount to this body giving a pink slip to 29,000 teachers in America. Pay attention to this debate today. We will vote at about 4 p.m. If this body rejects this amendment, then 29,000 teachers will know, as of this date in September, their services are no longer needed in the classrooms of America.

If anyone believes that by having more students and fewer teachers, we are going to improve the quality of public education in this country, they are living in a dream world. That is not the way we are going to raise the level of excellence, whether it is essay writing, math performance—all the academic criteria we seek to improve.

One thing is for certain. If we continue to have fewer teachers and larger classes, we can almost guarantee the results. We will have declining academic performance.

Clearly, there are other important issues in education. We are not arguing that we do not need high quality teachers—in fact, this is what this amendment supports, or that after school and other efforts are not needed. But the central component of education is what happens in the classroom. And any teacher in any school in this country

will tell you that if they have to manage 20, 23, 25, 30, 35 students in a classroom, they cannot teach. I don't care how good you are, you cannot manage 25 or 30 students in a classroom. You cannot teach young children the fundamentals of reading, math and science if forced to deal with this number of children.

So this amendment, the Murray amendment, is critically important if you care about this issue. You cannot go around and say, I care about education, I am a strong supporter of it, and then walk away from class size as an issue. I hope when this amendment comes for a vote, people will get behind it.

By the way, about block grants, we have been down this road in the past. Suggesting somehow if we throw it in a block grant program, it would suddenly all work. I hoped we would have learned the lesson by now. Unfortunately, it doesn't work that way. There is no accountability for how federal dollars are spent; too often in the past, we have found these dollars ending up in athletic programs, in administrative accounts and in other such expenditures. State and local dollars are not targeted to areas with great need unlike federal dollars. Block grants don't work because the politics are not there for it at the state and local level or else the states would already be spending their dollars this way.

So, yes, we bear a national responsibility. We are a national legislature. We try to speak for our country on these issues. I am from Connecticut. Maybe I should not care what happens in Mississippi, Alabama, or New Mexico, but I do. I do not think I am wrong because I do care. I think if a child in Mississippi or Alabama is in too large a class, I suffer, my constituents in Connecticut suffer.

The idea that somehow we are 50 disparate States and we do not have to worry about it, we hope each State chooses the right priorities, is ducking our responsibility as a national legislature. When a crying gap exists in an area such as this, we bear a collective responsibility to address it and a block grant program just does not do it.

So I hope that we can all join together to support the Murray amendment and this flexible program that supports high quality teachers, targets lowest income areas and sends all the money down to the local level. It is what parents across the country are calling for and voters support and I urge the adoption of this amendment.

This amendment is just the first of several efforts we will have during the next hours and days to improve the quality of the bill before us. While there are certainly things to be praised in the efforts of Senator HARKIN and Senator SPECTER, this bill falls short in other ways. Even as we debate it, I understand that exactly how it is paid for is still unclear—we know there will be significant advance funding, potentially additional Defense items will be

declared emergencies freeing up more budget authority and outlays.

One of the most disturbing offsets contained in the bill is the reduction in the Social Services Block Grant, Title XX, which is slashed almost in half. This flexible program supports local efforts like meals on wheels, child care, adult day care, foster care, child abuse protection, programs for those with disabilities and other local efforts to respond to the neediest in our communities. How does it make sense to cut this program to pay for other programs for those in need?

I believe we should also do better by way of funding for afterschool, literacy training, school construction and child care. On this last item, later in the day, Senator JEFFORDS and I will be offering an amendment on the Child Care Development Block Grant Program to increase funding for this critical program funding to \$2 billion. My colleagues have been so good on this issue over the last year. We have had overwhelming votes on this question over and over again this year.

Clearly we know child care is grossly underfunded. Many States have responded to this underfunding and set very low income eligibility levels: Two-thirds of the States have income levels of \$25,000 or less; 14 States, \$20,000; 8 States are even more stringent. Wyoming, Alabama, Missouri, Kentucky, Iowa, South Carolina, and West Virginia cut off subsidies for child care for families earning more than \$17,000. I do not know how a family earning \$17,000 a year can afford child care, which for an infant or toddler can run nearly half of that amount. And this program is not just about child care for young children; nearly 30 percent of these funds go to support afterschool programs.

I am hopeful my colleagues, when that amendment is raised, will be supportive of it. They have been helpful in the past. I apologize for coming back to the issue. We had a good provision adopted in the tax bill, but it was dropped in conference, and the bill was vetoed. I apologize for coming back to child care over and over, but we have as yet been able to adopt the provisions my colleagues voted for on numerous occasions. I hope they do so again when Senator JEFFORDS and I offer the amendment.

But let's move forward, Mr. President. Let's consider and adopt the MURRAY amendment. Let's move on to hopefully improve this bill. But let's get on with the people's business.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator has 2 minutes. Mr. DODD. I ask for 1 additional minute and yield to my colleague from New Jersey for any comments he may have.

Mrs. MURRAY. I will be happy to yield 1 minute.

Mr. DODD. I yield to the Senator 3 minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator for yielding.

On the question of education in America, there are both those exhilarated by our progress and those who are frustrated by our failures. It really is a tale of two cities: America has the finest universities in the world, the best colleges, proof that we know how to educate and build institutions. However, we have secondary and grade schools which simply, by any accounting, are not making the grade.

Forty percent of our fourth graders failed to attain basic levels of reading; 40 percent of eighth graders could not attain basic levels of math; and 76 percent do not even reach proficiency levels.

The fact is, we are not meeting an international standard. We are debating the fact that there is an educational crisis, but, if unaddressed, it will in our own generation become an economic crisis.

The Senator from Connecticut is correct: There are schools in my State of New Jersey for which I have enormous pride. Many are succeeding. But in the world in which we live today and our economy, if schools are failing in Alabama or California or New York or some distant community in New Jersey, it is as much your problem as it is mine. It is an economic difficulty, a social difficulty, at some point in our country's history, even a political difficulty if unaddressed.

The truth of the matter is, our country suffers some from a false sense of complacency. Parents come to me and say: Senator, I don't understand your concern. The schools are as good as I remember them 40 years ago. Or, I think the schools in my community are as good as the schools in the community that is next to us.

That, I say to my friends, is not the point. The point is whether our schools are as good as countries halfway around the world.

A national education testing service recently concluded that in math and science our students were 19 out of 21. We do not need to compare our schools with ones we remember as children. We need to compare them with schools in Germany and Japan, and we are not meeting that standard.

I know every Senator has a different idea about what we should do about American education, and the truth is, they are all right. There is no one answer. Senator COVERDELL and I had an innovative program to bring private money to help private and public schools. There are others who have a variety of different answers. They are all part of the solution. But no one can construct a solution that does not involve the hiring of teachers. Your ideas may be right, but this idea is central.

The Department of Education estimates we will need 2 million new teachers.

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

Mr. TORRICELLI. Will the Senator yield an additional 5 minutes?

Mrs. MURRAY. I am happy to yield 5 minutes.

Mr. TORRICELLI. The Department of Education estimates we will need 2 million new teachers in the next decade. In my State of New Jersey, that is 109,000 teachers currently in shortage. When schools started this year in the city of Newark, there were 200 classrooms without teachers available. You can have your idea about American education, but the debate starts here. Empty classrooms, overcrowded classrooms, retiring teachers are not part of the formula for American educational or economic success.

The fact is, if we did not have massive retirements, if there were not already shortages, we would still need Senator MURRAY's amendment.

The Department of Education in May 1998 also concluded that the one principal variable that we know in improving education in America is class size. Educational Testing Services found that smaller class sizes raised achievement from fourth to eighth grade students, it reduced drop-out rates, and increased performance. It is the one variable we know that works.

The strange thing about this debate, as the Senator from Connecticut has pointed out, is that a year ago, as Democrats and Republicans on this Senate floor, we accepted these arguments and we endorsed this program. For the last year, Democrats and Republicans, with pride, have noted that we spent \$1.2 billion hiring 29,000 teachers to begin dealing with this educational crisis. You were proud of it, and we were proud of it.

I have not heard a single Senator come to this floor and say: You know those 29,000 teachers, they failed. They did not show up to work, they were not trained, the teachers did not perform, the students did not perform. No evidence, no argument, not even a contention, because it was not a failure. It worked.

But is this the extent of our national commitment? We deal with an educational crisis, and every Member of the Senate knows the greatest variable in America's economic future is the quality of education, and the sum total of our commitment as a Senate is 1 year for 29,000 teachers in a nation of a quarter of a billion people. That is quite a commitment, and now we are going to abandon the effort.

The strange thing about this is, this is not the first time the United States has had an educational crisis. One of the proudest things I know in the 20th century history of this country is that between 1890 and 1920, the United States of America opened a new high school every single day. That is a commitment. We did it through war, depression, recession, and stagnant economic growth.

Now the United States is experiencing the greatest economic growth in our Nation's history, nearly full employment and a budget surplus, and the response of this Congress is a 1-year

program of \$1.2 billion to hire 29,000 teachers, and a year later we are going to fire them. Quite a commitment; quite a source of pride.

I know the alternative program is to return, instead, to block grants. Never in my experience has so much authority been given to people. I came to the Senate to deal with issues and national problems, not to give that authority to somebody else.

There is a national educational crisis. It requires the hiring of teachers on a national scale, and that is our responsibility. If the judgment of this Senate is simply to send money to the States and let them decide whether they want new football teams, more buses, athletic fields, or science teachers, hire an accounting firm and get rid of the Congress, not the teachers. That is not why I came to the Senate.

Senator MURRAY's amendment is not the end of the debate on education quality in America. It is not the completion of a national program, it is the defense of a national program that started last year. It should be continued. And for her leadership on this issue, the Senator from Washington has both my respect and admiration. I urge the Members of the Senate to follow her lead.

Education should not be a partisan issue in the United States. Every schoolchild in America would benefit in a competition between Democrats and Republicans for educational leadership. I do not want to see that ceded to my party. Indeed, I hope we can all join in it.

Mr. President, I yield the floor.

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

Who yields time?

Mr. SPECTER. I yield 5 minutes to the distinguished Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Ms. COLLINS. Mr. President, those of us who strongly supported an increased Federal investment in education should be celebrating this legislation, not criticizing it. Let's look at the numbers.

The committee's appropriation for total education spending is \$1.9 billion more than for fiscal year 1999. It is a half billion dollars more than the President's request. Let me repeat that because I think that has been lost in this debate. The fact is, the Appropriations Committee has increased total education funding in this bill by a half billion dollars more than President Clinton requested.

Similarly, the committee has increased spending for Pell grants—an essential program that I strongly support—for title I, for special education—I could go on and on.

So it is clear that this debate is not about money. What is it about? It is about power. It is about command and control. It is about who will be making the decisions and where they will be made.

Let's look at the language of the amendment offered by the Senator from Washington, Mr. GORTON. It says: School districts may use the funds for class size reductions or for any other authorized activity in the ESEA that will improve the academic achievement of our students.

Who could be opposed to that? Isn't that the bottom line? Isn't that what we want—improved academic achievement, better results for our students?

So the question before the Senate is whether we should continue with the Washington-knows-best, arrogant attitude or whether we should recognize that our local school boards, our principals, our teachers, and our parents are best able to determine what local students need to improve their performance.

The question—the bottom line—should be: What have our students learned? Have they improved? It should not be: How did you spend your Federal grant? Did you fill out the paperwork correctly?

In some school districts, smaller class size may be what is needed. But in others, we may need to upgrade the science lab or institute a program for gifted and talented students or hire more teachers. The needs vary as much as our schools vary. A one-size-fits-all approach simply does not work.

The Senator from Connecticut mentioned an article in today's newspaper which has the startling results that nationally three-fourths of the students cannot compose an organized essay. I am pleased to note that my State of Maine ranks near the top—No. 2 only to Connecticut—in performance on this test. But nationwide, three-quarters of the students failed this simple test.

Is the answer the same in every State? I do not think so. In some States, improved professional development for the teachers may be the key to reversing these test results. In other States, it may be smaller classes. Yet in another State it may be another technique or method or solution that is required.

The point is that we do not know here in Washington what the best approach is in the thousands of school districts across this country. All we are saying is, let the local school districts decide what they need to do to improve student achievement.

There is nothing in Senator GORTON's amendment that prohibits the school district from using the money to reduce class size if that is what is needed. But that may not be what is needed. Indeed, 41 States already exceed the ideal teacher-student ratio.

What we need to do is to trust local people to make the decisions that are going to help bring out the best in the students in our communities across the United States. That is exactly what Senator GORTON's amendment would do.

This is not a debate about money. All of us agree that we want to increase the Federal investment in education. It

is the best investment of our money we can make. The issue is about who is making the decision.

Thank you, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Will the Senator yield me 5 minutes?

Mrs. MURRAY. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, as we pointed out earlier, this legislation is a voluntary program. Each local education agency that desires to receive the funds shall include the application. So it is completely voluntary. I know it has been repeated time and time again that the Federal Government is imposing this on the local school districts. But it is the local school district who has to make the judgment, who has to fill out the application. All the money goes to the local school district. Under the Gorton amendment, 15 percent goes to the bureaucracy. So let's be accurate in our description of this proposal.

Then let's also be accurate that this concept was basically endorsed by all the Republican leadership in the last Congress. Congressman GOODLING, Congressman DICK ARMEY, and Senator GORTON claimed credit for this proposal. We understand that. They claimed credit for the Murray amendment when it was accepted in the last Congress.

Just a final point I want to make. I think it is fair to say: One, if they want to do all the things the Senator from Maine has pointed out and you want an additional block grant, I agree with the Senator from Minnesota, if they want to get additional funds, I will vote for it. If the State of Maine wants to do it, that is all well and good. We are talking about limited resources targeted on national needs.

The question is whether this program works. The Senator from Washington has said time and time again that it does. And with all the responses on the other side, no one has questioned the various reports that demonstrate that children have made progress—no one, none; silence.

You can give all the cliches about one size fits all and all the rest, but just respond to the various STAR report conclusions, such as: 7,000 students in 80 Tennessee schools. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade.

Talk to Maria Caruso, an elementary school teacher in Lawrenceburg Elementary School in Lawrenceburg, TN, who talks about what a difference it makes in all the years that she has been teaching, having the smaller class size, what a difference it has made in the quality of the education for the children in the Lawrenceburg Elementary School. Or talk to Jacqueline van

Wulven a veteran teacher from the Cole Elementary School in Nashville, TN, who said:

These students come into third grade far more advanced academically than any other third grade class I have taught. There were very few behavior problems with a small class. The students worked well together, and I was able to provide many different learning experiences because I did not have to spend so much time disciplining the class.

Sandy Heinrich from Granbery Elementary School in Davidson County, TN: "I have been a teacher for 29 years and have never had an experience like I have had with the smaller class size." These are the teachers. Respond to these teachers.

All we are saying is, if the local community wants to try and replicate what has been tried and tested and demonstrated to produce enhanced academic achievement and accomplishment, that is the Murray amendment. They are already doing it in communities across the country, based upon last year's commitment. All we are saying is, let's continue it.

Two million teachers will be needed over the next 10 years. We are getting 100,000 teachers a year normally. We need to recruit an additional 100,000, to handle rising enrollments. The Republicans say, no, no, to the additional teachers. With their proposal, they will eliminate close to 30,000 school teachers across this country. Does that make any sense at all? It does not.

In Wisconsin, the Student Achievement Guarantee in Education program is helping to reduce class size in grades K to 3 in low-income. A study found that the students in smaller classes had significantly greater improvements in reading and math and language than students in bigger classes.

In Flint, MI, efforts over the last three years to reduce class size in K-3 have produced a 44 percent increase in reading scores, an 18 percent increase in math scores.

This issue is not about power. It is about partnership, partnership between the local communities, the States, and the Federal Government. We should insist on the Murray amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Tennessee, Mr. FRIST.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. I thank the Chair.

Mr. President, I am delighted with the debate thus far because it really does come down to some pretty important concepts as to how we best approach a problem that I believe is the most threatening we have today, as we look into the decade, the next century; that is, the education of our children.

As has been said again and again, we are failing. We are absolutely failing today. If we look at our education for kindergarten through the twelfth grade, statistics have been given. Let

me review those. This is the fourth grade. This is the eighth grade. This is the twelfth. This looks at just mathematics. We could put science, math, reading, English, any number of things in these columns.

Each of these green bars—it is hard to read—is a country. The red bar is the United States of America. That is our performance in the fourth grade in mathematics compared to Singapore, South Korea, Hong Kong, Austria, Slovenia, Ireland, Australia. You can see in the fourth grade, we are at about that level, about seventh or eighth.

In the eighth grade—the longer you stay in school—in mathematics, we drop further. And by the time you get to the twelfth grade—the black line is the average—you can see we fall below the average in the eighth grade. In the twelfth grade, we are down further.

People agree with the data. That is the good thing about this debate. On both sides of the aisle we have come forward and said we have to act. Indeed, there are things we do have a Federal responsibility to do in education; that is, to reverse these trends in this global marketplace. These are our children; these are our investment in the future.

The difference is in approach. It is very important the American people understand the difference in approach. It boils down to these two amendments. On the one hand, we have an amendment which says we have a new program, a new answer, a program we need to grow that will make a big difference with the resources we provide.

On our side of the aisle, Senator GORTON has basically said, that is one approach, but why not take essentially the same resources and recognize that every school is going to have a different problem, maybe even every classroom a different problem. It is absurd for us to think that in Washington, DC, we can dictate what is needed in a rural school in Alamo, TN, or an urban school in Memphis or in Nashville.

Let's take the same resources and instead of telling them they need more teachers, say take those same resources; maybe you need better trained teachers or maybe you need to hook a computer up to the T-1 line outside or maybe you need to buy computers or more textbooks. You decide. Maybe you need more teachers. Use the money for that. Two different approaches.

This is what we have today, and it is failing. We all recognize it is failing. These are the Government programs, the Federal Government programs on the outside. The Department of Health and Human Services has education programs aimed at the beneficiaries of our school system today—at-risk and delinquent youth is one group; young children is another group; teachers. You could put any number of groups. The school is down here. Any number.

The point is, we have heard the figure 480. It might be 250; it might be 300. The point is, we have hundreds of these

Federal programs all aimed at different populations, and it is not working. It is failing.

What our side of the aisle says is that we can identify the problems, but with 87,000 different schools out there, let's let that school, that schoolteacher, that superintendent, that principal, those parents come to the table and say this is what we need and, with the resources we make available through the Gorton amendment, use those resources. It might be more teachers. It might be better prepared teachers. It might be an afterschool program. It might be hooking up a computer or it might be better textbooks. They decide at the local level. That is the difference between our side of the aisle and the other side. The Republican, the Gorton approach is basically saying, identify the needs locally and come together and decide.

The Murray amendment says more teachers. Indeed, we have made progress. In 1970, we had 22 pupils per teacher. In 1997, it is 17 pupils per teacher nationwide. That is some progress. Again, I am not going to diminish the importance of that. What I do want to say is that local identification of needs, that local flexibility is more likely to give you the answer to better education than us telling a community whether or not they may need a teacher.

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

Mr. FRIST. I urge my colleagues to support the Gorton amendment and defeat the Murray amendment for the reasons of flexibility and accountability at the local level.

The PRESIDING OFFICER. Who yields time? The Senator from Washington has 13 minutes 49 seconds. The Senator from Pennsylvania has 30 minutes 44 seconds.

Mrs. MURRAY. Mr. President, I commend our colleagues who are concerned about bureaucracy. That is one of the great things about the class size initiative. It was passed in a bipartisan manner last year. One form, one page takes one administrator a few minutes to fill out, and the class size money goes directly to hire teachers. Our Federal tax dollars go to pay for the teacher in the classroom—no bureaucracy, no big charts. The money goes to make a difference. That is why we believe it is the right way to go.

I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I thank my colleague from Washington, Senator MURRAY, who has done such a great job on this issue, for yielding time. I rise in strong support of her amendment.

My State and our Nation are on the verge of an education crisis. At the end of the last school year, test scores showed that half of New York's fourth grade students could barely handle basic written and oral work.

If you look at the studies, what is one of the best ways to remedy that? It is the method of the Murray amendment—to reduce class size. If her amendment is not passed, in New York State, 3,497 teachers in the next fiscal year will get pink slips. Why are we doing that?

We have a program that works. It is reducing class size. The same things were said about the Cops on the Beat Program, the 100,000 police, that it wouldn't work or needed targets or would create bureaucracy. It has helped bring crime rates way down.

Now we have a chance to do the same thing for education. It makes such eminent sense to support a proposal that is aimed at the heart of the problem: too many students; not enough teachers.

Instead, what the alternative amendment proposes, the Republican amendment, is a block grant. Instead of saying make sure the money goes into the classroom, it says, if the local school board wants to fritter it away on something that is much less necessary than good, new teachers, let them do it.

I have never understood the zealotry on behalf of block grant proposals.

It is classic good sense to say when you take the people who tax you and the people who spend the money and separate them, money is going to be wasted. When the taxing authority is separated from the spending authority, the people spending it didn't have to go through the sweat of bringing those dollars in, and they waste it. Every block grant program we have seen, when audited, shows huge amounts of waste. Certain school districts will use that money for all sorts of programs that are not necessary. Some, I argue, would be laughed at.

Then we will hear people from both sides of the aisle come back and say: Oh, we should cut this program because it is wasteful. To start out with, let's make it work. If you ask educators what is the No. 1 place to put dollars, it is teachers.

I would like anyone on the other side to tell me what is more important than teachers. Why give the local authority the ability to take money away from teachers and give it somewhere else—to bureaucracy, or to waste, or to things that might be necessary but not as necessary as teachers?

There will be 3,497 teachers in New York State who will get pink slips if the Murray amendment does not pass. The number is proportionate in your own States.

How are you going to look teachers and, more importantly, young students in the eye and say, "Well, I had this ideological concept, and the teacher is going to be fired?"

Yes, we must spend more on education. I am completely sure of that view. But we must spend it intelligently. We must spend it rigorously. We must spend it with standards. To just throw money at the problem, as we have learned in school district after school district, will not solve the problem.

The wisdom we have accumulated about education goes into the Murray amendment because we know that smaller class size increases reading scores and increases math scores.

We hear a lot of criticism. I heard my good friend from Tennessee criticize the education system. Then he is giving money to the same people who are being criticized for not doing a good enough job.

Are we going to have leadership? Are we going to show America that we know what needs to be done, or are we going to hide behind the defensive measure that nobody really has any heart for, which will not maximize our bang for the buck?

There is, indeed, an educational crisis in America. There is, indeed, an anxiety among the people of our great land that our educational system doesn't measure up to the 21st century. Last year, in a bipartisan way this Congress had the courage to begin to address that issue at its core: Too few teachers for a growing number of students. Let us not take a step backward and reverse that. Let us support the Murray amendment.

I thank the President.

I yield the time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President and fellow Senators, some of you will not think what I am going to tell you is even possible. But, believe it or not, before I went to law school, I was a schoolteacher. I taught mathematics in junior high school in the public school system. I loved it. I had a class in the morning that was made up of half the students who didn't know how to add 6 and 6—they were in the eighth grade—and half the students who were ready for geometry.

I guarantee that if the U.S. Government, back when we were trying to teach in Albuquerque, NM, in Garfield Junior High, said, We want to give you the same program as we give a junior high school in New York City, do you think I would have jumped to it and said, Give it to me? Of course I would not have. I would have said, What is it for? Then I would have said, Won't you let me use it for what I know the kids need or are you going to tell me what they need?

In essence, that little classroom and that little example is a microcosm of this issue. This issue across this land is whether or not the U.S. Government can help a failing education system with more targeted programs—more programs that say, use it our way in every way or you don't use it. It is a presumption on our part that it is the very best way to use the money and it is the best way to make our students achieve more—none of which is true

and none of which will bear out in the marketplace of educating young people.

What we have today is an effort to use \$1.2 billion of education funding by authorizing on an appropriations bill a way of spending that is not now authorized in the law. We will not even wait for a couple of months for the committee that has been having hearing upon hearing to come forth with a bill that puts everything into some perspective as to the small Federal Government's share—and small it is; 7 percent of public education is the U.S. Government. And that is found in this bill, 7 percent.

Some people talk as if we are the driving force of education. We would have to be miracle workers for our 7 percent to really make schools get significantly better. But they would take \$1.2 billion that is here to be used in a new way under a new law, and they would say: We know best; spend it for more teachers in every school in America.

Frankly, it was also said on the floor that every superintendent wanted it that way. I only had a chance to call four—Belen, Artesia, Cloudcroft, Capitan. None of them thought that more teachers was the biggest priority for their school systems and their problems. Some said they would improve themselves with alternative learning. Some said they would improve themselves with math and science. One said they would dramatically improve themselves in science.

Frankly, that is what this is all about. Under the guise of saying we know best and, please, under the guise of saying more teachers must be met for everybody, we are going to spend \$1.2 billion of hard-earned taxpayers' money by mandating that you use it for more teachers or you can't use it.

I would just suggest that in my home city school district—where I taught school years ago when I taught mathematics in the junior high—I am not at all sure they would take this money and put it in more teachers if you gave them the option. They are having a crisis in the school system there. But I don't believe they would be saying the thing they need the most is more teachers. They might need bonuses for good teachers. They might need some bonuses for teachers who are indeed excellent and can't make ends meet because we can't pay enough. They would find all kinds of things and put them on the table. Ask them.

If you really said—let's just pick a number, the \$20 million you will get, or the \$50 million you will get—Albuquerque, you can use it all for teachers or in enhancing the opportunity for achievement, which is our goal, you can use it in other ways and be accountable for it, I doubt very much if they would in my home State all choose more teachers.

Don't anybody miss the point. If you vote against Senator MURRAY's amendment, you still vote for the \$1.2 billion

to go to our States in the appropriate formula, which nobody is arguing about, to be used where they think it is best to enhance the achievement level of our public school students.

There is much that could be said. When the debate ensues on the major American overhaul of education, we will all be here talking about some new reform. But for now, I think in my 5 minutes I have expressed my views as best I can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, our side yields up to 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. GORTON. Mr. President, it is remarkable how a relatively short amendment and even debate can be misconstrued.

The amendment we have before us that will be voted on in about 30 minutes is less than 10 full lines long. Twice, the senior Senator from Massachusetts has said that it authorizes the States to take 15 percent of the money for administrative purposes, in spite of having been corrected after the first mistake.

In fact, in clear English, it states that the distribution will be for school districts in exactly the same form as would be the distribution under Senator MURRAY's amendment. I don't believe Senator MURRAY's amendment allows 15 percent to be taken out by the States for administrative expenses. Neither does mine. That is one point that has been made on the other side during the course of the debate.

Another—very recently by the junior Senator from New York, and by others—speaks of the tremendous waste and abuse in the use of this money for football teams and the like, which seems to be the inevitable consequence of trusting elected school board members to manage their own schools.

A few years ago when we began this debate I made a remark that I repeat now. How is it that voters who are so wise as to choose us to represent them in the Senate will be so foolish and so stupid as to choose school board members in their own communities who will take any money we give them and throw it away on frivolous, noneducational purposes if we allow them to run their own schools?

No one has answered that question. Yet this entire debate on the other side of the aisle has been taken up by Members who either implicitly or often explicitly, as is the case with New York, are willing to state that they know more not only about the schools in their own States but the schools in the other 49 States as well, and unless we tell every one of the 17,000 school districts in the United States of America precisely how to spend their money, they will waste that money.

More than 90 percent of the money spent on schools in the United States is

spent by States and local school districts. Unless the proposition is that all of that money is wasted, that our whole system is so dysfunctional that we should abolish school districts, abolish elected school board members and simply run all of our schools from Washington, DC, unless that is the argument, the proposition on the other side arguing against my amendment simply falls by its own weight.

As I said earlier, I think the proposition proposed in the Murray amendment is clearly debatable. It wasn't debated last year. It was poked in a huge omnibus bill at the end of the session, unknown to most of the Members of both Houses of Congress. It has been debated for a total of 3 hours today. It needs to be debated against other competing ideas of at least equal and I think greater merit when we debate renewal of the Elementary and Secondary Education Act sometime during the winter of next year. Perhaps by that time, with various ideas spread out, we can do a better job.

The Murray amendment, in order to breach one of our rules, has had to be written in an awkward fashion. It is an authorization but it is an indirect authorization. It deserves much more serious consideration than we are giving it this afternoon. It deserves debate against much more serious and broad ranging ideas.

It does seem to me, however Members vote on it—and Members who don't trust local school districts and think superintendents are incompetent, who believe that principals and teachers don't have the interests of the kids they are educating in mind, can certainly vote to tell them exactly how to spend this money by voting for the Murray amendment—even those Members ought to vote for my amendment because mine simply says if we don't adopt the Murray amendment or don't adopt something similar to the Murray amendment between now and the 30th of June of next year, the school districts will get the money in any event, and it is only in that "any event" they will be able to use it for any educational purpose they deem appropriate for the improvement of their students. If both amendments are defeated, the schools may forfeit the money entirely.

I trust Members on the other side will at least be objective enough to agree to the proposition that we ought to adopt my amendment unanimously and then determine whether or not this is the time, without any real debate, to say we have to have one more program added to the literally hundreds we already have on the statute books of the United States, all of which are for precise, single purposes, each of which implicitly or explicitly says we don't trust our professional educators and our parents to know how to set the priorities for their own schools.

I firmly believe in the proposition we should provide that trust permanently through the amendment I offer. My

amendment doesn't do that permanently; it only uses it as a backup. We will debate a more sophisticated version of it later this year or early next year. Between sides, there is a great gulf. That gulf is between those who believe people at home are professional educators, are elected school board members who do care about the kids they are teaching and do know what those kids need, and those who believe, unless we operate as a super school board, unless we adopt the assumption we know far more than they do about education, that education will not be provided.

Mrs. MURRAY. I ask unanimous consent Senators LANDRIEU and REED from Rhode Island be added as cosponsors.

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

Mrs. MURRAY. I yield 4 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Washington. I support her amendment.

The basic issue is this: Will we give the pink slip to 29,000 teachers at the end of this school year, teachers who were hired to use their professional skills, to have reduced class size which helps kids along in kindergarten, first, and second grades?

The Republicans say yes; the Democrats say no. The Republicans say: Give them the pink slips. Give the money to the school districts. Let them do with it what they like.

I think Senator MURRAY, in supporting this amendment which I support as well, is supporting a concept that is tested and proven.

During the course of this debate, we have been visited in the galleries by many students—hundreds of them, perhaps. I think if you ask each of them whether it was a better classroom experience when they were in a small class where they got to know the teacher and worked with them or in some large study hall with 200 or 300 students, the answer is obvious. It is obvious on this side of the aisle but, unfortunately, not on the other side of the aisle.

The chart the Senator from Tennessee brought up must be passed to every Senator when they are elected. It shows how bad America's schools are and compares various grade levels of different nations and the United States. I have seen the chart over and over again. It is a chart they use to rationalize vouchers, taking money out of public schools and giving it to a few kids to go to private schools. It is a chart they use to say public education doesn't work in America today.

There is something fundamentally flawed in that presentation. Virtually every other country we are compared to uses a selective system of bringing kids to school. But not in America. Our schools are open to everybody regardless of color, regardless of economic circumstance, regardless of whether you are gifted or have a learning disability. Yes, some of our test scores are

lower because our school doors are open to everyone. Some of the other countries, which the Republicans point to with pride, are very selective. There is the class that will become the leaders and the class that will always be the lower-class workers. That is not America. I hope it never is.

This commitment to this amendment is a commitment to public education, to 90 percent of the kids in America who go to public schools. I went to private schools, parochial schools, as did my kids, but I believed my first obligation in my community and in the Senate was to public education. That is why I support Senator MURRAY.

For those who say we don't care about or don't trust local educational officials, nothing could be further from the truth. Despite everything we do in this appropriations bill, 93 percent of the funds spent on local schools will come from local sources and will be administered by local officials, as it should be. The question that Senator MURRAY poses with this amendment is whether the Federal Government will continue to show leadership in certain areas where we have had proven success.

Looking back we can see it: vocational education, the School Lunch Program, title I for kids falling behind, the IDEA program for kids with disabilities, the National Defense Education Act, the Pell grants and others for higher education. We pick and choose those things that work at the Federal level and do our level best to work with local school districts to use them at the local level. That is what the Murray amendment is all about.

Yes, we trust local officials, but we want to make certain they are held accountable to produce the teachers and reduce the class sizes that we know has proven results.

I say to the Senator from Washington, who offers an alternative: Have faith in the public school system, please. Have faith, if teachers are in the classroom with a smaller number of students they can succeed; kids that might otherwise fall behind have a fighting chance.

I close by saying it is sad, in one respect, that this is what the educational debate in Washington, DC, comes down to, a matter of 29,000 teachers. The No. 1 issue for families across America deserves a bigger debate and a lot more attention from the Federal Government. So far, this Congress, as we have seen in previous Congresses under Republican control, has continued to shortchange education. We cannot do that except at our own national peril. I support the Murray amendment.

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

Mr. SPECTER. Mr. President, I think we have had a very solid, constructive debate this afternoon. The Murray amendment seeks to deal with class size, which I believe is a very laudable and praiseworthy objective. A dif-

ficulty I have with the amendment of the Senator from Washington is that it adds some \$200 million to the bill, which is already, in my judgment, at the maximum level. It now calls for \$91.7 billion; \$16 billion is forward funded. Last year \$8 billion had been forward funded. This bill has been crafted by the subcommittee, then accepted by the full committee, after 17 hearings, after having more than 2,000 requests from Members, more than 1,000 letters, 1,000 inputs from the citizenry. Our subcommittee, a group of experts on staff, sat down and crafted this bill which was then approved by Senator HARKIN, the ranking Democrat, and myself. We have some 300 items which we have weighed and evaluated. We have allocated \$1.2 billion to the generalized subject of teacher initiative, which is perhaps the same as class size. When I say perhaps the same as class size, I say that because the determination of precisely how that money is to be used is up to the authorizing committee.

For those watching on C-SPAN II, if anyone, a word of explanation might be in order; that is, we appropriate. We put up the money. But we have another committee, headed by Senator JEFFORDS, which decides authorization, as to how the money is to be spent. That is the way we do business in the Senate.

Last year, in order to move through the process—and occasionally we do legislate on an appropriations bill—we did legislate, for 1 year, on class size. The amendment offered by the Senator from Washington was subject to challenge under rule XVI and could have been defeated because it is legislation. We decided not to do that in order to give this issue a thorough airing on the merits.

Frankly, I would like to add \$200 billion—million—maybe Freud would say I would like to add \$200 billion. I am not sure. But we have a couple of problems. One problem is we have to pass this bill. On my side of the aisle, we are at the breaking point. I may be wrong about that, we may be beyond the breaking point. I am lobbying my colleagues in the Cloakroom that \$91.7 billion ought to get their affirmative vote. They raised questions about the size of the amount. Then we have to go to conference and we have to produce a bill which will be accepted by our House colleagues, who have a little different view. They want to spend substantially less money.

I am aware the object, the end process is to get the bill signed. Under our Constitution, it is not enough for the Senate to vote, for the House to vote, for the conference committee to vote. It has to be submitted to the President. He has to agree with it. We are very close to the President's figure.

He asked for \$1.4 billion for class size, and I am not saying in the end we might not be there on a compromise, at the very end of the process, if we make some other adjustments. But there is a

limit as to how much I can get my Republican colleagues to vote for.

One of my colleagues just entered, came to the floor, and said, "That's right." I have been lobbying him very hard in the Cloakroom. We have to get 51 votes for this bill; that is not easy to do, at \$91.7 billion.

So as we look at the overall structure, and we have 300 programs—the Senator from Washington did not make a suggestion as to where she would like to cut \$200 million. We have a structure that is not subject to the Budget Act because it is advanced funding.

I believe our bill, at \$91.7 billion, is within the caps, and I am confident it does not touch Social Security. But that is a complicated subject because some of the money has been borrowed from defense. There are a lot of factors at play here. Senator DOMENICI and Senator STEVENS and I and others have been working to be sure we are within the caps and we do not cut Social Security. I have been told if we spend \$200 million more on the amendment of the Senator from Washington, we may invade Social Security—that we will invade Social Security. I am not prepared to make that argument because I do not know whether it is true or not. But I do know every time we add money, we come very close to that and there is, not a consensus—there is unanimity not to touch Social Security, not to do that, and to allow room for Medicare.

In the debate earlier, I heard the Senator from Connecticut talk about adding \$2 billion to another program that I like very much, but I am not prepared to spend \$2 billion more on this bill and eliminate any chance at all I can get 51 votes on this side of the aisle.

So it was with great reluctance that I am constrained—and I voted against very little, in the 19 years I have been here, against increased education funding. If somebody wants to spend more money on education, almost always I have said yes. The authorizers may come back and may do exactly what the Senator from Washington wants, put it on class size. That is a laudable, praiseworthy objective. But there are other objectives as well. That has to be decided by our authorizing committee, under our rules.

So it is with reluctance that I vote against the Senator from Washington because I do not like to vote against money for education. But we have not just been fair; we have been very generous. This bill is an increase of \$2.3 billion over last year. It is more than \$500 million more than the President wanted. We have worked hard to craft this, among 300 programs. Agreeing to the amendment offered by Senator GORTON does not rule out class size on two grounds: One is, it could be class size if the local districts say so, or it could be class size if the authorizers say so.

So Senator GORTON's amendment is not inconsistent with the objectives of the Senator from Washington.

Chairing this subcommittee has been fascinating, and trying to put all the pieces together is really a challenge. Voting against education is something I do not like to do, to be misconstrued in a 30-second commercial, but I think the interests of American children and public education, of which I am a product, are best served by keeping the bill as it is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to say by voting for the Gorton amendment we are voting for education. In voting against the Murray amendment you are not voting against education, you are voting for allowing—Mr. President, I ask unanimous consent to have 4 minutes off the time of the proponents of the Gorton amendment.

Mr. SPECTER. Mr. President, I will yield him that time. That is the way we do it, as opposed to unanimous consent.

Mr. NICKLES. I thank the Senator.

Mr. President, the Gorton amendment is a pro-education amendment, if you believe people in the local school districts know what they need. Maybe they need more teachers. Maybe they need more computers. Maybe they need to enhance the benefits for teachers that are there so they can keep them there.

Maybe they need it for recruitment. Let's give them the flexibility.

I, along with several other Senators, met with some Governors and asked them what they wanted, and they said they wanted flexibility and they wanted Congress to help them meet the unfunded obligations of IDEA. I said: What about this proposal that some people have made that says let's have 100,000 new teachers paid for by the Federal Government? That was not their request.

They said: No, just give us flexibility; there are hundreds of Federal programs, some of which work, some of which do not work, a lot have mandates; give us the flexibility to work on those programs; give us some of the money without the strings attached; you do not need to tell us we have to hire so many teachers.

Frankly, they do not have to hire teachers and have them paid for by the Federal Government. Some States have already taken significant action to reduce class size. I compliment them for it. Some are way ahead of others. Should we punish those States that have moved ahead earlier than other States? I don't think so.

How in the world do we in the Federal Government have that kind of knowledge that allows us to dictate, to mandate that we need 30,000 teachers, or 100,000 teachers? In my State, it comes to 348 teachers. We have 605 school districts, so each school district gets half a teacher. Nationwide, there are 14,000 school districts, so I guess we get 2 teachers for each school district. Some people are saying that is the so-

lution for better education, for the Federal Government to hire two teachers for each school district? That is ridiculous.

We have a lot of programs. The Senator from Pennsylvania has already mentioned there is a significant increase for education. Let's allow some flexibility, as proposed by the Gorton amendment, by people who run the schools who know—the local school boards and the States—what they need most. Let them make that decision. Maybe it is four more teachers. Great, I am all for it. Maybe it is for retention of teachers. That is fantastic. Maybe it is for computers. Let's have them make the decisions and not dictate that Washington, DC, knows best.

I reiterate, a vote for the Gorton amendment is pro-education, and a vote against the Murray amendment, in my opinion, is pro-education if you happen to believe people on the local school boards and the PTAs within the States have an interest in improving the quality of education and might know better than some bureaucrat in the Department of Education.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. SESSIONS). Three minutes 30 seconds for the proponents of the amendment, and 5 minutes 36 seconds for the opponents.

Mr. REED. Mr. President, I rise in support of Senator MURRAY's amendment to provide funding for the class size reduction initiative.

Last year, the Congress, on a bipartisan basis, made a down payment to help communities hire 100,000 teachers so they could reduce class sizes to an average of 18.

As Tennessee's efforts with class size reduction show, qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, and cover more material effectively, and are better able to work with parents to further their children's education.

The class size reduction initiative is flexible, and communities are using innovative locally-designed approaches to give children the individual attention they need.

Every state is using the funds, and every state that needed a waiver to tailor the class size reduction program to its specific needs or to expand class size reduction to other grades, received one.

1.7 million children are benefitting from smaller classes this year.

29,000 teachers have been hired with FY99 Class Size Reduction funds.

1,247 (43 percent) are teaching in the first grade, reducing class sizes from 23 to 17.

6,670 (23 percent) are teaching in the second grade, reducing class size from 23 to 18.

6,960 (24 percent) are teaching in the third grade, reducing class size from 24 to 18.

2,900 (10 percent) are in kindergarten and grades 4–12.

290 special education teachers were hired.

On average, 7 percent of the funds are being used for professional development.

Mr. President, the debate is not a simple either/or proposition on class size versus teacher quality. We need to do both. That is why last year on an overwhelming bipartisan vote we passed a new teacher quality grants program as part of the Higher Education Act Amendments of 1998. Indeed, those who claim they support improvements in teacher quality have a clear chance to do so when Senator KENNEDY and I offer an amendment to fully fund the teacher quality grants at \$300 million.

We must continue to meet the bipartisan commitment we made on class size reduction.

I urge my colleagues to support the Murray amendment to do just that and reject the Gorton amendment which could result in children being forced to return to larger classes and the firing of 29,000 newly hired teachers.

Mrs. MURRAY. Mr. President, we are coming to the end of this debate. Everybody needs to step back and remember why we are here, and that is that 1 year ago, in a bipartisan manner, both Houses—the Senate and the House—agreed to work toward funding 100,000 new teachers in the early grades, first through third grades.

Everybody took credit a year ago. In fact, I have a copy of the Republican Policy Committee, "Accomplishments During the 105th Congress." This is what they put out, and right on the second page, they take credit for the 30,000 new teachers we funded with the \$1.2 billion. They take credit and say: This is one of their accomplishments. They say:

This omnibus FY 1999 funding bill provides \$1.2 billion in additional educational funds, funds controlled 100 percent at the local level—

Despite the rhetoric you have heard today—

to recruit, hire, train, and test teachers. This provision—

They said a year ago—

is a major first step toward returning to local school officials the ability to make the educational decisions for our children, rather than the bureaucrats in Washington.

I did not say that; our Republican colleagues said that a year ago when they passed the \$1.2 billion with us to reduce class sizes.

In the past year, we have put 30,000 new teachers into our classrooms. Why was that an initiative that we all felt was important? Because we know it makes a difference. We know that students in smaller class sizes enroll in more college-bound courses, they have higher grade point averages, they have fewer discipline problems, and they have lower drop-out rates.

The commitment we began last year is making a difference for our students,

it is making a difference in our classrooms, and it will make a difference for our economy and for this country's future. It is a program that is working.

I ask my colleagues: Why have so many people opposed it today when 1 year ago they said it was a major accomplishment in turning money back to local school districts? Why are they opposing it?

Perhaps they do not want any Federal involvement in our education. I disagree. The Federal Government is a partner. They are a partner with our State and local governments, with our teachers, our students, our families. We made a commitment a year ago, and we are about to renege on that right now. If my amendment is not agreed to, and a year from now 30,000 teachers get their pink slips and we have students, 1.7 million children, who are returned to larger classrooms, everyone in this Congress will have failed to do the right thing for our children.

The Class Size Reduction Initiative was the right thing to do a year ago. Everyone said so. It is still the right thing to do today. It is a commitment we have made to the families in this country that, yes, we will live up to what their expectations are of us, that education is a priority, that we are willing to put our money behind our rhetoric.

My colleague from Washington, Senator GORTON, has offered an alternative, and I say to my Republican colleagues, if they want to introduce a new block grant program and tell us what it is, perhaps we will be willing to help them. But we are not willing to take 30,000 teachers out of our classrooms, and we are not willing to say to the families in this country that we are not with you in making sure that every child in this country, no matter who they are or where they come from, will learn. We are willing to do our part.

I urge my colleagues to support the Murray amendment and oppose the Gorton amendment and do the right thing for children and families in this country.

Mr. SPECTER. I yield 5 minutes 36 seconds to the distinguished Senator from Washington so he can conclude the debate in support of his amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the amendment that I have before you and which will be voted on in a few minutes is extraordinarily simple both to understand and in its undertaking. It says that the \$1.2 billion the chairman of the subcommittee and his ranking member have generously put in this bill, subject to the authorization of a specific teachers program, will nonetheless be available to the school districts of the country if we do not come up with a specific authorization of that very specific and prescriptive program, one, the merits of which as against trusting school districts, I find somewhat dubious.

It should be a slam-dunk vote for every Member of this body, and yet immediately after I last spoke on this issue, the senior Senator from Illinois said if we do not adopt the Murray amendment, 27,000, 29,000, 32,000 teachers who have been hired under the teachers program in the last year will all get pink slips. It is hard to think of a more bizarre argument.

Under my amendment, every school district will get every dollar it has gotten in the present year that is used to hire teachers. The only rationale for firing a single one of those teachers would be that the teacher was unneeded but that the school district had the money, could not use it for any other purpose because of the wisdom of the Members of the Congress of the United States and felt that there was an infinitely more important use for that money.

If that is the case, if thousands of teachers are going to be fired, it shows that the program was the wrong program in the first place and should never have been passed.

If the teachers program is justified, the teachers will stay on the payroll whether Senator MURRAY's amendment is adopted or not as long as my amendment is adopted.

They are on the horns of a dilemma: either they pass a foolish and unneeded program that would otherwise be rejected by every school district in the country, or they can reach their goals through my amendment, as well as through their own, and then debate at a later time under more thoughtful circumstances, as both the Senator from Pennsylvania and the Senator from Vermont pointed out, the whole idea of how much direction we must impose on our school districts when we deal with the Elementary and Secondary Education Act 2, 3, or 4 months from now.

But the fundamental difference between these two approaches is very simple. Their approach is: The people who run our schools don't know what they are doing and will waste money and will do it wrong unless we tell them, down to the last detail, how to set their own priorities. Their belief is that parents and teachers and principals and superintendents—those three sets of professionals who have devoted their entire lives to the education of our kids—and elected school board members, who go through campaigns, the way we do, because they care about their schools, do not really care or are too stupid to know what their students need and that one set of rules, applicable to New York City and the most rural district in South Carolina, is the only way we can provide appropriately for the education of our children. That is an argument that is not only perverse; it is false and erroneous on its face.

Let us admit that there may be people in the United States who know more about the education of their own children in their own communities than do 100 Senators. We should adopt

the amendment that I have proposed. We should defeat the Murray amendment.

We should have the debate on a broader scale at a later, more appropriate time, not in connection with an appropriations bill that urgently needs to be passed by tomorrow so we can actually get this money to the schools so they can educate our children and do a better job in the future even than they have done in the past.

I guess I cannot yield back the remainder of our time. It is controlled by the Senator from Pennsylvania.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator AKAKA as a cosponsor to my amendment.

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

Mr. GORTON. Are the yeas and nays ordered on my amendment?

The PRESIDING OFFICER. They are not.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. I move to table the amendment by the Senator from Washington, Mrs. MURRAY, and ask for the yeas and nays.

Mrs. MURRAY. Parliamentary inquiry.

The PRESIDING OFFICER. The Murray amendment is not pending. The Gorton amendment is the pending amendment.

Mr. SPECTER. I withdraw the motion and will renew it at the appropriate time.

#### VOTE ON AMENDMENT NO. 1805

The PRESIDING OFFICER. The question is on agreeing to the Gorton amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from Michigan (Mr. LEVIN), is absent due to a death in the family.

I further announce that if present and voting, the Senator from Michigan (Mr. LEVIN), would vote "no."

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 297 Leg.]

#### YEAS—53

Abraham	Cochran	Gorton
Allard	Collins	Gramm
Ashcroft	Coverdell	Grams
Bennett	Craig	Grassley
Bond	Crapo	Gregg
Brownback	DeWine	Hagel
Bunning	Domenici	Hatch
Burns	Enzi	Helms
Campbell	Fitzgerald	Hutchinson
Chafee	Frist	Hutchison

Inhofe  
Jeffords  
Kyl  
Lott  
Lugar  
Mack  
McConnell  
Murkowski

Nickles  
Roberts  
Roth  
Santorum  
Sessions  
Shelby  
Smith (NH)  
Smith (OR)

Snowe  
Specter  
Stevens  
Thomas  
Thompson  
Thurmond  
Warner

NAYS—44

Akaka  
Baucus  
Bayh  
Biden  
Bingaman  
Boxer  
Breaux  
Bryan  
Byrd  
Cleland  
Conrad  
Daschle  
Dodd  
Dorgan  
Durbin

Edwards  
Feingold  
Feinstein  
Graham  
Harkin  
Hollings  
Inouye  
Johnson  
Kennedy  
Kerrey  
Kerry  
Kohl  
Landrieu  
Lautenberg  
Leahy

Lieberman  
Lincoln  
Mikulski  
Moynihan  
Murray  
Reed  
Reid  
Robb  
Rockefeller  
Sarbanes  
Schumer  
Torricelli  
Wellstone  
Wyden

NAYS—45

Akaka  
Baucus  
Bayh  
Biden  
Bingaman  
Boxer  
Breaux  
Bryan  
Byrd  
Cleland  
Conrad  
Daschle  
Dodd  
Dorgan  
Durbin

Edwards  
Feingold  
Feinstein  
Graham  
Harkin  
Hollings  
Inouye  
Johnson  
Kennedy  
Kerrey  
Kerry  
Kohl  
Landrieu  
Lautenberg  
Leahy

Lieberman  
Lincoln  
Mikulski  
Moynihan  
Murray  
Reed  
Reid  
Robb  
Rockefeller  
Sarbanes  
Schumer  
Torricelli  
Voivovich  
Wellstone  
Wyden

NOT VOTING—2

Levin  
McCain

Levin  
McCain

The amendment (No. 1805) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mr. COVERDELL. I move to lay it on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1804

The PRESIDING OFFICER. The question is on agreeing to the Murray amendment.

Mr. SPECTER. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Murray amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Michigan (Mr. LEVIN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN) would vote "no."

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—54

Abraham  
Allard  
Ashcroft  
Bennett  
Bond  
Brownback  
Bunning  
Burns  
Campbell  
Chafee  
Cochran  
Collins  
Coverdell  
Craig  
Crapo  
DeWine  
Domenici  
Enzi

Fitzgerald  
Frist  
Gorton  
Gramm  
Grams  
Grassley  
Gregg  
Hagel  
Hatch  
Helms  
Hutchinson  
Hutchison  
Inhofe  
Jeffords  
Kyl  
Lott  
Lugar  
Mack

McConnell  
Murkowski  
Nickles  
Roberts  
Roth  
Santorum  
Sessions  
Shelby  
Smith (NH)  
Smith (OR)  
Snowe  
Specter  
Stevens  
Thomas  
Thompson  
Thurmond  
Voivovich  
Warner

The motion was agreed to.  
Mr. REID. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1807

(Purpose: To require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. BOXER, and Mr. KENNEDY, proposes an amendment numbered 1807.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. REID. Mr. President, I offer this amendment on behalf of the Senator from Nevada, Mrs. BOXER, and Senator KENNEDY.

A woman by the name of Karen Daly was stuck by a contaminated needle while working as an emergency room nurse in Massachusetts. As a result of her being inadvertently, accidentally stuck with a needle she was using on a patient, she was infected with both HIV and hepatitis C. She had worked as a nurse for 25 years. She, of course, can no longer work as a nurse. She loved her job. She has become, I believe, the Nation's most powerful advocate for our need to do something to prevent people from being accidentally stuck with needles from which they become sick.

Her story is really heart-rending. She says:

I can't describe for you how that one moment—the moment when I reached my gloved hand over a needle box to dispose of the needle I had used to draw blood—has drastically changed my life. Since January of this year, I have had to come to terms with the fact that I am infected with not one but two life-threatening diseases.

The tragic part of this story is, like Karen, so many other people could have had this accidental stick prevented. Karen Daly is one of 800,000 accidental sticks every year.

In Reno, NV, there is a woman by the name of Lisa Black, a 21-year-old registered nurse, a single mother of two, who has also learned the devastating impact of a needle stick. In October of 1997, 2 years ago, she was nursing a man who was in the terminal stages of AIDS when a needle containing his blood punctured her skin. Today, she is infected with hepatitis C and HIV. She takes 22 pills a day to keep her HIV infection from progressing to full-blown AIDS and to delay the effects of hepatitis C which is an incurable liver disease.

Lisa Black's needle stick could have been prevented if hospitals had widespread use of safe needles and needleless devices. I repeat, 800,000 needlesticks and sharps injuries each year. That is more than is really imaginable, but it is true.

There are pages and pages of incidents I could report of people who are stuck with these needles. The nursing profession is mostly women, so most of the people who are injured are women.

I will talk about a couple of others.

Beth Anne. She graduated with a nursing degree less than a year before she got hurt. She says:

Life for me was just starting. Having graduated from college that year, I had planned to specialize in critical care, emergency services, and flight nursing. I was engaged to a wonderful and supportive engineer whom I had met when we were students on the same university campus. We were planning our wedding. Suddenly, everything seemed uncontrollable. The illness and the response from my employer seemed out of my control. . . . The severity of the illness threatened my life. . . . Wedding plans were postponed indefinitely.

Here is how she describes her injury:

I pulled the needle out. As the needle tip cleared the skin, the patient swiped at my right arm, sending the needle into my left hand. "I forgot about the shot," the patient said. "I thought it was a mosquito biting at my hip."

Beth Anne says:

The injury I sustained is now preventable. . . . I injected the needle into her hip with my right hand, aspirated to assure placement, and pushed the plunger. The patient did not flinch. I pulled the needle out. As the needle tip cleared the skin, the patient swiped at my right arm, sending the needle into my left hand. "I forgot about the shot," the patient said. "I thought it was a mosquito biting at my hip." There [are] now syringes that automatically retract the needle into the syringe before the syringe is pulled away from the patient's skin. . . . The cost difference between this safe syringe and the one that infected [this lady] is less than the cost of a postage stamp. The cheaper syringe has cost [this woman and her employer] much more than this, in many ways.

She has been very sick and has been in and out of hospitals. Hundreds of these patients die each year from these injuries. Moreover, these statistics account for only reported injuries. The 800,000 are only those that are reported. There are a lot more that are not reported.

Lynda.

On September 9, . . . I sustained a needlestick while starting an intravenous

line at a small community hospital in Lancaster, Pa. I was a 23-year-old registered nurse working in the ICU.

The reason I go over these stories is these are not negligent nurses. They have not done anything wrong.

What happened is on one occasion there was a needle in a wastepaper basket. She stuck her hand in it. Needles are not supposed to be put there.

On another occasion, a patient, very sick, not thinking well—senile—swiped at a person's hand, thinking it was a mosquito.

In this instance, I repeat, she was a 23-year-old registered nurse.

At my hospital I had received in-depth training and had attended in-service sessions about safety and technique. Although I was complying with all recommended precautions at the time my needlestick occurred, these precautions were not enough to prevent the injury. While removing the needle from the patient's vein, he suddenly moved his arm and knocked mine. The motion forced the bloody exposed needle directly into my left palm. It punctured my latex gloves. . . .

It was here that my worst fears were confirmed. The patient had AIDS and was in the final stage of the disease.

She said:

I began the 1-year wait to discover if I had become infected. At 3 weeks after my needlestick I was sent to a family practitioner because of a rash, sore throat, and fever; I was prescribed some topical ointment for the rash and sent home.

. . . I received the results of my 6-month antibody test and got the most devastating news of my life: I was HIV positive. I do not think that words can accurately describe my emotions at this time. I felt suffocated, desperate, fearful, dirty, contaminated, and confused. Nothing in my education, on-the-job training, or critical care course could have prepared me for the experiences and emotion that lay ahead.

I have only recounted a few of these. Nurses badly need this legislation. There are all kinds of things that can be done to protect these people who are being stabbed inadvertently. There are needles that retract. Too many of our front-line health care workers contract, as I have indicated, these debilitating and often deadly diseases as a result of these on-the-job needlestick injuries.

Those at risk for needlestick or sharp injuries include anyone who handles blood, blood products, and biological samples, as well as housekeeping staff and those responsible for the disposal of contaminated materials.

According to the Centers for Disease Control, we have only a few of the reported sticks each year; 800,000 people have reported needlesticks and sharps injuries. There are many more who do not report.

We do not actually know the number of needlestick injuries.

Over 20 different diseases—including HIV, hepatitis B and C, and malaria—may be transmitted from just a speck of blood.

This amendment that has been offered would ensure that necessary tools—better information and better medical devices—are made available to

front-line health care workers in order to reduce injuries and deaths that result from these needlesticks.

What would my amendment do?

It would amend OSHA's—that is the Occupational Safety and Health Administration—blood-borne pathogens standard to require that employees use needleless systems and sharps with engineered sharps protections to prevent the spread of blood-borne pathogens in the workplace.

Second, create a sharps injury log that employers would keep containing detailed formation about these injuries that occur.

And finally, it would establish a new clearinghouse within the National Institute of Occupational Safety and Health, NIOSH, to collect data on engineered safety technology designed to help prevent the risk of needlesticks.

In the House of Representatives, this legislation is sponsored by 136 of their Members. Protecting the health and safety of our front-line health care workers should not be a partisan or political issue. We need something done.

I have been told that the chairman of the committee, the junior Senator from Vermont, is aware of the problem in this area and has indicated a willingness to work to come up with regulations that we can work with the administration on or legislation, if in fact that is necessary—which I think it is—to prevent these needlestick injuries—and they are preventable, and we as a body need to do something about it.

Mr. SPECTER. If the distinguished Senator would yield on that point?

Mr. REID. I am happy to yield.

Mr. SPECTER. Senator JEFFORDS would be willing to work with the Senator from Nevada on a bipartisan approach to needlestick prevention. I have not heard the issue broached at the hearings, but I will urge Senator JEFFORDS to include that in working with the Senator from Nevada. The issue poses a problem on the appropriations bill. This is authorization on an appropriations bill, and it is subject to our rule XVI which precludes that. But more fundamentally, it has not been aired with many of the interested parties. I am sympathetic to what the Senator from Nevada seeks to accomplish. I think there are problems. I found out about it for the first time yesterday, and I say that in no way to be critical. That is what happens here. When we take it up, we have heard rural hospitals would find it difficult in its present posture. I am told by CBO that there is a substantial cost figure involved. I don't cite it with any authority, but they are talking about \$50 million. I don't quite see that, but that has been reported to me.

I compliment Senator REID for calling attention to the issue, for focusing on it, for raising it and taking a big step in having consideration by the authorizing committee. I will urge Senator JEFFORDS to include hearings as well as a cooperative approach to try to work it out.

Mr. REID. I say to the manager of the bill, I appreciate his statement. I understand rule XVI. It was my initial idea because I think this is so important. Every nurse in America, every day they go to work, is concerned about whether or not they have a needlestick. Nurses all over America favor this. It was my original intention to move forward and see if we could get enough votes to surmount the problem with rule XVI.

I think we have the opportunity to do something on a bipartisan basis. I do not believe something this important should be done on a partisan basis. I think we should make this a bill both Democrats and Republicans support. I have spoken to the Senator from California, Mrs. BOXER, who has worked on this with me from the very beginning. She is someone who feels very strongly about this issue. I have spoken to the other sponsor of the legislation, Senator KENNEDY. They acknowledge the need for this and also the fact technology now exists to protect health care workers from needlesticks, but only 15 percent of those hospitals are using safer needle devices such as retractable needles.

Having said that, I am not going to call for a vote at this time. It is my understanding Senator JEFFORDS has agreed to do hearings. I am sure I can confirm that with a phone call with him. At this stage, what I am going to do is speak no more, talk to Senator JEFFORDS, and then I will withdraw my amendment.

Mr. SPECTER. Mr. President, I thank the Senator from Nevada for both focusing the attention of the Senate on this issue and for agreeing to an orderly process, which has been outlined, for expediting the processing of the bill by, as he says, withdrawing the amendment.

Mr. REID. I say to my friend in closing, I understand there might be a cost involved. CBO has indicated to the manager of the bill \$50 million. I think it would be a fraction of that, but we need not get into that today. For any one of these women I talked about today who have been inadvertently stabbed with one of these needles, their medical bills are huge. There isn't a single one of these women who doesn't have medical expenses less than \$100,000. When added up, it comes out to a tremendous amount of money that could be saved, notwithstanding the pain and suffering of these individuals and their families.

The PRESIDING OFFICER. Does the Senator withdraw the amendment?

Mr. REID. I am not going to withdraw the amendment at this time. I am going to talk to Senator JEFFORDS, make sure we will have a hearing sometime within the reasonable future. I have been advised by staff he has agreed to that, so I am sure there will be no problem.

I say to the Chair, I have no objection to my amendment being set aside and moving on to other business.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. SPECTER. Mr. President, on our sequencing, the distinguished Senator from New Hampshire, Mr. SMITH, has an amendment to offer at this time.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1808

(Purpose: Sense of the Senate regarding the Brooklyn Museum of Art)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 1808.

The amendment is as follows:

SEC. . . It is the sense of the Senate that the Conferees on H.R. 2466, the Department of Interior and Related Agencies Appropriations Act, shall include language prohibiting funds from being used for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit 'Sensation,' which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry."

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, first, I thank my colleague, the manager, Senator SPECTER, and the Democratic side for agreeing to my amendment. It is my understanding there is no opposition. I will be very brief in my remarks.

The amendment is very simple, as was read by the clerk. It says that unless the Brooklyn Museum of Art, about which we have been reading, cancels the exhibit Sensation, it will no longer receive Federal funds through the National Endowment of the Arts. An article in today's Washington Times describes this exhibit "called art"—I use that term loosely—as including a picture of the Virgin Mary decorated with elephant feces and pornographic pictures. It also contains a picture, a photograph of the Last Supper with a naked woman presiding, presumably, as Christ. It also depicts a sculpture of a man's head filled with the artist's frozen blood.

As I say, I use the term "artist" loosely. I am reading from the article. This is called "art."

Mr. President, we do live in troubled times. You would think with the constant barrage of violence and sex and death and blasphemy that maybe somehow everybody would get to the point where enough is enough. I think that is where I am with this particular piece of art, so-called. Yet this painting of the Virgin Mary covered in feces and surrounded by pornographic pictures is particularly shocking. It is irreverent; it is sacrilegious; and it is disgusting;

but it is not art, for goodness' sake. People can do what they want to do. We do have the first amendment. They can draw what they want to draw.

But I will say one thing: The taxpayers of the United States shouldn't fund this garbage. Everyone here knows how I feel about the funding for the National Endowment for the Arts. I had an amendment recently that lost overwhelmingly to defund the National Endowment for the Arts.

At that time, we were told all of these things were in the past. There were no more Mapplethorpes. And as someone spoke to me on the way in, we went from Christ on the crucifix immersed in urine to the Virgin Mary now with animal feces. That is where we have gone with the National Endowment for the Arts.

I think it is time we dismantled the National Endowment for the Arts because I am sick and tired of hearing about these so-called art projects. How many times do we have to hear the NEA has cleaned up its act, and how many times do we have to hear that it has not? That is the bottom line.

This amendment doesn't defund the National Endowment for the Arts. It says, very simply and very clearly, it is the sense of the Senate that the conferees on the Department of the Interior, where NEA is funded, shall include language prohibiting funds from being used for the Brooklyn Museum of Art, unless the museum immediately cancels the exhibit Sensation, which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry.

Basically, Mayor Giuliani has said the same thing, that he doesn't want any of these funds going to the museum for it either. I think if we are going to fund the arts, we owe it to the taxpayers to exercise discretion. The Brooklyn Museum of Art is upset that Mayor Giuliani is threatening to withdraw the \$7 million subsidy the museum gets from the city, but the mayor is right.

The people of New York City shouldn't have to spend their hard-earned tax dollars to pay for this trash, nor should the people of New Hampshire, or California, or Iowa, or Idaho, or any place else. Defenders of the NEA always say this is creativity. According to the promotions for this exhibit in New York, they have a warning poster outside the display in the museum that says: This exhibit causes "shock, vomiting, confusion, panic, and anxiety."

The Brooklyn Museum of Art has received just over the last 3 years at least \$500,000 worth of taxpayer dollars—at least. You could employ a lot of homeless veterans for \$500,000. You could take a lot of them off the streets for \$500,000.

If we are going to give money to museums, we ought not to include those that are this irresponsible. Give me that \$500,000, and I will find homeless

veterans in San Francisco, in Los Angeles, and Washington. Every day when I come to work, I see homeless veterans on grates in this city. Let me have that money, and I will get them off the grates. But I will be doggone if I am going to give it to the Brooklyn Museum of Art or any other museum with this kind of trash called "art." It is wrong.

Every time I take the floor and talk about it—and others before me, and Senator HELMS who is a leader on this—we always hear that they have cleaned up their act, it is not going to happen anymore, and we are not going to hear any more about these horror stories. But here we are with this money. We just passed it—\$99 million worth for the National Endowment for the Arts. I lost my amendment, and here goes some of that money right smack into the Museum of Art in Brooklyn.

If a student wants to say a prayer over his lunch or if a teacher holds a moment of silence, it is Government sponsorship of religion. Judge Roy Moore of Alabama could go to jail for putting the Ten Commandments on his wall because somehow we are afraid of the separation of church and state. But this kind of stuff can go on, and nobody stops it.

The ACLU liberals are all too willing to persecute people for legitimate religious expression if it takes place in a public building. Then they defend the desecration of the Virgin Mary and Jesus Christ and call it art? What is happening to this world? Can somebody figure this out?

We have a public museum, receiving hundreds of thousands of dollars of Federal taxpayer dollars, spending these dollars on religious bigotry. So the American taxpayer has to pay for art that degrades and blasphemes against their own religion. But if their child wants to say a prayer over lunch, we have to get the lawyers out. Welcome to America. It seems that anti-Catholic bigotry is coming back into vogue. Not only that, it is celebrated as art, and it gets Federal dollars to do it.

This guy needs a psychiatrist for putting this thing together. He doesn't need Federal money. You get publicity-craving artists who go to any length to create controversy. And he has it. I am giving him plenty of publicity. He is probably very happy. I will give him the publicity, but let's not give him the money. I imagine those who created this monstrosity are watching right now on C-SPAN and are cheering away: "There is SMITH out there giving us all this attention." Give him the attention, but let's take the money away.

It is not the so-called "artists" who are responsible. They are doing their job as they see fit. They should not do it at taxpayer expense. Those who run public museums ought to know better. We shouldn't have to hang parental warning signs on public art museums

saying that children under 17 shouldn't come in.

Mayor Giuliani gave the museum an opportunity to end this controversy by removing certain exhibits, and the museum rejected his offer. Let's reject the money. As far as I am concerned, this was a statement by the Brooklyn Museum that this is the kind of art they think is appropriate to fund with taxpayer dollars. Until they change their mind, I think the taxpayers' money would be better spent elsewhere. I would be happy to pick homeless veterans if somebody wants to give me the \$500,000 to do it.

Mr. President, I believe it is appropriate to ask for the yeas and nays.

We have an agreement on the amendment. So we don't need the yeas and nays. Is that correct?

Mr. SPECTER. That is correct.

Mr. SMITH of New Hampshire. I yield the floor, Mr. President, and I appreciate the cooperation of my colleagues.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. Mr. President, the Senator from New Hampshire has broached a great many complex issues in his presentation. The question on school prayer is one of the most complex constitutional issues the Supreme Court has faced. And I do not believe those analogies are particularly apt here. I am certainly opposed to religious bigotry in any form whatsoever. When you deal with the issue of restraints on art, again, there are complex first amendment questions.

I learned of the amendment earlier this afternoon and do not have a total grasp of the issues on this particular display at this particular museum.

This amendment, while it may be offered on this bill, under our rules is not germane to the bill on Labor-HHS. We have decided to accept the matter with no assurance as to how hard we will pursue it in the conference, to put it mildly. But in the interest of moving the bill along, I think the distinguished Senator from New Hampshire has made his point. I do not think it has become the law of the land. In the interest of moving this bill, not contesting it in a long debate and having a rollcall vote, which takes time, we will simply let the matter go through on a voice vote, as Senator SMITH suggested.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1808) was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have an amendment I would like to send to the desk and ask for its immediate consideration. I understand we may be in virtual agreement on it. I will call for the question after the amendment is read.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

Mrs. BOXER. Mr. President, I sent the amendment to the desk and asked for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. SPECTER. Mr. President, there is an objection until we see the amendment by the Senator from California. The issue is now on whether we are going to agree to set aside. I am not prepared to agree to that until we have had an opportunity to study the amendment. We have not seen it until this moment. We need to see what the amendment says. We have no objection to having the clerk report the amendment, but we are not prepared to set aside anything to take up the amendment at this time, but we will do so promptly after we have a chance to look at it.

Mrs. BOXER. It is my understanding that happened an hour ago. We have been waiting to offer it.

Mr. SPECTER. Is the Senator from California saying she thinks we had it an hour ago?

Mrs. BOXER. That is correct.

Mr. SPECTER. As of 5 minutes ago, I was told we didn't have it. We can straighten this out in the course of a few minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant 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. What is the regular order?

The PRESIDING OFFICER. The amendment of Senator REID from Nevada.

Mr. GREGG. I ask unanimous consent the Reid amendment be set aside.

Mrs. BOXER. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. MOYNIHAN. 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. MOYNIHAN. Mr. President, I ask unanimous consent that I might speak for up to 3 minutes as in morning business, and that at the conclusion of my remarks the quorum call be reinstated.

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

Mr. MOYNIHAN. Mr. President, I rise to the most urgent of matters about which I can be succinct. There has arisen in New York City the question of the propriety of a museum exhibit at the Brooklyn Museum. The city government has contested this, and the museums of the city have, in turn, raised objections.

Floyd Abrams, who is perhaps the most significant first amendment lawyer of our age—I should correct myself to say he is the most significant first amendment lawyer of our age—is taking this case to a Federal district court, urging that a first amendment issue is involved and that the proposed measures of the City of New York are in violation of the first amendment and cannot be allowed to stand.

In that circumstance, I should think any Member of this body ought to defer to the courts before which this issue is now being placed. Clearly this amendment by Senator SMITH will not become law.

In that regard, I ask unanimous consent that an editorial which appeared this morning in the New York Times be printed in the RECORD.

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

[From the New York Times, Sept. 29, 1999]

THE MUSEUM'S COURAGEOUS STAND

The Brooklyn Museum of Art announced yesterday that it will stand by its plans to open the exhibition called "Sensation." It also began litigation to prevent Mayor Rudolph Giuliani from fulfilling his threat to withhold financing and possibly take over the museum board. This is unequivocally the right action, one that deserves the support of all of New York's cultural institutions. The Mayor's retaliatory announcement that the city will immediately end its subsidy of the museum is an authoritarian overreaction that deserves a swift hearing and repudiation by the courts.

Meanwhile, the heads of many of New York City's most important cultural institutions, public and private, have also released a joint letter to Mayor Giuliani. The letter, which "respectfully" urges the Mayor to reconsider his threat, is signed by people whose respect, in this instance, seems partly forced by the financial hammer the Mayor wields and by the aggressive personality that leads them to believe he might use it, on the Brooklyn Museum if not necessarily on their own institutions.

The joint letter makes all the right points. The Mayor's threatened actions, including taking over the board of the Brooklyn Museum, would indeed be a dangerous precedent. Even a mayor who is not busy playing constituent politics in a Senate race, the way Mayor Giuliani is, might find it tempting to intervene in cultural policy from time to time. But one of the cardinal realities of New York City is that this is a place where artistic freedom thrives, where cultural experimentation and transgression are not threats to civility but part of the texture and meaning of daily life. The letter to the Mayor speaks of the chilling effect his actions against the Brooklyn Museum might have. That is an understatement. A threat as blunt and unreasoned as the one the Mayor has leveled at the Brooklyn Museum promises to begin a new Ice Age in New York's cultural affairs, at least until Mr. Giuliani leaves office.

The museum directors who have signed the joint letter have made a politic appeal to Mr. Giuliani. It was not the forum in which to lecture him on the nature of artistic freedom and the subtleties of public financing of the arts. But no matter how you assess the art in "Sensation" or the motives of the Brooklyn Museum or even the fatigue that the thought of another skirmish in the culture war engenders—a rock-hard principle remains. Public financing of the arts cannot be a pretext

for government censorship, not on behalf of Roman Catholics or anyone else. The Brooklyn Museum and its lawyer, Floyd Abrams, have found a fittingly aggressive way to make this point in the face of Mr. Giuliani's unremitting attack. Their suit argues that no one can be punished for exercising First Amendment rights. The courts should respond by affirming that those rights belong to the museum and the people of New York no matter how deeply the Mayor is mired in constitutional error.

Mr. MOYNIHAN. Now I request, as I believe I said, the quorum call be reinstated.

The PRESIDING OFFICER. The Senator has suggested the absence of a quorum. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent the Reid amendment be laid aside.

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

AMENDMENT NO. 1809

(Purpose: To increase funds for the 21st century community learning centers program)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. DURBIN, Mr. KENNEDY, Mr. KOHL, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES, proposes an amendment numbered 1809.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title III, add the following:

21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), \$200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000-2001.

Mrs. BOXER. Mr. President, simply put, what we do is we add another \$200 million to afterschool programs. We believe it is very important to do this. I have a number of cosponsors.

This would take the funding to the President's requested level of \$600 million. It would enable us to take care of another 370,000 children.

I ask that the Senate support this.

AMENDMENT NO. 1810 TO AMENDMENT NO. 1809

(Purpose: To require that certain appropriated funds be used to carry out part B of the Individuals with Disabilities Education Act)

Mr. GREGG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1810 to Amendment No. 1809.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment proposed strike the “,” and insert the following: “(which funds shall, notwithstanding any other provision of this title, be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part, in lieu of being used to carry out part I of title X)”.

Mr. GREGG. Mr. President, this is a second-degree amendment to the amendment offered by the Senator from California. What this amendment says is, rather than taking the \$200 million, which is new money, brand new money, to be advance funded into next year, and therefore it would be a credit against the 2001 budget—rather than taking that money and putting it into a program which the Senator from Pennsylvania has already increased by \$200 million, and which has been aggressively funded, before we start out with an additional doubling of that amount, \$200 million, that we begin the process of fulfilling our commitment to the special ed funds.

As I have said almost ad nauseam now on this floor, the Federal Government agreed to fund special education, when the bill was originally passed, at 40 percent of the cost of special ed. Unfortunately, as of about 4 years ago, the percentage of the cost of special ed which the Federal Government paid was only 6 percent. Over the last 3 years, as a result of the efforts of the Senator from Pennsylvania, the majority leader, and a number of other Senators, that funding has increased dramatically. In fact, the funding for special education in this bill is up by almost \$700 million over the last 4 years. If you include this bill, the funding will be up more than 100 percent over that time period.

But there is still a huge gap between what the Federal Government committed to do in the area of special education and what we are presently doing. Thus, before we begin down the road of a dramatic increase on top of another dramatic increase in funding for the afterschool programs, recognizing there is already \$200 million in this bill for afterschool programs, an extremely generous commitment made by the Senator from Pennsylvania and by the majority party, I believe we should take any additional funds that are going to go on top of that \$200 million and put them into the special ed accounts, which is where the local schools really need the support.

It may be when the local school districts get this additional \$200 million

for special ed, which will free up \$200 million at the local district, that the local school district may make the decision with their freed up money, which was local tax dollars, to do an afterschool program. That may be very well what they decide to do with that. They also may decide to add a new teacher so they can address the class size issue. Or they may decide to put in a computer lab. Or they may decide to put in a foreign language program. Or they may decide to buy books for the library. But it will be the local school district which will have that flexibility, because they will have had the Federal Government at least add \$200 million more into the effort to fulfill the Federal Government's role in special ed.

This is a very important issue. It is one which I have talked about, as I said, innumerable times on this floor and raise again with this second-degree amendment. I think the issue is prioritization.

If we are going to start throwing money or putting a great deal of additional money into the Federal effort in education, my view is the first effort, the first priority is that we fulfill the obligations and commitments which are already on the books which the Federal Government has made to the local school districts. The biggest commitment we made to the local school districts which we presently do not fund is the commitment in special education.

One can go to almost any school district in this country and ask them what the biggest problem is they have in the Federal Government's role in education, and they will tell you the Federal Government refuses to fund its fair share of the cost of the special education child.

The effect of that, of course, is we pit the special education child against parents of children who do not have special education children in an unfair way. It has disadvantaged the parents and the special ed child because they are now competing for local resources which should be used for general education activities because those local resources have to be used to replace the Federal obligation which is not being fulfilled.

This amendment is very simple. It says before we start another \$200 million on top of \$200 million for a new program, a program which is aggressively funded already under this bill, let's do what we have already put on the books as our commitment, which is fund special ed with any additional money.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the Gregg amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I thank the Chair. Mr. President, I commend our friend and colleague from California, Senator BOXER, for advancing this very important amendment. It is obviously an improvement over what the House of Representatives did, and it is an improvement over the Senate bill.

The Senate bill falls short in some important areas in which I believe we should address if we are going to advance academic achievement and accomplishment. We attempted, under the outstanding leadership of Senator MURRAY, to help communities reduce class size and now with Senator BOXER's amendment, we want to help communities expand afterschool programs.

Tomorrow, there will be an effort by Senator HARKIN and Senator ROBB to address school modernization and construction, and to help more communities improve the quality of teachers entering the classroom.

I commend Senator BOXER for her leadership of the issue of after-school programs. The 21st Century Community Learning Center program has been vastly popular. Over 2,000 communities applied, but there was only enough funding to grant 184 awards.

We all have our own experiences with afterschool programs. We have an excellent program in the city of Boston under the leadership of Mayor Menino. It is not only an afterschool program, it is also a tutorial program for children. Most of the afterschool programs have tutors working with children to help them do their homework in the afternoon, so that in the evening time, the children can spend quality time with their parents. That has been enormously important.

Secondly, there have been other programs initiated outside the direct academic programs involved in school such as photography programs and graphic art programs where members of the business community work with children to enhance their interests in a variety of subject matters they might not be exposed to and provide training in specific skills.

What every educator involved in afterschool programs will tell you is, with an effective afterschool program, we find a substantial improvement in the academic achievement and accomplishment of these students.

In Georgia, over 70 percent of students, parents, and teachers agree that children receive helpful tutoring through what they call the 3 o'clock Project, a statewide network of afterschool programs. Over 60 percent of the students, parents, and teachers agree that children completed more of their homework and homework was better prepared because of their participation in the program, and academic achievement and accomplishments have been enhanced.

What we have seen over the course of the day under Senator MURRAY and now under Senator BOXER are amend-

ments to support proven effective programs, programs which have demonstrated that they improve academic achievement and accomplishment. We simply want to target resources to these successful programs. In Manchester, NH, at the Beach Street School, the afterschool program improved reading and math scores of the students. In reading, the percentage of students scoring at or above the basic level increased from 4 percent in 1994 to one-third, 33 percent, in 1997. In math, the percentage of students scoring at the basic level increased from 29 percent to 60 percent. In addition, students participating in the afterschool program avoid retention in grade or being placed in special education.

There will be those who will say: That is interesting, but they made that decision at the local level to do that. The federal government didn't decide that.

If communities want to take advantage of this program, they can apply and compete for funding. No one is forcing any particular community to take part in this program. No one is demanding that every school district in America accept it. But what we are saying is that there will be additional resources for communities across this country to invest in after-school programs that are improving students' academic achievement and accomplishment.

Afterschool programs also help reduce juvenile crime, juvenile violence, and gang activity, generally preventing adverse behavior of students.

What we see in this chart is that juveniles are most likely to commit violent crimes after school. As this chart shows, which is a Department of Justice chart, the time after school, between 2 p.m. and 8 p.m., is when youth are most likely to commit or be victims of juvenile crime.

If you talk to our Police Commissioner Evans in Massachusetts, he will tell you one of the best ways of dealing with violent juveniles and with the gang problems we have in my city of Boston is effective afterschool programs. We know anywhere between 6 and 9 million children are at home unsupervised every single day, every afternoon between the ages of 9 and 15.

We are trying to offer children opportunities for gainful activities to, one, enhance their academic achievement and accomplishment; and, two, reduce the pressures that so many young people are under that lead to bad and negative behavior.

This amendment, again, is talking about an additional \$200 million in a total budget of \$1.700 trillion—\$1.700 trillion, and we are talking about adding just \$200 million. A nation's budget is a reflection of its priorities, and we believe that in after-school programs should get high priority.

Finally, we must do far better than the House bill in after-school programs, where they came in \$300 million below the President's request, and in

many other education priorities that the House drastically cut. We want to raise the funding levels of the Senate bill so that Members going to conference will be able to report out a strong after school program.

I thank the Senator from California, again, for making such a compelling case for increased investments in afterschool programs. She has been involved in this issue for years, and she is our real leader in the Senate on this question. It is a pleasure to be a cosponsor of the amendment. I thank her for her courtesy in permitting me to speak at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, after consulting with the majority leader, if we could come to an agreement on our proceedings for the remainder of the evening and tomorrow morning, I would be in a position to announce, on behalf of the majority leader, that there would be no more votes tonight.

Would the Senator from California and the Senator from New Hampshire be willing to enter into a time agreement to conclude this evening and to have two votes scheduled tomorrow morning, first on the Gregg amendment and then on the Boxer amendment?

If I could have the attention of the Senator from California.

Mrs. BOXER. I was trying to get a full and complete answer for you, I say to my friend. We are hopeful we will have an agreement. We are waiting to see the final form of that agreement.

I would recommend that perhaps the Senator from Massachusetts, Mr. KERRY, could make some comments. And then I have a feeling we will then have reached an agreement. I am sure he would pause in his remarks to accommodate our making such an announcement. I do not think we have a problem. I think we are going to resolve this very well.

Mr. SPECTER. Mr. President, so if I may direct the question through the Chair to the Senator from California, the Senator is not prepared now to enter into a time agreement?

Mrs. BOXER. Correct, because I have not seen the actual time agreement. I am waiting to see it.

Mr. SPECTER. We have not drafted it yet. It is my suggestion we agree to, say, 45 minutes equally divided to conclude the debate on the Gregg amendment and on the Boxer amendment, and to agree to a half hour tomorrow morning, again equally divided, and to vote at 10 o'clock on the Gregg amendment and then on the Boxer amendment.

Mr. GREGG. If the Senator would yield, I am not sure why we would vote on the Boxer amendment if the Gregg amendment survived.

Mrs. BOXER. A Boxer second degree. So we can have a straight up-or-down vote.

Mr. SPECTER. We understand if the Gregg amendment prevails, there would be a second-degree amendment by the Senator from California—another Boxer amendment; the same amendment—with a 2-minute speech, and then have a second vote tomorrow morning shortly after 10, giving the Senator from California a vote on her issue.

Mrs. BOXER. Yes. I would say, with the clear understanding it is a Boxer second degree to Gregg, that is quite acceptable. Two minutes to a side would be good.

Mr. SPECTER. If I may propound the unanimous consent agreement.

I ask unanimous consent that the debate this evening on the Boxer amendment and on the Gregg amendment be concluded in 45 minutes, with the time equally divided, and that tomorrow morning the debate resume at 9:30, again equally divided, until 10 o'clock, when there is to be a vote on the Gregg amendment; and if the Gregg amendment prevails, then the Senator from California can offer a second second-degree amendment—which is her current amendment—with 2 minutes of debate, and the vote to follow shortly after 10 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object.

Mr. GREGG. Reserving the right to object. In fact, I would object to that. I am not sure who else may want to second degree my amendment. I am not sure what the proper order will be for recognition relative to second degreeing my amendment.

Mrs. BOXER. What the Senator is trying to do is reach an agreement. I would reach an agreement if I knew we would have a vote on my second degree. If you object to Senator SPECTER trying to be accommodating, that is your choice.

Mr. GREGG. That is exactly what I am doing at this time. So I suggest we go forward with Senator KERRY and discuss this further.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Would the Senator from New Hampshire repeat the last statement?

Mr. GREGG. I would suggest that we allow Senator KERRY to speak and then we can discuss this.

Mr. SPECTER. Let me make one more effort.

I have since been handed a document in writing. On behalf of the leader, I ask unanimous consent that a vote occur on or in relation to the pending Gregg amendment at 10 a.m. on Thursday, and immediately following that vote, if agreed to, Senator BOXER be recognized to offer a second degree, the text of which is amendment No. 1809, and there be 2 minutes for debate to be equally divided prior to a vote in relation to the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I object to that at this time, until I have a chance to talk to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Objection is heard.

The Senator from Massachusetts.  
Mr. SPECTER. Will the Senator yield?

Mr. KERRY. I will yield.

Mr. SPECTER. For purposes of a unanimous consent request, so we can allow Senators to go home, I think we have a formula worked out.

On behalf of the leader, I ask unanimous consent that a vote occur on or in relation to the pending Gregg amendment at 10 a.m. on Thursday; that immediately following that vote, if agreed to, Senator BOXER be recognized to offer a second degree, the text of which is amendment No. 1809, and there be 2 minutes for debate to be equally divided prior to a vote in relation to the Boxer amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Further, I ask unanimous consent that the debate on the pending Gregg and Boxer amendments be concluded within 45 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I want to ask my friend how much more time he will take so I will know how much time I have to speak on this.

Mr. KERRY. Mr. President, I didn't understand there was a time limitation on this component.

Mrs. BOXER. Forty-five minutes.

Mr. KERRY. Reserving the right to object, I reserved the right to object previously when the time limit was in. I had understood with the second offering there was no time limit. I will object to a restraint at this time on the time.

Mrs. BOXER. May I ask my colleague, tell us how much time you need, and then we will adjust accordingly.

Mr. KERRY. If I could say to my good friend from California, I am not speaking from prepared text. I would like to just speak my mind.

Mrs. BOXER. Do you think about 15 minutes would do it?

Mr. KERRY. I am sure I could complete it in that period of time, and I don't want to shortchange the Senator because it is her amendment.

Mrs. BOXER. If I could ask my friend if he will allow us to add a little bit more time and have an hour equally divided, after the Senator finishes?

Mr. SPECTER. I will accept that.

Mr. KERRY. I thank the Senator from California.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, in light of that agreement, I am authorized to say on behalf of the majority leader that there will be no further votes this evening. The next votes will

occur in back-to-back sequence at 10 a.m. on Thursday. The Senate will reconvene at 9:30 a.m. on Thursday, with an additional 30 minutes for closing debate.

Mr. KERRY. Mr. President, I rise in support of the amendment from the Senator from California. I say to my colleague from Pennsylvania that if at some point in time he needs to proceed forward on a unanimous consent request, I would be happy to accommodate.

Mr. President, the amendment of the Senator from California is an extraordinarily important amendment for a lot of different reasons. I should like to share some thoughts about that with my colleagues in the Senate.

It is perhaps a propitious moment for the Senator from Oregon to assume the chair because he has joined me in an effort to try to change this very debate that we are having right now on the floor of the Senate, where we have already had one series of votes that have been predicated essentially on the same old breakdown of communication with respect to how we are going to deal with education. It was a pretty much party-line vote. It was a vote that reflected an effort to try to block grant money so States could have adequate flexibility to be able to make choices, but on the other hand it did not target it sufficiently and clearly enough for those on the Democrat side, and there was no real meeting of the minds.

So once again, the Senate—on the subject most important to Americans—talked past each other, and we wound up with a fairly rote, very clearly partisan vote that takes us nowhere.

The Presiding Officer, the Senator from Oregon, and I have obviously tried to suggest to our colleagues that there is a different way to approach this question of education, and that, in fact, most of us are not that far off. We are sort of fighting at the margins, when the real fight is in the center over how best our children can be educated.

I do not believe that it is impossible for us, as Members of this great deliberative institution, to be able to come to agreement on things that are best for children.

We are not trying to build a system for adults. We are not trying to perpetuate a system that serves the administrators or just the teachers or just the principals; it is the children this is about. It seems to a lot of us here in the Senate that there are some better ways to come at that.

The specific amendment of the Senator from California is to fund the afterschool programs to the level that the President requested.

I find that there is a great circularity in the arguments of our colleagues on the Senate floor that somehow misses the mark, even when you are talking about this amendment of the Senator from California.

We often hear from colleagues: Well, we want the local communities to be

able to do these things and make up their minds about them. The fact is, local communities all across this country have made up their minds about afterschool programs.

I think it is about 95 percent of the local communities in this country that would like to put an afternoon program into their school structures, but they cannot. Here it is: 92 percent of Americans favor afterschool programs. I am saying that I believe if you ask the administrators in any particular school district, they will leap at an afterschool program. Give us an afterschool program. They plead for it. Their teachers plead for it. Why? Because kids are going home from school to apartments or houses where there is no adult. As an alternative to the afterschool program, they turn on the TV, if they are lucky, if they have a TV. Other kids are hanging around in a courtyard with other kids playing various kinds of games, often getting into trouble, sometimes being sucked into gangs or other kinds of activities.

The fact is, most mayors in the country, most school boards in the country are trying to put together afterschool programs. So what is the hangup? The hangup is, far too many urban centers and rural settings in America simply can't afford to put in the programs because their schools are paid for from the property tax. The schools are set up, as schools were originally designed, to essentially follow the old agrarian pattern. You go to school early in the morning; you get out in the afternoon; you work in the fields. That was the original concept.

That is not what happens in America anymore. Every day we turn out 5 million of our children who go back to homes and apartments where there is no adult, sometimes until 6 or 7 in the evening. About 8 or 10 years ago, the Carnegie Foundation told us the hours of 2 to 6 in the evening are the hours when most children get into trouble. They get into trouble with the law or they get into trouble with value systems, when they do things such as having children that children are not supposed to have, age 13, 14, 15. Most of the unwanted pregnancies in this country, according to the Carnegie Foundation study, occur during those hours when parents aren't there. Then we wind up with a whole host of subsidiary problems as a consequence of that.

Our colleagues are absolutely correct, at least in this Senator's judgment. We don't want the Federal Government telling us precisely what to do. We don't need the Federal Government telling us what kind of afterschool program works best. But if in countless numbers of communities they simply can't afford to even do what they want to do, what they think is best, do we not have a fundamental responsibility to try to step up and help to bridge that gap? Hasn't that been a traditional effort of the Federal Government throughout the years in the Federal, State, and local partnership? The answer is resoundingly, yes.

For years, countless lives in the United States of America have been made different and better, and we have fulfilled the promise of opportunity in this country because the Federal Government was prepared to help local communities be able to make ends meet. Countless communities in this country can't do it. Every one of us has a community like that in our State.

We have too many of them in Massachusetts. You can go to Lowell, Lawrence, New Bedford, Fall River, Holyoke, Springfield, countless other cities, old urban centers; they don't have the tax base. They can't raise the property tax. They can't and don't want to properly raise taxes on their citizens. Yet here we are with a surplus, with a \$1.7 trillion budget, with no greater priority in our country than raising the standards of education, and we are struggling over \$200 million.

Again, we hear from our colleagues on the other side of the aisle: Well, a lot of these problems that the Democrats want to try to cure are problems that families ought to take care of or that responsible children ought to somehow be able to solve by themselves. Once again, that is a circular argument. Every single one of us in this Chamber knows that almost 50 percent of the children of this Nation are being raised in single parent situations. Because we properly passed a tough welfare bill a few years ago that changes the culture in this country about work, we now require parents, single parents, to be working, and we should. But we have to understand the consequences of that.

The other part of the circular argument is that we are always hearing from people on the Senate floor about personal responsibility and the capacity of local communities to solve these problems. If you analyze the reality of that situation, based on what I said about the change in the American family, the requirements of a single parent to be working and the lack of adequate child care, the lack of adequate safety places for children, the fact is the absence of afterschool programs, in fact, winds up costing us a huge amount of money. Children who are unsupervised wind up not having their homework done, getting into trouble, being less capable of learning, maybe repeating grades, certainly some of them entering that zone of chronic capacity for unemployment. In fact, we wind up raising the cost to the taxpayer in the long run for the lack of willingness to invest in the short run.

I guarantee my colleagues that what I said is not rhetoric. We can go to countless afterschool programs in this country and talk to the students who are in those programs. They will tell us the difference it makes in their lives.

Two weeks ago I went to Lawrence, MA, to a program called Accept the Challenge. This is an afterschool program where they go into the high school and interview kids. They find kids who want to accept the challenge

of going into this afterschool program, which is tough. It is rigorous.

I will tell you something. I met the brightest group of kids who want to achieve, who want to go to college, who want to live by rules, who are gaining enormously in their educational capacity as a result of their participation in the program.

What was interesting is, I even heard from one kid—a Hispanic child—who said he was always talking Spanish in school because they had a bilingual program. He hung around with his friends, he then went home, they spoke Spanish at home, and he wasn't learning English. But he went into the Accept the Challenge Program, an afterschool program. It required that he speak English, interacting with the other students, learning in English. The result was that he himself said: I am proud now, the way I can speak English, and I am far better equipped in my capacity to go beyond, to college, to take the SATs, and to get a good job.

So there you are—an afterschool program providing the kind of structure that kids need. Ask any child psychologist, or any psychiatrist, or any child interventionist. Every single one of them will tell you, as most wise parents will tell you, children need structure, children need a certain amount of guidance.

We historically have always looked to college as the first moment when kids kind of break away and begin to learn how to live without their kind of structure. Some kids can make it sooner. Some kids can go to college. It is extraordinarily hard in the first moments of college, without the structure, to be able to make ends meet. Some kids flounder in that atmosphere. Some kids go to college with more structure, or less structure.

Why is it, when we know this so well, that we adults allow our school system to institutionalize the lack of structure in children's lives by letting them go home and letting them out of school knowing they are going to come to school the next day without their homework done and without the capacity to be able to meet the standards of the school? I don't understand it. I don't think most Americans understand the reluctance for accountability.

Here we are debating whether or not we are going to put \$200 million into afterschool programs that provide structure and guidance and safety for children—safety; I underscore that. An awful lot of kids in this country go back to situations after school where it is chaos; you couldn't do your homework if you were trying to.

We ought to be more concerned about that. We have an opportunity to be. General Colin Powell—there is not a more respected figure in the United States—is struggling trying to make what is called "America's promise" a reality, struggling to try to leverage the private sector's capacity to help

make a difference in the lives of our children.

You can go into countless numbers of those efforts, whether it is a boys and girls club, Big Brother, Big Sister, YMCA, YWCA, the City Year programs, or countless numbers of programs, and you will find the kids who are in them are thriving and the kids who are outside of them are generally challenged and having difficulties or where you find the kids who are having difficulties, they tend to be the kids who are outside of it.

In countless numbers of these programs, there are waiting lists that are absolutely mind-boggling, with hundreds of kids waiting to get in with the few kids who are on the inside. And the question is, Why? Are we such a poor country that we don't have the ability to offer sanctuary in afterschool programs to every child who needs it or deserves it?

That ought to be the goal of the Senate. We ought to declare that every single community in this country, with a combination of corporate, local, State, and Federal effort, is going to be able to provide sanctuary, safety, and structure for children in an afterschool setting. That is the great challenge of the Nation.

We are going to have a vote tomorrow morning where we are going to have people come to the floor and kind of play a game. They are going to suggest, see, we ought to really fully fund IDEA so we take care of that program the Federal Government already mandated, and we are going to strip it away from here.

I agree. We ought to fully fund IDEA. We ought to vote if we are really going to have a first-class education system in this Nation. Frankly, I think we can do both. But the question will be put to the Senate ultimately at some point in time as to whether or not we are prepared to do that or whether we just want to play these games that go back and forth and in the end do not ultimately reform our education system.

Mr. President, in closing, let me say I am convinced there is a capacity to build a bipartisan compromise on education. I think we all have to begin to look for a different way of doing that from that which we have allowed ourselves to embrace over the course of these past years. If all we do is come to the Senate floor and debate whether or not we are going to have vouchers versus school construction or one particular program versus another, then I think we are going to be guilty of perpetuating the crisis of education in America.

If, on the other hand, we try to be holistic—looking at the whole question of the education system, respecting the capacity and desire of local communities to be able to make their decisions, but empowering them to be able to do so by leveraging the specific kinds of things they would like to do by placing large sums of money at their disposal to be able to do it with a

strict accountability for the back end—not for the micromanagement of how they go about doing it but to the back end—that we measure at the end whether or not whatever route they choose to undertake is in fact educating their children when measured against the rest of the children in the country, that then we could begin to have accountability in those schools that are failing, I believe we could marry the best programs of what the Republican Party has offered in their “Straight A’s” and the business of what the Democrats are trying to achieve in the various proposals we have put forward.

I hope that ultimately the Senate is going to come to recognize that that is the only way we are going to solve this problem.

You could give a voucher to every kid in America. But the bottom line is, they have nowhere to go. Take that voucher. Where are you going to go? There are limited seats at the parochial table. There are limited charter seats. There are clearly limited private seats because a lot of private schools don't want 90 percent of the kids who go to the public school system.

Ultimately, there is only one way to fix the education system of America. That is to fix the place where 90 percent of America's children go to school; that is, the public school system.

Every time we have something like a voucher program come along, we are basically offering America a kind of “Schindler's List” for schoolchildren. We are saying to them: If you have money, you can buy your way out of your predicament, but we are only going to take so many of you. For the rest of you, you are stuck.

That is what happened. Some may not think the analogy is accurate. But I will tell you, for those kids stuck in some of those schools where they don't have opportunity and they don't have progress, it is a kind of living death because they are condemned to the lower standards of our economy, to the lower opportunities, to the lower pay scales, and in many cases, unfortunately, because of other things that happen to them, to prisons or even sometimes to violent death in the streets of this country.

We can do a lot better than that. It is very clear to me that a country that produced generations that won World War I and World War II, that took us through the remarkable transition of the cold war—most of those leaders coming out of public schools and most of this country's core citizenry coming out of public schools is evidence of what those schools can be. That evidence is everywhere in this Nation. We have great public schools in places where people are lucky enough to have broken out or to have put together the ingredients of that great school.

The Senate needs to embrace those things that have allowed those schools to be what they wanted to be, to adopt the best practices of any other school

in the country and to allow them to have the kinds of accountability that will lift the entire system. That is the only debate we ought to be having—not saving part of it but saving all of it.

What the Senator from California is trying to do with this amendment is to recognize one critical component of that, one of the most important components. It is absolutely vital.

There are four critical ingredients of educating. One, we continue to have standards. Mr. President, 49 States have now adopted standards or are about to adopt standards. Those standards will make a difference.

Two, we have to permit our teachers to teach to the standards which require quality of teaching, ongoing teacher professional development, mentoring, higher pay, more teachers, less class size, all of the ingredients of being able to teach to the standards.

Three, we need to provide an opportunity for the children to learn to the standards. That means afterschool programs, the opportunity for remedial work, the opportunity for the kind of teachers and other efforts that make a difference in their education.

Four, we need strict accountability. That means the capacity to be able to fire people who don't perform, to be able to help people to perform, the capacity to be able to improve our ability to attract a broader cross section of people into the great challenge of teaching, and to respect those who are there doing the enormous job they are doing.

I hope we can engage in that larger and real debate sometime over the course of the next few days. I congratulate the Senator from California. This amendment embraces one of the single most important considerations of how we will protect our children to learn and how we will provide schools with the capacity to be able to live up to the standards we all want.

I congratulate the Senator for this fight. I hope our colleagues will join in a vote for the protection of the children of this country.

Mr. SPECTER. Mr. President, the distinguished ranking member of the subcommittee and I have discussed the progress of the bill. It is our hope, perhaps our expectation, that we can finish this bill tomorrow. We have a fair number of amendments listed so far. We think some can be worked out. Others may evaporate, requiring relatively few roll call votes.

After consulting with Senator HARKIN, I ask unanimous consent all amendments be filed no later than 12 noon tomorrow.

Mr. HARKIN. Reserving the right to object.

Mrs. BOXER. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. SPECTER. Mr. President, in light of the objection which has been raised, we will renew this request when the Senate reconvenes tomorrow morning at 9:30 when Senators have an opportunity to consider it. If we are able

to proceed to complete the bill by the close of business tomorrow, there are substantial benefits for all Senators—although I can't make any commitment as to what will be scheduled on Friday. We will renew the request tomorrow morning at the start of the consideration of the bill.

Mr. HARKIN. If the Senator will yield, I support the chairman in that.

I understand now because it is late in the day, and evidently it has been hotlined there are no more votes today, Senators have taken off, without knowing that we have a deadline at noon tomorrow. They may not know until tomorrow morning.

Now that I understand that, I guess it is reasonable we hold off until tomorrow when we come in. I think tomorrow when we come back, the chairman is right, that would be the time to again make that motion to have a time certain when we will have all the amendments in.

Mr. SPECTER. Mr. President, how much time remains under the agreement?

The PRESIDING OFFICER. The opponents have 30 minutes and the proponents, 30 minutes; 30 minutes for each side.

Mr. SPECTER. Mr. President, parliamentary inquiry. Did the unanimous consent agreement start to run at the time it was entered into?

The PRESIDING OFFICER. It started after the Senator from Massachusetts completed his remarks.

Mr. SPECTER. I yield such time as the Senator from Georgia desires.

Mr. COVERDELL. Mr. President, I rise to speak on behalf of the Gregg of New Hampshire amendment, the second-degree amendment to the amendment of the distinguished Senator from California.

To put this in context, in 1975, the Congress embraced a very laudable idea to assure the appropriate education of students who had special education needs. It was recognized at the time that this would be a very costly proposal, so the Federal Government agreed to pay 40 percent of the costs, the States were to pay 40 percent, and local jurisdictions were to pay 20 percent.

Guess what. From 1975 to 1999, the Federal Government has essentially reneged on the deal and has forced the local governments to bear the entire costs. Visit any school superintendent, any school board education member, and the first thing they will talk about is the effect of this mandate. It is a handcuff on them in terms of dealing with the multiple requirements of funding education in their local district. They resent, rightfully so, the fact the Federal Government has not fulfilled its promise.

Right now the Federal Government provides 11.7 percent of the Nation's special education costs. That is about 29 percent less than the original deal. It amounts to an impact on local schools of about \$10 billion a year.

The essence of the amendment of the Senator from New Hampshire—and he has said this since he has been in the Senate—is that we have to correct this problem and that the funding should have a priority over virtually all new programs. Until we fulfill this agreement, we should not be imposing new program after new program after new program on local governments.

When I visit with my superintendents, they don't ask for new programs. They ask for relief from this huge financial burden that has been imposed upon them by the Federal Government so they can free up resources to do the things they think are important in their school district. They don't call for a new master principal in Washington to tell them what they need to do in their school district. They are saying, do what we promised to do, which will allow them to do the things they need to do.

Since President Clinton came to office in 1993, he has never made this special education funding one of his top priorities. Since the Republicans have been in the majority, we have more than doubled the President's request each year to fulfill this promise. In many years he has not requested any increases that would keep the program in line, even with inflation. Most years, the President has asked for no more than a 5-percent increase. This year, in this budget, he asked for less than 1 percent.

Meanwhile, from the other side, for laudable reasons, it is: Let's add another program. We will just slip that check over on the side and put it in the desk and come with another program. We will just let the local governments work it out on their own.

The real philosophical divide here is that we are saying let's fulfill the Federal promise. It is a huge obligation. If we fulfilled it in its entirety, we would free up \$10 billion locally to allow those local school boards and local communities to do the things, as I said a moment ago, they believe are important.

Right now, what we have done is reneged on the promise, choked the funds at the local level, and have just come on, year after year, with either another mandate or another idea from Washington about what is best in a local community. So this debate we are having on the amendment of Senator GREGG from New Hampshire, as a second-degree amendment to that of Senator BOXER from California, is a very crucial and symbolic example of the differences we have been debating here all day.

Earlier it was the Senator from Washington, Senator MURRAY, who was going to mandate that a certain amount of funds be used to hire x number of teachers, and Senator GORTON from Washington was saying no, the funds should be flexible so the local community could decide what is best. It is the same issue on these amendments. We are voting on exactly the same kind of question here.

So I speak loudly as a proponent for Senator GREGG's second-degree amendment, which I expect to prevail. And then I will oppose the forthcoming amendment from Senator BOXER on the grounds we need to free resources at the local level and let local board members decide what is needed in those local districts.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I assure my friends I do not intend to take the full time I have allotted to me. That will make the Senator from Pennsylvania very happy. Maybe he might even vote for this amendment if I keep it very brief.

I do thank my friend from Pennsylvania, Senator SPECTER. I may disagree, we did not get enough for after school, but I have to acknowledge, we did get an increase in after school. For that, I am very pleased. But I really do think we need to do more.

I think this chart explains it all. You could not find a simpler chart. All it says is "370,000." I say to my friend, Senator SPECTER from Pennsylvania, and my friends on the other side of the aisle, this represents the number of children who would be served if my amendment were to pass, an additional \$200 million which we forward fund in the bill.

I think this is a very important number when you stop and think about what it would mean if 370,000 additional children had the opportunities we are giving at this point to about 1 million—an additional 370,000. That is 370,000 kids who are going to get help with their homework. That is 370,000 kids who will stay out of trouble. That is 370,000 children who may just get really excited about something such as computers because they have them in this afterschool program. That is 370,000 kids who may get excited about becoming a policeman, a fireman, or doctor because the community comes into these programs.

I know the Senator from Pennsylvania agrees that these programs are very laudable. I just hope at the end of the day, tomorrow at least, by 10, we could agree to add this \$200 million, forward fund it, and it would bring it up to the level President Clinton requested for this program.

Mr. SPECTER. Will the Senator from California yield for a question?

Mrs. BOXER. Of course. I will be happy to.

Mr. SPECTER. Following the practice I have heard earlier today, I will preface my question with a statement. I do not think anybody will call for regular order.

When the distinguished Senator from California says perhaps if her speech is short enough, I might vote for her amendment, that is entirely possible. If the speech did not exist, which would imply the withdrawal of the amendment, I would support her position.

But the question I have is: We have added \$200 million in this bill to afterschool programs.

Mrs. BOXER. Yes.

Mr. SPECTER. Senator HARKIN, the distinguished ranking member, has been very supportive of that. We added that money in on the Juvenile Violence Prevention Program because, as Senator HARKIN has said, the safest place for children is in school. This is one facet on the direction of \$851 million to prevent school violence, so we added the \$200 million.

The question arises, after we have stretched on this budget to \$91.7 billion, which has gotten the concurrence of a very strong pro-education, pro-health care, pro-worker-safety Senator—the ranking member has accepted that as the maximum amount we could get.

When I went to law school, there was a course in legislative process. That course “ain’t learning nothing yet” compared to what it is in real life to find a bill that Republicans in the Senate will vote for, that can pass conference, and be acceptable to the President.

I have a feeling, regardless of how much money would have been added, Senator DODD would have come forward with a request for \$2 billion more, Senator MURRAY with a request for \$200 million more.

The question I have for the Senator from California: If we had included \$400 million more for afterschool programs, would the Senator from California have offered an amendment to increase it even more?

Mrs. BOXER. I have strongly supported, for a very long time, the President’s request—\$600 million—I say to my friend. Not only that, he did join me in an amendment I offered earlier on that point. Six hundred million dollars is where we ought to be now. To answer my friend, this is not a frivolous amendment by any stretch. The \$600 million is the amount we believe we need. There is a backlog existing. These are real children waiting in lines to come in.

Let me assure my friend, I do appreciate the fact that we have gone up to \$400 million for after school. Believe me, I am very pleased about that. But I do believe, since we all know this is a proven program, and my friend shares enthusiasm for it, since we know 92 percent of the people in the community support it, since we know the crime rate goes up exponentially at 3 o’clock—and the Police Athletic League has told us how important this is; this is just a list of some of the law enforcement organizations that support this—we ought to go to the \$600 million level.

That is the reason I am offering this amendment. It is not to be difficult. It is not to be ungrateful.

I want to make a point to my friend. The committee worked very hard. The Senator from Pennsylvania and the Senator from Iowa did. They added \$700 million, is my understanding, for IDEA. That is the additional for IDEA—\$700 million additional.

Senator GREGG is just putting another \$200 million in. It may pass. That would be an additional \$900 million for IDEA. I am for it. I am for it. It is important to take care of kids with disabilities who need the help. We promised the local districts. I am for it. We are also for this.

I think it is not out of the question, when we support the money for IDEA, we also support the funding for afterschool programs.

Mr. SPECTER. Will the Senator from California yield for one more question?

Mrs. BOXER. Absolutely.

Mr. SPECTER. When Senator HARKIN and I have taken the principal lead in crafting this bill, 300 programs, making allocations as we have, after a lot of hard staff work and a lot of hard thinking, the Senator from California says if we had added \$400 million, she would not have offered this amendment. What is the reason, what is the rationale, for \$400 million extra being sufficient?

The Senator from California says there are these children waiting. But even after the \$400 million would be added, had we done so, would there not be other children waiting? And wouldn’t the nature of the add-on process have led to more?

Essentially, my question is, to focus it specifically, what are the facts that say \$400 million will be sufficient to solve the problem—

Mrs. BOXER. Four hundred additional.

Mr. SPECTER. Four hundred additional.

Mrs. BOXER. As I repeat to my friend and colleague, a real leader in this area, this number was not pulled out of a hat. This number comes from the President’s request. The President’s request has a rationality.

Mr. SPECTER. Where did—

Mrs. BOXER. If I can make my point. I am happy to yield to my friend, noting I am using my valuable time which I promised I would not use up. The fact is, the President, in his budget request, studied the number of applications that were coming in from the districts all across this Nation and looked at the backlog.

It is amazing what we have done. Since my friend has been chairman—I need to compliment him—we went from \$40 million for afterschool programs under his leadership and the leadership of the Senator from Iowa and the President to \$200 million. Together we went from \$40 million to \$200 million, and now my friend is suggesting we go to \$400 million.

What I am suggesting to my friend is there are culled applications sitting at the Department of Education—Senator KENNEDY pointed them out in his remarks; I refer my friend to his remarks—so we know what the backlog is.

We know that 184 afterschool applications were funded and 2,000 applied. I am not suggesting that every one of those 2,000 is meritorious, but I say to my friend, out of the 2,000 that applied

and only 184 were funded, we know there are a lot of good schools in Pennsylvania and California and Iowa and all over the country. What we are saying is, we could probably fund far more than the \$600 million, but we believe to ratchet up the program in the right fashion, to get it done right that \$600 million would be appropriate. It is supported by Secretary Riley; it is supported by the Clinton administration, in addition to the President himself. I say to my friend, 370,000 more children would have the opportunity to participate in afterschool programs.

Let me one more time show a chart which I showed previously. We see what happens after school. We see exactly what happens after school when kids have no place to go: The crime rate goes through the roof. It is only as the children return home that the crime rate dissipates. That is why the Police Athletic League is one of the strongest supporters of this amendment. We have a letter from them. It is very clear. They say they are working on behalf of the Police Athletic League to endorse and express our support for the afterschool education and anticrime amendment. This one was written when we offered it to the Ed-Flex bill.

I do not need to prolong this debate. Members want to either come to the floor and talk about something else or conclude tonight. I want to close by saying this: I appreciate the fact that the committee, with all the demands on it, did increase this program. I am very pleased to see it at \$400 million. However, I truly believe if we are to do right by our children, funding 184 afterschool programs, when 2,000 applied, is not meeting a need.

My friends on the other side of the aisle are continually making the point that we do not want to force this on our local communities. Believe me, we are not forcing this on them at all. What we are essentially saying is it is here for you, and they have overwhelmingly applied for these funds.

When I make my closing argument—I will have 60 seconds tomorrow morning—I am going to show one of my favorite charts, and that is a picture of children, an actual photograph of children in an afterschool situation—the look on their faces, the excitement.

What an incredible thing for them rather than, A, going into an empty house and being alone, not being safe; and, B, going out on the corner to find out who else is standing on the corner, and it was not that bad. Today, unfortunately, they get into worse trouble. In the old days, the trouble they got into was not as bad as today.

We do not want our children to have nothing to do after school. We know when they are idle, bad things can happen, such as getting into alcohol problems, getting into drug problems, joining a gang, just because they are lonely.

I look at some of our pages who work so hard and what a good job they do.

They sit here, and sometimes it is hard. They are occupied, and they are learning. They listen when we speak. They are picking up things. They are kept busy. Their minds are working.

Every child deserves a chance to get that mind going and keep that mind going in a positive way. Our children are our future. Every one of us gets up and says that day after day. If you mean it, I am giving you an opportunity to vote for an amendment that will allow 370,000 kids—and let's hold that number up one more time—370,000 kids, and I put that number up because it is a huge number—370,000 more kids under the Boxer amendment, under the Clinton administration request, will be taken care of. Think about the range of that number. Think about how many moms and dads will be relieved to know their children were being taken care of.

My hat is off to the ranking member, Senator HARKIN, and the chairman, Senator SPECTER, but I still believe in my heart of hearts that we should move up to the President's request. It is the right thing to do. If Senator JUDD GREGG can find another \$200 million for IDEA—terrific—using the same forward-funding approach we are using, then Senator GREGG ought to also support this afterschool amendment. We did a good thing. We want to make it even better.

Mr. President, I yield back the remainder of my time and allow the Senator from Pennsylvania, without interruption, to wind up his argument, and I will see him back on the floor tomorrow morning at 10 o'clock.

The PRESIDING OFFICER. Did I understand the Senator wanted to reserve 1 minute of her time for tomorrow?

Mrs. BOXER. No, just 1 minute in the morning, which I already have.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I shall not ask unanimous consent so the Senator from California will not interrupt me. The rules permit her to do so, and I do not want to deprive her of that opportunity.

I had posed a question to the Senator from California as to whether any amount would be enough. When the Senator from California cites the statistics of 2,000 applications and 184 were granted, and it may be that some were not meritorious, but in order to have funding of all the applications or most of the applications, all of them would be 11 times the amount. So from \$200 million, say, 10 times the amount would be \$2 billion.

Mrs. BOXER. I did not say that.

Mr. SPECTER. The Senator from California is saying she did not say that.

Mrs. BOXER. I should have yielded him an opportunity to ask a question. My friend did not hear me finish my point.

Mr. SPECTER. Mr. President, I did not yield for a question, but I will.

Mrs. BOXER. I thank the Senator. He is so kind to me. What I said was, there

are many more applications than were funded. I did not suggest that we fund all 2,000.

Mr. SPECTER. Why not?

Mrs. BOXER. What I said was I felt the program should be ratcheted up in a logical fashion, and that we are at the point where the Department of Education, Secretary Riley, has stated that \$600 million is what he needs and what he can now handle to ratchet up the program.

Eventually, I hope my friend shares the view that this ought to be a much bigger program than it is now. But we cannot go 1 day from \$200 million to \$2 billion. No, I do not support that, and I think my friend's attempt to make it look as if I do is simply not correct.

Mr. SPECTER. I thank the Senator from California for that comment. I do understand her point of saying that you cannot go that far, but in extrapolating and projecting where we would be on the total number of applications—as I say, some are not meritorious—one could come up 10 times the figure of \$200 million, which we had. Ten times would be \$2 billion, or if you project it a little differently on \$200 million and \$900 million worth of applications were filed, it would be 4½ times that, which would be \$900 million.

The point I am making is that regardless of what the committee comes up with, there is going to be an add-on. When this program was started back in 1994, the last year when the Democrats controlled the Congress, and there was an extraordinarily competent chairman of this subcommittee, the figure was \$750,000 for afterschool programs.

It could be said that the social climate of the country disintegrated in the intervening time—which was a jocular comment made while we were chatting about this. But from \$750,000—the last year the Congress was controlled by the Democrats—the figure then moved to \$1 million in 1997, and then to \$40 million in 1998, and to \$200 million in 1999, and then doubled for the next fiscal year to \$400 million.

When the Senator from California said that I had supported her in the past on afterschool programs, she is correct, I have. I think afterschool programs are vital and necessary. But when Senator HARKIN and I constructed a budget of some 300 items—and figured that \$91.7 billion was the maximum we could stretch it—we left some money for the National Institutes of Health, for drug-free schools, for worker safety, and for many other programs.

That is why, much as I dislike doing so, I have to oppose the additional \$200 million. In the 19 years I have been here, when programs such as this have been offered, by and large, I have supported them. But when this kind of an enormous effort is made to accommodate to the maximum extent possible this important objective of afterschool programs—and it is not enough—I come back to the suggestion I made

that no figure we would have reached would have been enough.

I think we are about to see that with the balance of the amendments which are going to be offered, notwithstanding the very large figure Senator HARKIN and I have come up with, more funds will be added in many lines, which will require a lot of very tough votes that I do not like to cast to oppose those amendments.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 18 minutes 15 seconds.

Mr. SPECTER. How much time?

The PRESIDING OFFICER. Eighteen minutes 15 seconds.

Mr. HARKIN. If the Senator is yielding the floor

The PRESIDING OFFICER. The Senator from Iowa has 15 minutes 20 seconds.

Mr. HARKIN. Who is controlling the time?

I don't know who is controlling the time. If I am on my side, I will yield myself a couple minutes.

Parliamentary inquiry. Is there time on this side remaining?

The PRESIDING OFFICER. There is time on the amendment. The Senator from California was controlling the 15 minutes 20 seconds remaining. The Senator from Pennsylvania is controlling 18 minutes 2 seconds.

Mr. SPECTER. Parliamentary inquiry. Didn't the Senator from California yield back her time?

The PRESIDING OFFICER. When she concluded, yes, she did yield back the remainder of her time.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Then are we under a time constraint right now? The Senator from Pennsylvania has some time left on this amendment.

I ask unanimous consent that I be allowed to speak as in morning business for up to 5 minutes.

Mr. SPECTER. Mr. President, I yield the Senator from Iowa 5 minutes of my time.

Mr. HARKIN. Whatever it takes.

The PRESIDING OFFICER. The Senator from Iowa is recognized on the time of the Senator from Pennsylvania.

Mr. HARKIN. I appreciate that.

I want to take a few minutes, as I do every year when the debate comes up on IDEA, the Individuals with Disabilities Education Act, to set the record straight.

There is hardly anyone left on the floor but my two good friends, the Senator from California and the distinguished chairman, the Senator from Pennsylvania. But I want to make clear that IDEA, the Individuals with Disabilities Education Act, is not a Federal mandate. The Senator from New Hampshire keeps talking about it as a Federal mandate. But saying it does not make it so.

The Individuals with Disabilities Education Act is a civil rights bill. It is a bill that basically helps the States meet their constitutional obligation. In the early 1970s, there were two court cases in which the courts said that if a State chooses to fund public education, then children with disabilities enjoy a constitutional right to a free and appropriate public education. A State, if it wanted to, could say: We are not going to fund any public education, and they could do so.

But if a State provides a free public education to its children, it cannot discriminate on the basis of race or sex or national origin. And as a result of these two cases that came up in the early 1970s, they cannot discriminate on the basis of disability, either.

So as long as a State provides a free public education to its children, it cannot say, yes, for non-disabled students; but no to kids with disabilities. Constitutionally, they have to provide that free, appropriate public education to all kids.

In 1975, the Congress said: Look, this is going to be a burden on the States, so we will help. We will help the States with some funding to meet their constitutional obligations. It is not a Federal mandate. So we set up this law, the Individuals with Disabilities Education Act, and we said: OK, we will provide you some funds to help you out if you do these certain things, meet these certain guidelines.

No State has to take one penny of IDEA money. We do not force it on them. We do not say: You have to take it. We say: Look, because of the court cases, you have to provide a free, appropriate public education to every child with a disability. What we are saying at the Federal level is: We are going to help you do that. But, if you want our help here are the guidelines. Follow them and you get the money. That is the basis of IDEA. It is not a Federal mandate.

We also keep hearing that somehow we guaranteed to help the States meet 40 percent of the cost of educating the kids with disabilities. That is not so.

The maximum award to any State under IDEA would be 40 percent of the national per-pupil expenditure per year for education, not 40 percent of the cost of educating the kids in their State with disabilities. We said the maximum grant would be 40 percent of the national average cost of educating every child. That, right now, if I am not mistaken, is around \$6,850. So \$6,850 is the national per pupil average that we funded out of the Federal Government in 1998. The IDEA funding formula is 40 percent of the per pupil average or \$2,750, give or take a few dollars. I am not going to figure it to the exact dollar. Under the legislation we have right now, it is about 11.7 percent. With the increase, it gets it up to about 15 percent. So we do have a ways to go before we reach the maximum of 40 percent.

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

Mr. HARKIN. Mr. President, I ask for a couple more minutes, and then I will wrap it up.

Mr. SPECTER. I yield 2 more minutes.

Mr. HARKIN. I want to make it clear, do I support the goal of getting up to 40 percent of the national per pupil expenditure up to \$2,750 per student? I do. But I don't believe we ought to do it at the expense of afterschool programs or out of Head Start or anything else. That is what I dislike about the Gregg amendment. If he wants to come up with more money for IDEA, fine. I will be glad to support him. But to take it away from other kids who have needs, I think, is not the way that we ought to proceed. Quite frankly, I don't know anyone in the disability community who would say, yes, take it away from those kids and give it to ours. They would say, look, fund the disability programs, fund IDEA, but fund afterschool programs, fund breakfast programs, fund Head Start programs, because these are all our kids and they all have needs. We ought to appropriately fund all of education.

If this Congress gave the same priority to education as it does for the Pentagon, we wouldn't have to make these types of choices. There would be enough for both.

We added \$4 billion to the Pentagon's budget over what they asked for. When will we ever see the day when we would add \$4 billion over what the Department of Education requested?

Those were the basic points I wanted to make. IDEA is not a funding mandate. We need afterschool programs. We need IDEA also. I don't agree with stripping funds from one important program to fund another. That is why I believe Senator GREGG's amendment has deficiencies.

With that, I yield the floor.

Mr. SPECTER. Mr. President, it has been a good debate, I think.

I now ask unanimous consent that, notwithstanding the pendency of the Smith amendment No. 1808, the vote on the amendment be reconsidered and tabled.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter dated September 17, 1999, from me to Senator COCHRAN be printed in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, September 17, 1999.

HON. THAD COCHRAN,  
U.S. Senate,  
Washington, DC.

DEAR THAD: As a precautionary matter, I think it is advisable for me to recuse myself on the issue of the appropriation for the National Constitution Center since my wife, Joan Specter, is director of fundraising.

I would very much appreciate it if you would substitute for me on that issue since you are the senior Republican on the Sub-

committee for Labor, Health and Human Services and Education.

Sincerely,

ARLEN SPECTER.

Mr. LAUTENBERG. Mr. President, let me begin by commending Senator SPECTER and Senator HARKIN for their hard work on this bill. Although it's far from perfect, it's a big improvement over the House version, and I know Senators SPECTER and HARKIN have worked diligently to fund critical education and health priorities within the constraints they have faced.

I intend to support this bill, Mr. President. But I also need to point out that it's apparently part of a broader plan that would lead to using Social Security surpluses. And I think that would be a mistake.

The additional money for this bill has come by shifting allocated funds from the Defense Appropriations bill. But rather than finding savings in military spending, the leadership intends to declare much of the extra spending as an emergency.

What we have here, Mr. President, is a shell game. The Republican plan may succeed in circumventing the discretionary spending caps, as they are trying to do. But it doesn't get around another critical problem. It still leaves us on course toward using Social Security funds to run the government.

Mr. President, for many months now, we've heard our Republican friends declare their commitment to protecting Social Security funds. They've put together a Social Security lock box in an effort to appear committed toward that goal—though, I must add, it's a lock box with a huge loophole, and one that does nothing for Medicare.

But while declaring their commitment to protecting Social Security, Mr. President, the Republicans are actually moving to spend Social Security surpluses. At their current rate, they're going to spend roughly \$20 billion in Social Security surpluses. And that total could well go higher.

Mr. President, I know that many people around here privately believe that there's no alternative to spending Social Security surpluses, and we need that money to fund government adequately. But that's just wrong.

There's a better alternative. If we simply ask the tobacco industry to fully compensate taxpayers for the costs of tobacco-related diseases, we almost certainly could avoid spending Social Security surpluses.

Every year, Mr. President, tobacco costs taxpayers more than \$20 billion. To its credit, the Justice Department is trying to recoup these costs through civil litigation. But that could take years. Meanwhile, Congress can act now to make taxpayers whole. And we should.

Mr. President, I've heard Republicans argue for months that pursuing more tobacco revenues is just, and the word they usually use is, "unrealistic." It's a clever way to avoid responsibility. It's as if some force outside themselves

is preventing Congress from asking anything of the tobacco industry. But that's obviously wrong.

If the Republican leadership simply decided to ask Big Tobacco to compensate taxpayers, they could do it. It's completely realistic, if they just summon the will to do it.

Now, given the close relationship between the Republican Party and the tobacco industry, I realize that's not a politically easy decision for them.

But this is a different world than last year, when the tobacco legislation went down.

Now we have a Republican Congress about to embark on a money grab of Social Security funds. Compared to that, asking the tobacco industry to pay their fair share should be less difficult.

In any case, Mr. President, it seems clear that the real debate this fall is going to be between tobacco and Social Security.

And if we end up using Social Security funds to run the government, it will be because the Republican Congress put Big Tobacco first, not Social Security. I think the American people would be outraged at that. And that's why I'm hopeful it won't happen.

So, Mr. President, I urge my colleagues to do the right thing, and choose Social Security over Big Tobacco. Let's end this money grab, reduce youth smoking, and protect Social Security.

Mr. KENNEDY. Mr. President, each year, up to 1 million nurses and other health care workers are accidentally stuck by needles or other sharp instruments contaminated by the blood of the patients they care for. More than 1,000 of these health care workers will contract dangerous and potentially fatal diseases as a result of their injuries. The Reid amendment is very important—it will require hospitals to use safer devices, and it will provide more effective monitoring of needlestick injuries, so that we can take additional steps to deal with this danger.

Karen Daley, of Stoughton, MA, is one of those whose lives have been forever changed by disposing of a used needle.

Karen is a registered nurse and president of the Massachusetts Nurses Association. In July 1998, as an emergency room nurse at the Brigham and Women's Hospital in Boston, she reached into the box used to dispose of a needle, and felt a sharp cut. By the end of the year, Karen had been diagnosed with HIV and Hepatitis C. I would like to read from a statement she recently delivered at the Massachusetts State House, where a bill has been recommended by the relevant committees:

I have been a practicing nurse for over 25 years. I love clinical nursing and have felt privileged to care directly for thousands of patients over the years. . . . I have developed expertise in my practice over the years that has allowed me to have a significant impact not only on the quality of care my patients receive, but also in the growth and

professional development of less experienced colleagues. . . . Since January of this year, I have come to terms with the fact that I am infected with not one, but two potentially life-threatening diseases. . . . I have had to have weekly blood tests drawn—over 90 tubes of blood since January. . . . Experience to date is that treating a person infected with both HIV and Hepatitis C is extremely difficult and that each infection makes it more difficult to successfully treat the other.

That one moment in time changed many other things. In addition to the emotional turmoil that it has created for myself, my family, my friends, my peers—it has cost me much more than I can ever describe in words. I am no longer a practicing health care provider—I made the decision to not return to my clinical practice setting where I have worked for over 20 years. In the process, I have abruptly been forced to leave many colleagues with whom I've worked for many years and who are as much family as peers to me. The harder decision for me has been the decision I've made not to return to clinical nursing.

This injury didn't occur because I wasn't observing universal precautions that are designed to reduce health care workers' exposure to blood-borne pathogens. This injury didn't occur because I was careless or distracted or not paying attention to what I was doing. This injury and the life-altering consequences I am now suffering should not have happened. . . . and would not have happened if a safer needlebox system had been in place in my work setting.

Karen Daley is now battling against two devastating diseases. And it didn't have to happen. Unfortunately, this scene is repeated more than 1,000 times a year—in communities across the country.

Lynda Arnold, a 30-year-old registered nurse and mother of two adopted children, is now HIV-positive as a result of a needlestick injury she received in an intensive care unit in Lancaster, PA, in 1992. She has started the Campaign for Health Care Worker Safety. Lynda writes,

I no longer work in a hospital. I no longer involve myself in direct patient care. I do not dream of growing old with my 30-year-old husband or dancing with my son at his wedding.

These cases are tragedies, and there are many more. At least 20 different bloodborne pathogens can be transmitted by needlestick injuries, including HIV, Hepatitis B, and Hepatitis C.

The average cost of followup for a high-risk exposure is almost \$3,000 per incident—even when no infection occurs. The American Hospital Association estimates that a case can eventually cost more than \$1 million for testing, medical care, lost time, and disability payments.

Up to 80 percent of needlestick injuries could be prevented with the use of safer needle devices currently available. However, fewer than 15 percent of American hospitals use these products. The primary reason for not adopting steps to create a safer workplace is the cost. But the consequences are severe.

Safer needle devices do cost approximately 25 cents more than a conventional syringe. But the net savings from avoiding the excessive costs associated with workplace injuries are also

significant. Hospitals and health care facilities in California are expected to achieve annual net savings of more than \$100 million after implementing a proposal similar to the one now under consideration.

This is not a partisan issue. The companion bill in the House has almost 140 cosponsors—including more than 20 Republicans from across the political spectrum.

Similar bills have recently passed in California, Texas, Tennessee, and Maryland, and have been introduced in more than 20 other States.

These protections have the strong support of the American Nurses Association, Kaiser Permanente, the American Public Health Association, the Consumer Federation of America, and many, many other groups that represent nurses, doctors, and other health care workers. In addition, the Massachusetts Hospital Association and other State level associations have supported these bills at the State level.

There is no excuse for inaction. Time is of the essence. Every day 3,000 more accidental needlesticks occur. We need to act as soon as possible. We owe prompt action and greater protection to those who devote their careers to caring for others.

Mr. BURNS. Mr. President, in my 11 years in the U.S. Senate I have rarely seen such an opportunity to fight against big Government and defend local decisionmakers like parents and teachers.

The Democrats are signaling their intent to hamstring local schools by commanding them to focus their efforts on issues which are deemed important inside the Capital Beltway, not within their homes and communities. I feel Montanans know what is best for Montana; we don't need Washington to tell us how to teach our children.

Congress should reject a one-size-fits-all approach to education and local schools should have the freedom to prioritize their spending and tailor their curriculum according to the unique educational needs of their children.

For too long, Washington has been part of the problem with education, enacting many well-intentioned programs that result in more redtape and regulation. Though Washington accounts for only seven percent of education funding, it accounts for 50 percent of the paperwork for our teachers and principals. It is time for Washington to lend a helping hand to our states.

Unfortunately, right now many of our Federal education programs are overloaded with so many rules and regulations that states and local schools waste precious time and resources to stay in compliance with the Federal programs. It is obvious that states and local school districts need relief from the administrative burdens that many federally designated education programs put on States, schools, and educational administrators.

I feel strongly and deeply that Montanans need to be in control of Montana's classrooms. I can not vote for anything that does not have local school control. I will continue to resist the attempts to take away your control of your child's schools.

Our goal on the Federal level is to help States and local school districts provide the best possible first-class education for our children that they can. We need to get the bureaucratic excess out of the face of the local educators so that they can do their jobs more efficiently and effectively.

Mr. President, we need to fix the problem of Federal controls in education. We need to allow the decision-making to be made by the people that we trust to educate our children. That is what really counts.

MORNING BUSINESS

Mr. SPECTER. On behalf of the leader, I now ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for continuing disability reviews (CDRs), adoption assistance, and arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	(In millions of dollars)	
	Budget authority	Outlays
<b>Current Allocation:</b>		
General purpose discretionary .....	534,115	544,113
Violent crime reduction fund .....	4,500	5,554
Highways .....	.....	24,574
Mass transit .....	.....	4,117
Mandatory .....	321,502	304,297
<b>Total .....</b>	<b>860,117</b>	<b>882,655</b>
<b>Adjustments:</b>		
General purpose discretionary .....	+427	+368
Violent crime reduction fund .....	.....	.....
Highways .....	.....	.....
Mass transit .....	.....	.....
Mandatory .....	.....	.....
<b>Total .....</b>	<b>+427</b>	<b>+368</b>
<b>Revised Allocation:</b>		
General purpose discretionary .....	534,542	544,481
Violent crime reduction fund .....	4,500	5,554
Highways .....	.....	24,574
Mass transit .....	.....	4,117
Mandatory .....	321,502	304,297
<b>Total .....</b>	<b>860,544</b>	<b>883,023</b>

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

(In millions of dollars)

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,429,064	1,415,495	-7,413
Adjustments: CDRs, adoption assistance, arrears .....	+427	+368	-368
<b>Revised Allocation: Budget Resolution</b>	<b>1,429,491</b>	<b>1,415,863</b>	<b>-7,781</b>

FISCAL YEAR 2000 ENERGY AND WATER APPROPRIATIONS CONFERENCE REPORT

Mr. STEVENS. Mr. President, the Energy & Water Appropriations Conference Report for Fiscal Year 2000 passed the Senate by an overwhelming vote of 96-3 yesterday. I thank my friend and colleague, the senior Senator from new Mexico and chairman of the subcommittee, for his excellent work in negotiating this bill and bringing back a very strong conference report. I'd also like to commend our extraordinarily talented and creative staff, Alex Flint, David Gwaltney, and Lashawnda Leftwich without whom we could not have finished this bill.

There are three programs I would like to highlight. First, the conferees have provided \$98.7 million for biomass research. Last week, the Subcommittee held a hearing on biomass and heard testimony about a proposal by Sealaska Corporation to produce ethanol using surplus wood. I urge the Secretary to take a careful look at this project and support it within the funds provided.

Second, with respect to the wind program, the conferees funded it at \$31.2 million, an increase over the House level. Over the past few years, the Department has supported the Kozebue wind demonstration project, the only wind generation system in my state. According to the National Weather Service, the windiest cities in the country are in Alaska. If the Kotzebue project proves to be cost efficient, wind may become a major source of electrical power in my state where electric rates are as much as ten times the rate in the lower 48: 55 cents per kilowatt hour in Alaska versus 5 cents per kilowatt hour in states like Idaho. I urge the Department to continue its support of the Kotzebue wind project.

Lastly, the managers agreed to language urging the Department of Energy to evaluate nuclear medicine technology known as Positron Emission Technology or PET.

I am pleased that the conference report includes strong language directing the Department of Energy to report back to the committee on what steps it can take to give immediate support to a new laboratory at the University of California—Los Angeles which will develop pioneering new molecular-based treatments for disease.

These new treatments will use genetically engineered mouse models of several human diseases and track progress with a miniaturized version of positron emission tomography (PET) called Micropet.

While scientists and clinicians have been able to diagnose and stage human illnesses, including most types of can-

cer and other diseases such as Parkinson's and Alzheimers' using pet imaging, the UCLA research promises to expand the examination of the biologic basis of disease into new treatment of the molecular disorders that scientists now believe are the cause of disease.

I understand that the new laboratory at UCLA will need at least \$2 million in Federal funds during fiscal year 2000 from the other office at the Department of Energy, and I hope that the Department will make every effort to provide the needed funds to bring this critical project on line at the earliest time it can.

EDUCATION FOR DEMOCRACY ACT

Mr. DODD. Mr. President, I rise today in support of legislation introduced by my colleague, the distinguished Senior Senator from Mississippi, Thad COCHRAN, and myself earlier this week, the Education for Democracy Act, which will continue successful efforts to enhance citizenship among our nation's youth.

Over the last decade, there has been much discussion about the purposes, successes and failures of American schools. We talk about how schools hold in trust our nation's future—the next generation of workers, parents and artists. One of the most important, and perhaps least mentioned, roles that today's students will play tomorrow is as citizens. Yet, in too many schools citizenship education is an afterthought to an American history or government course.

The Education for Democracy Act will reauthorize a highly successful program established by Congress in 1985 that helps meet these needs. The We the People . . . the Citizen and the Constitution program has demonstrated its effectiveness in fostering a reasoned commitment to the fundamental principles and values of our constitutional democracy among elementary and secondary education students. Now in its twelfth year, this program has provided 24 million students with instruction and learning opportunities that enable them to meet the highest standards of achievement in civics and government and that encourages active and responsible participation in government.

Studies have shown students benefit across the board from their exposure to this powerful program. An Educational Testing Service study found that students at upper elementary, middle and high schools levels significantly outperformed comparison students on all topics studied. Even more impressive were the results of a comparison of a random sample of high school students in the program with a group of sophomores and juniors in political science courses at a major university. The We the People . . . high schools students outperformed the university students on every topic tested. Finally, an analysis of student voter registration at

the Clark County School District in Las Vegas, Nevada revealed that 80 percent of the seniors in the program registered to vote compared to a school average among seniors of 37 percent.

Many of us here in this chamber are fortunate to have experienced firsthand the quality of this program. Each spring, outstanding classes of students from the around the country come to Washington to participate in the final round of national competitive hearings on the Constitution and the Bill of Rights. While these students' knowledge of the Constitution is impressive, what is most striking is the students' excitement about the Constitution and their government.

This legislation would assure that students across the nation will continue to have access to this quality program. In addition, it would assure all of us of a stronger foundation for our country's future. I look forward to working with my colleagues to move this legislation forward and would urge others to join us as sponsors of this important measure.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 28, 1999, the Federal debt stood at \$5,647,297,448,741.19 (Five trillion, six hundred forty-seven billion, two hundred ninety-seven million, four hundred forty-eight thousand, seven hundred forty-one dollars and nineteen cents).

One year ago, September 28, 1998, the Federal debt stood at \$5,525,126,000,000 (Five trillion, five hundred twenty-five billion, one hundred twenty-six million).

Five years ago, September 28, 1994, the Federal debt stood at \$4,672,477,000,000 (Four trillion, six hundred seventy-two billion, four hundred seventy-seven million).

Ten years ago, September 28, 1989, the Federal debt stood at \$2,844,962,000,000 (Two trillion, eight hundred forty-four billion, nine hundred sixty-two million).

Fifteen years ago, September 28, 1984, the Federal debt stood at \$1,572,266,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-six million) which reflects a debt increase of more than \$4 trillion—\$4,075,031,448,741.19 (Four trillion, seventy-five billion, thirty-one million, four hundred forty-eight thousand, seven hundred forty-one dollars and nineteen cents) during the past 15 years.

#### LILLY ENDOWMENT INC. GRANT TO TRIBAL COLLEGES

Mr. BURNS. Mr. President, I rise today to recognize the Lilly Endowment for their exceptional contributions on behalf of educational opportunities for minorities. In particular, I would like to commend them on their

recent announcement awarding \$30 million to the American Indian College Fund. These dollars would be used to replace buildings at 30 tribal colleges on reservations in the West and Midwest.

It is important that we continue to support ways to maintain educational opportunities for tribal colleges, who receive a significantly lower level of funding per student than mainstream community colleges. Because of these scarce resources, and the need to maintain and increase academic standards, capital improvements have been forced to the bottom of the priority list.

This private donation from the Lilly Endowment is the largest ever made to a Native American organization. These funds will be used to pay for much needed construction of modern classrooms, labs and libraries. This extraordinary contribution will allow these colleges to give their students the best educational opportunities possible.

It is critical that Tribal colleges have the resources to provide a combination of traditional academics and Native American culture for their students. American Indian students who attend tribal schools are far more likely to succeed at four year institutions. More Native Americans have been attending college, but still at a far lower rate than members of other minority groups. We need to ensure that they are helped to reach their full potential.

As a Senator for a state with 7 tribal colleges, I understand the important role they play in the Tribes' hopes for future generations. Academic success is key to raising the standard of living and quality of life for all tribal members.

Mr. President, I feel we need to do everything in our power until we are successful in addressing the many challenges facing the education needs of our American Indian population. I salute Lilly Endowment's increasingly generous efforts towards this goal.

During my time in the Senate I have fought, and will continue to work to help make education accessible and affordable to all Montanans. Tribal colleges are a priority to me. I will continue to look for ways to increase federal spending at these institutions.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting withdrawals and sundry nominations which were referred to the Committee on Environment and Public Works.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

##### ENROLLED JOINT RESOLUTION SIGNED

At 1:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

##### ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, received during the adjournment of the Senate, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2605. An act making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

H.J. Res. 68. Joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes.

The enrolled bill and joint resolution (H.J. Res. 68) were signed subsequently by the President pro tempore (Mr. THURMOND).

#### MEASURES REFERRED

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent and referred as indicated:

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions; to the Committee on Commerce, Science, and Transportation.

H.R. 417. An act to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

The following concurrent resolution, previously received from the House of Representatives for the concurrence of the Senate, was read and referred as indicated:

H. Con. Res. 180. Concurrent resolution expressing the sense of Congress that the President should not have granted clemency to terrorists; to the Committee on the Judiciary.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5431. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Reform of Affirmative Action in Federal Procurement" (DFARS Case 98-D007), received September 24, 1999; to the Committee on Armed Services.

EC-5432. A communication from the Deputy Assistant Judge Advocate General (Administrative Law), Department of the Navy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Navy Regulations" (RIN0703-AA55), received September 27, 1999; to the Committee on Armed Services.

EC-5433. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received September 13, 1999; to the Committee on Governmental Affairs.

EC-5434. A communication from the Acting General Counsel, Executive Office for Immigration Review, Office of the Chief Administrative Hearing Officer, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Immigration-Related Employment Practices, and Document Fraud" (RIN1125-AA17), received September 27, 1999; to the Committee on the Judiciary.

EC-5435. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to over-obligations of appropriation and apportionment of the Food Safety and Inspection Service account for fiscal year 1997; to the Committee on Appropriations.

EC-5436. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 99-42, BLS-LIFO Department Store Indexes—August 1999" (Rev. Rul. 99-42), received September 7, 1999; to the Committee on Finance.

EC-5437. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the need for worker adjustment assistance training funds under the Trade Act of 1974; to the Committee on Finance.

EC-5438. A communication from the Director, Office of Regulations Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Advance Payments and Lump-Sum Payments of Educational Assistance" (RIN2900-AI31), received September 28, 1999; to the Committee on Veterans' Affairs.

EC-5439. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida, Limiting the Volume of Small Red Seedless Grapefruit" (Docket No. FV99-905-3 IFR), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5440. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 64 FR 51071; 09/21/99", received September 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-5441. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 51070; 09/21/99" (Docket # FEMA-7300), received September 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-5442. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 51067; 09/21/99", received September 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-5443. A communication from the Acting Director, Office of Standards, Regulations and Variances, Mine Safety and Health Ad-

ministration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines" (RIN1219-AB17), received September 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5444. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation relative to collections received pursuant to the Reclamation Reform Act of 1982; to the Committee on Energy and Natural Resources.

EC-5445. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-082-FOR), received September 28, 1999; to the Committee on Energy and Natural Resources.

EC-5446. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Regulatory Program" (SPATS # WY-028-FOR), received September 28, 1999; to the Committee on Energy and Natural Resources.

EC-5447. A communication from the Acting Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Mining Claims Under the General Mining Law; Surface Management" (RIN1004-AB36), received September 27, 1999; to the Committee on Energy and Natural Resources.

EC-5448. A communication from the Acting Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "43 CFR part 3500—Leasing of Solid Minerals Other than Coal and Oil Shale" (RIN1004-AC49), received September 28, 1999; to the Committee on Energy and Natural Resources.

EC-5449. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Enhanced Motor Vehicle Inspection and Maintenance" (FRL #6449-2), received September 27, 1999; to the Committee on Environment and Public Works.

EC-5450. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; GAS Central and West Heating Plants" (FRL #6448-9), received September 27, 1999; to the Committee on Environment and Public Works.

EC-5451. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Tennessee" (FRL #6448-3), received September 27, 1999; to the Committee on Environment and Public Works.

EC-5452. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks; (VSC-24) Revision", received September 27, 1999; to the Committee on Environment and Public Works.

EC-5453. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Industry Codes and Standards; Amended Requirements" (RIN3150-AE26), received September 27, 1999; to the Committee on Environment and Public Works.

EC-5454. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod", received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5455. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Retention of Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area", received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5456. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment—Opens the D Fishing Season for Pollock in Statistical Area 610 of the Gulf of Alaska for 12 Hours", received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5457. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-UP", received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5458. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Local Area Management Plan for the Halibut Fishery in Sitka Sound" (RIN0648-AL18), received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Appropriations:

Report to accompany the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106-166).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 560: A bill to designate the Federal building located at 300 Recinto Sur Street in Old San Juan, Puerto Rico, as the "Jose V. Toledo United States Post Office and Courthouse."

S. 1567: A bill to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the "C.B. King United States Courthouse."

S. 1595: A bill to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the "Sandra Day O'Connor United States Courthouse."

S. 1652: A bill to designate the Old Executive Office Building located at 17th Street

and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

### EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. CHAFEE, for the Committee on Environment and Public Works:

Major General Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years. (Reappointment)

Brigadier General Robert H. Griffin, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Paul L. Hill, Jr., of West Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004, vice Shirley Ann Jackson, term expired.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 1657. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Albania; to the Committee on Finance.

By Mr. DASCHLE:

S. 1658. A bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Indian Affairs.

By Mr. BURNS:

S. 1659. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 1660. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. LOTT):

S. 1661. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for

other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRAMS, Mrs. MURRAY, and Mr. WYDEN):

S. 1662. A bill to grant the President authority to proclaim the elimination or staged rate reduction of duties on certain environmental goods; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. COVERDELL):

S. 1663. A bill to combat money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNETT:

S. 1664. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

S. 1665. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. FITZGERALD, and Mr. HELMS):

S. 1666. A bill to provide risk education assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM:

S. 1667. A bill to impose a moratorium on the export of bulk fresh water from the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. HUTCHINSON, and Ms. MIKULSKI):

S. 1668. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CAMPBELL (for himself, Mr. GRAMM, Mr. ASHCROFT, Mr. KERRY, and Mr. ROBB):

S. Res. 190. A resolution designating the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LEAHY, Mr. CHAFEE, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY):

S. Res. 191. A resolution expressing the sense of the Senate regarding East Timor and supporting the multinational force for East Timor; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. SCHUMER, Mr. BAUCUS, Mr. KERRY, Mr. SARBANES, Mr. BROWNBACK, Mr. HATCH, Mr. REID, Mr. DURBIN, Mr. FEINGOLD, Mr. NICKLES, Mr. LUGAR, Mr. KOHL, Mr. LEVIN, Mr. BOND, Mr. DODD, and Mr. SESSIONS):

S. Con. Res. 57. A concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on Foreign Relations.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1657. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Albania; to the Committee on Finance.

#### REMOVAL OF ALBANIA FROM JACKSON-VANIK TRADE RESTRICTIONS

Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill authorizing the President to grant permanent Normal Trade Relations status to Albania, overcoming the so-called Jackson-Vanik restrictions in Title IV of the Trade Act. This legislation is urgently needed so that when Albania joins the World Trade Organization later this year, the United States can enter into full WTO relations with this market-oriented country in the Balkans.

Mr. President, I offer this legislation and seek the support of my colleagues for three reasons: First, the Cold War-era Jackson-Vanik restrictions are no longer relevant for Albania. We should free our relations with Albania from restrictions applied to communist countries. The Jackson-Vanik restrictions applied to countries with non-market economies which limited emigration. Albania now has a market economy which some may argue needs more regulation. Albanians are now also free to emigrate, sometimes much to the chagrin of Albania's neighbors. The President certified Albania to be in compliance with the Jackson-Vanik requirements in January 1998 and has continued to report that Albania remains in compliance. The certification process is simply a relic of the Cold War.

Second, granting Albania permanent Normal Trade Relations, or NTR, status through the WTO will encourage and support Albania's free-trade orientation and integration into the global trading system. Little more than a decade ago, Albania was closed off from the rest of the world by a severely Stalinist regime. Today, all major political forces in Albania—including the governing Socialist Party and the opposition Democratic Party, which led the first post-Communist government—support democracy, free trade and integration with the West. A delegation from Albania's Parliament made clear the breadth and depth of support for Albania's WTO membership. Albania has enacted virtually all the necessary legislation and implementing regulations necessary to meet WTO standards and will implement the rest prior to its WTO accession. They will not even require a transition period. We should reward this tremendous positive change by welcoming Albania into the WTO and opening our markets to Albanian goods on a fair basis negotiated through the WTO.

Third, this bill will benefit U.S. firms by securing Albania's commitment to WTO standards and giving the United

States access to WTO dispute settlement mechanisms with regard to Albania. The annual certification requirement under existing law would require the United States to demur from entering into full WTO relations with Albania when that country becomes a member later this year. Thus, without the enactment of this legislation, we will not have access to WTO dispute settlement mechanisms and will only be able to engage in economic relations with Albania on a bilateral basis.

Mr. President, for the reasons I have outlined—moving beyond the Cold War, supporting development of a market economy and democracy in Albania, and providing WTO protection of market access for American businesses—I hope the Congress will enact this legislation. The United States has been a leading advocate for Albania's accession into the WTO. We should continue that support by passing this legislation. I would ask the Finance Committee and the full Senate to act expeditiously so this bill can be signed into law before Albania becomes a WTO member.

At this point, Mr. President, 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. 1657

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

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

(3) Albania has concluded a bilateral investment treaty with the United States.

(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosova crisis.

(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

#### SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Albania; and

(2) after making a determination under paragraph (1) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Albania, title IV of the Trade Act of 1974 shall cease to apply to that country.

By Mr. DASCHLE:

S. 1658. A bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Indian Affairs.

#### WAKPA SICA RECONCILIATION PLACE ACT

Mr. DASCHLE, Mr. President, at the request of tribal leaders throughout my state, today I am introducing legislation to establish the Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota.

This history of South Dakota is carved with the rich cultural traditions of numerous Sioux tribes who lived on the plains for centuries and inlaid with the stories of immigrants who came during the last two hundred years to settle the towns, plow the earth, shepherd livestock and mine gold. The story of that settlement, and the mingling of Indian and non-Indian people, has not always been a peaceful one, and today in South Dakota we continue to face the challenges of disparate communities of Indians and non-Indians living side-by-side, often imbued with misunderstanding and mistrust. As a result, there is a growing recognition of the need for reconciliation between Indian and non-Indians.

It is my hope that through the establishment of a Reconciliation Place, we can promote a better understanding of the history and culture of the Sioux people and by doing so, achieve better relations between Indian and non-Indian peoples. The Reconciliation Place will provide a home for a center of Sioux law, history, culture, and economic development for the Lakota, Dakota and Nakota tribes of the upper Midwest, and thus will help preserve the strong and unique cultural heritage of the Sioux.

The Reconciliation Place will enhance the knowledge and understanding of the history of the Sioux by displaying and interpreting the history, art, and culture of the tribes of this region. It will also provide an important repository for the Sioux Nation history and the family histories for individual members of the tribes, and other important historical documents. The majority of the historic documents and archives of this region are kept in government facilities that are scattered across the West and are almost inaccessible to the people of this area. The Reconciliation Place will provide a central repository for these important elements of Sioux history, allowing easy access to tribal members interested in exploring their past.

By empowering the Sioux tribes to establish their own Sioux Nation Supreme Court, the bill will help achieve greater social and economic stability in Indian Country. Moreover, the court will bring the legal certainty and predictability to the reservations necessary for businesspeople to have the confidence to make investments in tribal enterprises. This, in turn, will generate the economic infrastructure

needed to create more jobs on reservations.

Finally, the legislation establishes a Native American Economic Development Council to assist the Sioux tribes by providing opportunities for economic development and job creation. Specifically, the council will provide expertise and technical support to Indians to help gain access to existing sources of federal assistance, while raising funds from private entities to match federal contributions. Funding obtained by the Council will be used to provide grants, loans, scholarships, and technical assistance to tribes and their members, for business education and job creation.

Mr. President, the need for this Reconciliation Place is clear. It will provide a focal point for public and private organizations to better assist Native Americans to protect their past, strengthen their present, and build a bright economic future. The Reconciliation Place will respect and complement the government-to-government relationship established between the tribes and the United States. I urge my colleagues to support the establishment of this Reconciliation Place and am hopeful that this legislation can be enacted in the near future. I ask unanimous consent that the text of the bill and a letter of support by tribal leaders from South Dakota, North Dakota and Nebraska to the Wakpa Sica Board of Directors be printed in the RECORD.

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

S. 1658

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

#### SECTION 1. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs; and

(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—

(A) coordinating economic development efforts;

(B) centralizing expertise concerning Federal assistance; and

(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section

4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) SIOUX NATION.—The term “Sioux Nation” means the Indian tribes comprising the Sioux Nation.

#### TITLE I—RECONCILIATION CENTER

##### SEC. 101. RECONCILIATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as “Reconciliation Place”.

(b) PURPOSES.—The purposes of Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(c) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development \$17,258,441, to be used for the grant under this section.

##### SEC. 102. SIOUX NATION TRIBAL COURT.

(a) IN GENERAL.—To ensure the development and operation of the Sioux National Tribal Supreme Court, the Attorney General of the United States shall provide such technical and financial assistance to the Sioux Nation as is necessary.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

#### TITLE II—NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL

##### SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Native American Economic Development Council (in this title referred to as the “Council”). The Council shall be charitable and nonprofit corporation and shall not be considered to be an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Council are—

(1) to encourage, accept, and administer private gifts of property;

(2) to use those gifts as a source of matching funds necessary to receive Federal assistance;

(3) to provide members of Indian tribes with the skills and resources for establishing successful businesses;

(4) to provide grants and loans to members of Indian tribes to establish or operate small businesses;

(5) to provide scholarships for members of Indian tribes who are students pursuing an education in business or a business-related subject; and

(6) to provide technical assistance to Indian tribes and members thereof in obtaining Federal assistance.

##### SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Council shall have a governing Board of Directors (in this title referred to as the “Board”).

(2) MEMBERSHIP.—The Board shall consist of 11 directors, who shall be appointed by the Secretary as follows:

(A)(i) 9 members appointed under this paragraph shall represent the 9 reservations of South Dakota.

(ii) Each member described in clause (i) shall—

(I) represent 1 of the reservations described in clause (i); and

(II) be selected from among nominations submitted by the appropriate Indian tribe.

(B) 1 member appointed under this paragraph shall be selected from nominations submitted by the Governor of the State of South Dakota.

(C) 1 member appointed under this paragraph shall be selected from nominations submitted by the most senior member of the South Dakota Congressional delegation.

(3) CITIZENSHIP.—Each member of the Board shall be a citizen of the United States.

(b) APPOINTMENT AND TERMS.—

(1) APPOINTMENT.—Not later than December 31, 2000, the Secretary shall appoint the directors of the Board under subsection (a)(2).

(2) TERMS.—Each director shall serve for a term of 2 years.

(3) VACANCIES.—A vacancy on the Board shall be filled not later than 60 days after that vacancy occurs, in the manner in which the original appointment was made.

(4) LIMITATION ON TERMS.—No individual may serve more than 3 consecutive terms as a director.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a term of 2 years.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Secretary and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(g) GENERAL POWERS.—

(1) POWERS.—The Board may complete the organization of the Council by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Council under this Act; and

(C) carrying out such other actions as may be necessary to carry out the purposes of the Council under this Act.

(2) EFFECT OF APPOINTMENT.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(3) LIMITATIONS.—The following limitations shall apply with respect to the appointment of officers and employees of the Council:

(A) Officers and employees may not be appointed until the Council has sufficient funds to pay them for their service.

(B) Officers and employees of the Council—

(i) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) SECRETARY OF THE BOARD.—The first officer or employee appointed by the Board shall be the secretary of the Board. The secretary of the Board shall—

(A) serve, at the direction of the Board, as its chief operating officer; and

(B) be knowledgeable and experienced in matters relating to economic development and Indian affairs.

##### SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.

(a) CORPORATE POWERS.—To carry out its purposes under section 201(b), the Council shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in South Dakota, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to carry out any action that is necessary and proper to carry out the purposes of the Council.

(b) OTHER POWERS AND OBLIGATIONS.—

(1) IN GENERAL.—The Council—

(A) shall have perpetual succession;

(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

(C) shall have its principal offices in South Dakota; and

(D) shall at all times maintain a designated agent authorized to accept service of process for the Council.

(2) SERVICE OF NOTICE.—The serving of notice to, or service of process upon, the agent required under paragraph (1)(D), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Council.

(c) SEAL.—The Council shall have an official seal selected by the Board, which shall be judicially noticed.

(d) CERTAIN INTERESTS.—If any current or future interest of a gift under subsection

(a)(1) is for the benefit of the Council, the Council may accept the gift under such subsection, even if that gift is encumbered, restricted, or subject to beneficial interests of 1 or more private persons.

**SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.**

(a) **PROVISION OF SERVICES.**—The Secretary may provide personnel, facilities, and other administrative services to the Council, including reimbursement of expenses under section 202, not to exceed then current Federal Government per diem rates, for a period ending not later than 5 years after the date of enactment of this Act.

(b) **REIMBURSEMENT.**—

(1) **IN GENERAL.**—The Council may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

(2) **CONTINUATION OF CERTAIN ASSISTANCE.**—Notwithstanding any other provision of this section, the Secretary is authorized to continue to provide facilities, and necessary support services for such facilities, to the Council after the date specified in subsection (a), on a space available, reimbursable cost basis.

**SEC. 205. VOLUNTEER STATUS.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Council, the Board, and the officers and employees of the Board, without compensation from the Secretary, as volunteers in the performance of the functions authorized under this Act.

(b) **INCIDENTAL EXPENSES.**—The Secretary is authorized to provide for incidental expenses, including transportation, lodging, and subsistence to the officers and employees serving as volunteers under subsection (a).

**SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.**

(a) **AUDITS.**—The Council shall be subject to auditing and reporting requirements under section 10101 of title 36, United States Code, in the same manner as is a corporation under part B of that title.

(b) **REPORT.**—As soon as practicable after the end of each fiscal year, the Council shall transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) **RELIEF WITH RESPECT TO CERTAIN COUNCIL ACTS OR FAILURE TO ACT.**—If the Council—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes of the Council under section 201(b); or

(2) refuses, fails, or neglects to discharge the obligations of the Council under this Act, or threatens to do so;

then the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

**SEC. 207. UNITED STATES RELEASE FROM LIABILITY.**

The United States shall not be liable for any debts, defaults, acts, or omissions of the Council. The full faith and credit of the United States shall not extend to any obligation of the Council.

**SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.**

(a) **GRANTS.**—

(1) **IN GENERAL.**—Not less frequently than annually, the Secretary shall award a grant to the Council, to be used to carry out the purposes specified in section 201(b) in accordance with this section.

(2) **GRANT AGREEMENTS.**—As a condition to receiving a grant under this section, the secretary of the Board, with the approval of the Board, shall enter into an agreement with the Secretary that specifies the duties of the Council in carrying out the grant and the information that is required to be included in the agreement under paragraphs (3) and (4).

(3) **MATCHING REQUIREMENTS.**—Each agreement entered into under paragraph (2) shall specify that the Federal share of a grant under this section shall be 80 percent of the cost of the activities funded under the grant. No amount may be made available to the Council for a grant under this section, unless the Council has raised an amount from private persons and State and local government agencies equivalent to the non-Federal share of the grant.

(4) **PROHIBITION ON THE USE OF FEDERAL FUNDS FOR ADMINISTRATIVE EXPENSES.**—Each agreement entered into under paragraph (2) shall specify that no Federal funds made available to the Council (under the grant that is the subject to the agreement or otherwise) may be used by the Council for administrative expenses of the Council, including salaries, travel and transportation expenses, and other overhead expenses.

(b) **TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—Each agency head listed in paragraph (2) shall provide to the Council such technical assistance as may be necessary for the Council to carry out the purposes specified in section 201(b).

(2) **AGENCY HEADS.**—The agency heads listed in this paragraphs are as follows:

(A) The Secretary of Housing and Urban Development.

(B) The Secretary of the Interior.

(C) The Commissioner of Indian Affairs.

(D) The Assistant Secretary for Economic Development of the Department of Commerce.

(E) The Administrator of the Small Business Administration.

(F) The Administrator of the Rural Development Administration.

**SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION.**—There are authorized to be appropriated to the Department of the Interior, \$10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004, to be used in accordance with section 208.

(b) **ADDITIONAL AUTHORIZATION.**—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Council under any other provision of Federal law.

MARCH 1998.

To: Wakpa Sica Historical Society; Board of Directors.

**LADIES AND GENTLEMEN:** In my years of experience as a Tribal Leader, I have encountered few projects that hold as much promise for building understanding between Tribal and non-Tribal people as the Wakpa Sica Reconciliation Center project.

Lakota, Dakota and Nakota Sioux people in North Dakota, South Dakota and Nebraska are the third largest Indian population in the nation and our reservations are within easy driving distance of the Reconciliation Center project site. The Reconciliation Center will include a theater, repatriation area, Tribal court judges' chambers, gift shop, museum area, story circle, educational center, genealogical center, Law library and staff offices.

As Tribal Chairman, I would like to extend my endorsement as a member of the United Sioux Organization.

Tribal Chairman Signatures: We the undersigned elected leadership are representative of our Indian Reservations do hereby support this Wakpa Sica Project.

Charlie Murphy, Chairman, Standing Rock Sioux Reservation; Michael B. Jandreau, Chairman, Lower Brule Sioux Reservation; Norm Wilson, Chairman, Rosebud Sioux Reservation; Steve Cournoyer, Chairman, Yanton Sioux Reservation; Mura Pearson, Chairperson, Spirit Lake Sioux Reservation; John Steele, Chairman, Oglala Sioux Reservation; Richard Allen, Chairman, Flandreau Santee Sioux Reservation; Arthur Denny, Chairman, Santee Sioux Reservation; Duane Big Eagle, Chairman, Crow Creek Sioux Reservation; Andrew Grey, Sr., Chairman, Sisseton Wahpeton Sioux Reservation.

By Mr. BURNS:

S. 1659. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Energy and Natural Resources.

LOWER YELLOWSTONE IRRIGATION PROJECTS  
TITLE TRANSFER

● Mr. BURNS. Mr. President, I rise today to introduce a piece of legislation that helps a large number of family farms on the border of Montana and North Dakota. The Lower Yellowstone Irrigation Projects Title Transfer moves ownership of these irrigation projects from federal control to local control. Both the Bureau of Reclamation and those relying on the projects for their livelihood agree that there is little value in having the federal government retain ownership.

The history of these projects dates to the early 1900's with the original Lower Yellowstone project being built by the Bureau of Reclamation between 1906 and 1910. Later, the Savage Unit was added in 1947-48. The end result was the creation of fertile, irrigated land to help spur economic development in the area. To this day, agriculture is the number one industry in the area.

The local impact of the projects is measurable in numbers, but the greatest impacts can only be seen by visiting the area. About 500 family farms rely on these projects for economic substance, and the entire area relies on them to create stability in the local economy. In an area that has seen booms and busts in oil, gas, and other commodities, these irrigated lands continued producing and offering a foundation for the businesses in the area.

As we all know, agriculture prices are extremely low right now, but these irrigated lands offer a reasonable return over time and are the foundation for strong communities based upon the ideals that have made this country successful. The 500 families impacted are hard working, honest producers, and I can think of no better people to manage their own irrigation projects.

Everyday, we see an example of where the federal government is taking on a new task. We can debate the merits of those efforts on an individual

basis, but I think we can all agree that while the government gets involved in new projects there are many that we can safely pass on to state or local control. The Lower Yellowstone Projects are a prime example of such an opportunity, and I ask my colleagues to join me in seeing this legislation passed as quickly as possible.●

By Mrs. HUTCHISON (for herself and Mr. LOTT):

S. 1661. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

THE ENVIRONMENTAL PROTECTION PARTNERSHIP ACT OF 1999

● Mrs. HUTCHISON. Mr. President, today, along with Senator LOTT, I am introducing the Environmental Protection Partnership Act of 1999. By introducing this bill, I am suggesting that the Federal Government take a cue from the States regarding environmental protection. Many State governments have passed laws that allow for voluntary audits of environmental compliance. These laws encourage a company to conduct an audit of its compliance with environmental laws. By conducting the audit, the company determines whether it is in compliance with all environmental laws. If it is not, these state laws allow the company, without penalty, to correct any violations it finds so it will come into compliance.

What the bill does is let the Federal Government do the same thing. It lets the Federal Government say to companies all over America, if you want to do a voluntary audit for environmental compliance, we are going to let you do that. We will encourage you but not force you to do it. And we are not going to come in and threaten you with the hammer of the EPA if you, in fact, move swiftly to come into compliance when you find that you are not in compliance.

I believe this is the most effective way to clean up the air and water. Our air and water are invaluable natural resources. They are cleaner than they have been in 25 years, and we want to keep improving our efforts to guarantee their protection. This bill will ensure this protection, in the same fashion as many States have done. It does not preempt State law. If State laws are on the books, then the State laws prevail. But this offers companies all over our country the ability to comply with Federal standards in a voluntary way, to critically assess their compliance and not be penalized if they then take action to immediately come into compliance.

My bill will ensure that we continue to increase the protection of our environment in the United States through

providing incentives for companies to assess their own environmental compliance. Rather than playing a waiting game for EPA to find environmental violations, companies will find—and stop—violations. Many more violations will be corrected, and many others will be prevented.

Under the bill, if a company voluntarily completes an environmental audit—a thorough review of its compliance with environmental laws—the audit report may not be used against the company in court. The report can be used in court, however, if the company found violations and did not promptly make efforts to comply. By extending this privilege, a company that looks for, finds, and remedies problems will continue this good conduct, and protect the environment.

In addition, if a company does an audit, and promptly corrects any violations, the company may choose to disclose the violation to EPA. If the company does disclose the violation, the company will not be penalized for the violations. By ensuring companies that they will not be dragged into court for being honest, the bill encourages companies to find and fix violations and report them to EPA.

This does not mean that companies that pollute go scot-free. Under this bill, there is no protection for: willful and intentional violators; companies that do not promptly cure violations; companies asserting the law fraudulently; or companies trying to evade an imminent or ongoing investigation. Further, the bill does not protect companies that have policies that permit ongoing patterns of violations of environmental laws. And where a violation results in a continuing adverse public health or environmental effect, a company may not use the protections of this law.

Nor does this bill mean that EPA loses any authority to find violations and punish companies for polluting. EPA retains all its present authority.

At the same time that EPA retains full authority to enforce environmental laws, I propose to engage every company voluntarily in environmental protection by creating the incentive for those companies to find and cure their own violations. This frees EPA to target its enforcement dollars on the bad actors—the companies that intentionally pollute our water and air.

Mr. President, I look forward to working with Senator LOTT, Senator HATCH, chairman of the Judiciary Committee, as well as the rest of my colleagues in the Senate on this bill, which will pave the way to increased environmental compliance.●

By Mr. BAUCUS (for himself, Mr. GRAMS, Mrs. MURRAY, and Mr. WYDEN):

S. 1662. A bill to grant the President authority to proclaim the elimination or staged rate reduction of duties on certain environmental goods; to the Committee on Finance.

TARIFFS ON ENVIRONMENTAL GOODS

● Mr. BAUCUS. Mr. President, since the end of the Second World War, the United States has led the world in establishing an open, rule-based trade system. I believe it is very important that we continue to provide this leadership. We can only do this if we maintain a domestic consensus on trade policy.

The United States has also provided strong international leadership on environmental protection. I have long been a strong proponent of both open trade and environmental protection. I have a foot in both camps. So today I am proud to introduce a bill which addresses both trade and the environment. I am joined in this effort by Senators GRAMS, MURRAY, and WYDEN.

I know people in the trade community who assume that anything good for the environment must be bad for business. They believe that protecting the environment means more government restrictions, higher costs, and lower profits. This logic is flawed.

I also know people in the environmental community who assume that anything good for trade must be bad for the environment. They believe that more trade means more growth, and that more growth means more damage to the environment. This logic is flawed, too.

We can take measures which benefit both trade and the environment. I am proposing one such measure today: eliminating import duties on environmental products as part of a multilateral agreement. This enjoys wide support from American environmental technology companies, as well as from members of the environmental community.

Mr. President, let me recall a bit of recent trade history. During the Uruguay Round of trade negotiations, the United States participated in a number of sectoral tariff initiatives. They were known as “zero-for-zero.” Countries agreed to reciprocal tariff elimination, saying “I’ll put my tariff at zero, if you’ll do the same.”

The Uruguay Round Act gave the President the authority to eliminate U.S. tariffs in these “zero-for-zero” sectors. But in several sectors, the negotiators did not reach agreement. The President retains tariff authority in these sectors. Examples are products like furniture and paper. Some of these sectors are once again under discussion in the WTO.

In addition to these unfinished Uruguay Round sectors, the United States launched other zero-for-zero initiatives. This work began in the Asia Pacific Economic Cooperation (APEC) forum, and then moved to the WTO. One of the sectors under discussion is environmental goods.

Environmental goods cover a wide range of products made in America to control air, water and noise pollution, as well as solid and hazardous waste. These products include equipment for recycling and for renewable energy.

They include technology for remediation and cleanup. Environmental goods also include scientific equipment for monitoring and analysis. All told, U.S. firms sell somewhere between \$20 and \$40 billion abroad annually. They could sell more if other countries would eliminate trade barriers, including tariffs.

In my home state of Montana, businesses which export environmental equipment could expand their operations if they faced fewer foreign barriers. I have heard from one company, SRS Crisafulli, which is working in Latin America markets. Tariffs on their dredging equipment raise their sales price substantially. The inexorable law of the market is that higher sales prices mean lower sales.

As my colleagues know, the United States maintains the world's most open market. Our tariffs are generally low. They are especially low on environmental goods, where U.S. import duties average less than 2%. This bill I am introducing today would eliminate these small tariffs—nuisance tariffs, really. In return, other countries would abolish their import duties on American-made products. Their tariffs can be three or four times higher than ours. That's a good deal for us, and a good deal for world trade.

It's also a good deal for the environment. The biggest importers of these products are the emerging markets of Asia, Africa and Latin America. Expanding the use of environmental technology will help limit or remedy environmental damage. It will have a positive impact on public health and the quality of life.

Mr. President, the bill I am introducing preserves Congress' constitutional role in foreign trade. It requires the President to consult with us before implementing any environmental tariff cuts. And I would like to put our trade negotiators on notice that we expect them to bring to us a proposal with broad coverage, rapid staging and limited exceptions.

I am particularly concerned about the scope of the agreement now being negotiated. I understand that some of our trading partners in APEC were unwilling to classify certain products as "environmental goods" because they are "dual use." A hydraulic pump, for instance, can be used for either a sewage treatment plant or a microchip plant. We should press other countries to adopt a broad definition of "environmental goods" to encourage dissemination of technology.

Mr. President, ever since environmental tariff elimination surfaced, the U.S. told our trading partners not to worry that the President lacks tariff-cutting authority in the sector. When the time comes, we said, Congress will grant the necessary authority. I believe this effort merits the same kind of support from the Senate that it has gained support among the trade and environmental communities. It is particularly important that we show this

support now, as the United States prepares to host the WTO Trade Ministers Meeting in Seattle. I encourage all of my colleagues to provide this support.●

By Mr. BENNETT:

S. 1664. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

RED CLIFFS DESERT RESERVE LAND ACQUISITION LEGISLATION

S. 1665. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

LAND EXCHANGE FACILITATION LEGISLATION

● Mr. BENNETT. Mr. President, I am introducing two bills which address minor technical issues in Washington County, Utah. Given the non-controversial nature of these bills, I am hopeful they will be given quick consideration.

The first bill deals with a land exchange between the city of St. George and the BLM to facilitate a Washington County, Utah habitat conservation plan for the desert tortoise. The parcel of land at issue was once used as a landfill. The BLM is interested in acquiring the land in an exchange, but it is reluctant to accept liability for any unknown toxic materials that may be in the landfill. The bill would leave liability for the landfill in the hands of the city. Both the BLM and the city of St. George are in favor of this legislation.

The next bill deals with an exchange between the State of Utah and a private party. This exchange would facilitate additional protection for the endangered desert tortoise. The parcels of land that the State wants to trade were given to them pursuant to the Recreation and Public Purposes Act and consequently have a BLM reversionary clause clouding title to the property. This bill would remove those reversionary clauses so that the State could pass clear title in the land exchange.

I appreciate once again the leadership of Chairman HANSEN on the House Committee on Resources in taking the lead on these bills in the other body and I look forward to working with my colleagues on the Senate Energy Committee to move these bills quickly.●

By Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. FITZGERALD, and Mr. HELMS):

S. 1666. A bill to provide risk education assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS' RISK MANAGEMENT ACT

Mr. LUGAR. Mr. President, I rise today to introduce legislation to help our nation's farmers cope with the

risks inherent in production agriculture.

My colleagues are familiar with the challenges facing American farmers. Prices are down world-wide. Exports are lower than expected, in large part due to the economic problems in Asia. Weather problems, from droughts to floods, have plagued large portions of our country.

The Senate has passed, and a conference committee is considering, an agricultural appropriations bill that contains emergency provisions to deal with these immediate needs. For the intermediate and long term, the Congressional budget resolution contains \$6 billion for use in fiscal years 2001–2004 that can be used as direct payments or to help farmers manage risk. Given these available funds, the question for policymakers is how best to help farmers manage the risks that they face.

Some suggest that the entire \$6 billion should be used to alter the subsidy structure of the federal crop insurance program. I believe that risk management is broader than crop insurance alone. To keep U.S. agriculture competitive, farmers will have to consider a variety of practices including: engaging in sophisticated marketing practices; reducing debt; considering alternative crops; and purchasing crop insurance. An approach to risk management that focuses on the crop insurance program's subsidy structure is too narrow to address the many risks faced by farmers.

In crafting my own risk management bill, I was guided by four principles. First, the greatest possible amount of the \$6 billion should go directly to farmers. In the crop insurance program, private insurers receive substantial compensation for selling and servicing multi-peril policies on the government's behalf. Overall, the insurance companies receive about one-third of the federal financial support of the program. Farmers get the remaining two-thirds. In my view, farmers should receive more of the new federal spending.

Second, the \$6 billion should be provided in such a manner so that it does not distort planting decisions. Leading economists believe that crop insurance encourages the planting of crops on marginal and environmentally challenged acreage. Federal risk management spending should not inadvertently subsidize overproduction when world-wide agricultural stocks are already large. Subsidizing overproduction postpones the day when agricultural prices will rebound.

Third, the \$6 billion should be distributed equitably among farmers and among regions. In terms of eligible 1998 acres insured, farmers' participation by state ranges from a low of 4 percent to a high of 93 percent. Clearly, farmers in some parts of the country do not view crop insurance as a useful risk management tool. By spending the bulk of the increased federal assistance on crop insurance, we are denying farmers in

some parts of the country risk management help.

Fourth, farmers should be encouraged to pursue a variety of risk management strategies, including, but not limited to, crop insurance. Within broad parameters, farmers should be able to choose the risk management strategy that best meets their needs.

Mr. President, the bill I am introducing today complies with my four principles. First, of the \$6 billion in available new spending, over \$5 billion is sent directly to farmers. Second, because the money is sent directly to farmers and is based on historical production, it is far less likely to distort planting decisions. Third, because it is not limited only to one form of risk management—crop insurance, it is more equitable among regions. Fourth, in order to better meet farmers' individual needs, it lets farmers choose risk management strategies from a menu of options.

The bill directs the Secretary of Agriculture, for the 2001–2004 crops, to offer to enter into a contract with a producer in which the producer receives a risk management payment if the producer performs at least 2 of the following risk management practices each applicable year:

1. Purchase Federal or private crop insurance (e.g., private crop hail) that is equivalent to at least catastrophic risk protection, for at least one principal agricultural commodity produced on the farm for which federal crop insurance is available.

2. Hedge price, revenue, or production risk by entering into at least one standard exchange-traded contract for a future or option on a principal agricultural commodity (crops or livestock) produced on the farm.

3. Hedge price, revenue, or production risk on at least 10% of the value of a principal agricultural commodity produced on the farm by purchasing an agricultural trade option.

4. Cover at least 20% of the value of a principal agricultural commodity (crops or livestock) produced on the farm with a cash forward or other type of marketing contract.

5. Attend an agricultural marketing or risk management class. This includes, but is not limited to, a seminar or class conducted by a broker licensed by a futures exchange.

6. Deposit at least 25% of the risk management payment into a FARRM account, or a similar tax deductible account.

7. Reduce farm financial risk by reducing debt in an amount that reduces leverage, or by increasing liquidity.

8. Reduce farm business risk by diversifying the farm's production by producing at least one new commodity on the farm, or by significantly increasing the diversity of enterprises on the farm.

A producer's annual risk management payment will be based on his or her Federal Crop Insurance Corporation (FCIC) average actual production

history (APH) established for the 2000 crop for each Federally insurable agricultural commodity grown by the producer. Under existing FCIC procedures, the average APH for a commodity for crop year 2000 is based on a producer's documented production and acreage history from at least 4 of the 10 immediately preceding crop years.

Let me give a hypothetical example of how this would work at the farm level. Suppose a farmer produces corn, soybeans, and apples for the fresh apple market on a total of 525 acres somewhere, let's say, in the eastern half of the country. Corn and soybeans are federally insurable throughout the country and apples are federally insurable in most areas that have significant apple production. Let's further suppose that this hypothetical producer has never purchased federal crop insurance before.

Under my bill, this grain and apple farmer would be eligible for risk management payments for each of the 2001 through 2004 crops based on his average actual production history for corn, soybeans, and apples for the four crop years covering 1996, 1997, 1998, and 1999. He could document more than four years of production history, but FCIC procedures require a minimum of four consecutive years. Let's suppose the producer's average production is 30,000 bushels of corn based on 250 acres; 10,000 bushels of soybeans based on 250 acres; and 11,548 bushels of apples based on 25 acres. The producer's average APH would be valued at the 1997–1999 average FCIC established price level for each crop. This price is \$2.38 per bushel for corn and \$5.80 per bushel for soybeans. The apple price varies by region. For this example, I will use a fresh apple price of \$4.17 per bushel (42 pounds/bushel) which would be the applicable price for fresh apples in one of the eastern region's major apple-producing states. At these prices, the value of the producer's average APH across all crops (rounded to the nearest dollar) would be \$177,554.

The amount of the producer's annual risk management payment would be based on a percentage payment rate determined by the Secretary of Agriculture based on \$1.275 billion for each of the 2001 through 2004 crops for a cumulative total of \$5.1 billion. Preliminary estimates suggest that the payment rate will be somewhere between 1 percent and 2 percent of production value if 100 percent of the eligible farmers sign up for risk management payments. Thus, a reasonable estimate is that the percentage payment rate will come out at 1.5 percent of production value. If this estimate turns out to be correct, our hypothetical grain and apple farmer's annual risk management payment (rounded to the nearest dollar) would be \$2,663. The 2001 payment would be available to the farmer on or after October 1, 2000, approximately one year from today.

In order to qualify for his risk management payment each year, the farm-

er would have to certify with the Agriculture Department that he had obtained or used 2 of the 8 risk management practices each year. He could do this in a large number of ways. For example, he could qualify by purchasing crop multi-peril crop insurance on his 2001 corn or soybean production and cash forward contract at least 20 percent of the 2001 corn or soybean crop. Alternatively, he could qualify by entering into a marketing contract with a buyer for at least 20 percent of his 2001 apple production and purchase exchange-traded options to hedge price risk on his 2001 corn or soybean crop.

Mr. President, I ask unanimous consent that a section-by-section summary of my bill be printed in the RECORD. I encourage my colleagues to study my bill and to talk it over with farmers in their own states.

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

FARMERS' RISK MANAGEMENT ACT OF 1999—  
SECTION BY SECTION SUMMARY

TITLE I—RISK MANAGEMENT PAYMENTS

Section 101. *Definitions*

Defines terms used in this title.

Section 102. *Risk management contract*

Subsection (a) Offer and Consideration. Directs the Secretary of Agriculture, for the 2001–2004 crops, to offer to enter into a contract with a producer in which the producer receives a risk management payment if the producer performs at least 2 qualifying risk management practices in an applicable year. A producer's annual risk management payment will be based on his or her FCIC average actual production history (APH) established for the 2000 crop for each Federally insurable agricultural commodity grown by the producer. Under existing FCIC procedures, the APH for a commodity for crop year 2000 is based on a producer's documented production and acreage history from at least 4 of the 10 immediately preceding years (1990–1999). A producer may elect to receive a risk management payment directly or have an equivalent amount credited to the premium owed by the producer for Federal crop insurance coverage.

Subsection (b) Qualifying Risk Management Practices. Describes the 8 qualifying risk management practices:

1. Purchase Federal or private crop insurance (e.g. private crop hail) that is equivalent to at least catastrophic risk protection, for at least one principal agricultural commodity produced on the farm for which federal crop insurance is available.

2. Hedge price, revenue, or production risk by entering into at least one standard exchange-traded contract for a future or option on a principal agricultural commodity (crops or livestock) produced on the farm.

3. Hedge price, revenue, or production risk on at least 10% of the value of a principal agricultural commodity produced on the farm by purchasing an agricultural trade option.

4. Cover at least 20% of the value of a principal agricultural commodity (crops or livestock) produced on the farm with a cash forward or other type of marketing contract.

5. Attend an agricultural marketing or risk management class. This includes, but is not limited to, a seminar or class conducted by a broker licensed by a futures exchange.

6. Deposit at least 25% of the risk management payment into a FARRM account, or a similar tax deductible account.

7. Reduce farm financial risk by reducing debt in an amount that reduces leverage, or by increasing liquidity.

8. Reduce farm business risk by diversifying the farm's production by producing at least one new commodity on the farm, or by significantly increasing the diversity of enterprises on the farm.

Subsection (c) Determination of Risk Management Payment. The amount that is available for risk management payments for each of the 2001 through 2004 crops is \$1.275 billion (a total of \$5.1 billion). A producer's risk management payment is calculated (for each Federally insurable commodity of a producer) by multiplying:

(1) the average APH established for the 2000 crop (meaning documented production and acreage history from at least 4 of the 10 immediately preceding years covering 1990–1999) for each Federally insurable commodity of a producer;

(2) the 1997–1999 average of the FCIC price level established for each commodity (i.e., \$2.38/bu. for corn, \$5.80/bu. for soybeans, \$3.60/bu. for wheat, 68 cents/lb. for upland cotton and \$9.50/cwt. for rice); and

(3) a payment rate determined by the Secretary in accordance with the total amount available for the year.

#### Section 103. Administrative provisions

Risk management payments for each of the 2001 through 2004 crops will be paid in one or more amounts as of October 1 of the crop year. A payment for the 2001 crop could be paid as early as October 1, 2000. A producer must certify with the Secretary which qualifying risk management practices were used on the farm by filing a form with the local FSA office. Qualifying risk management practices used for the 2001 crop would have to be reported by April 15, 2002. A producer choosing to receive a credit for a crop insurance premium will receive the benefit at the time payment of the premium is due (after harvest). Should a producer accept a risk management payment but not perform at least 2 qualifying risk management practices in the applicable year, the producer will be required to repay the full amount of the risk management payment with interest.

#### Section 104. Termination of authority; funding

Terminates the authority and funding for risk management payments and qualifying risk management practices as of September 30, 2004.

#### TITLE II—CROP INSURANCE

##### Section 201. Sanctions for program compliance and fraud

A producer who provides false or misleading information about a crop insurance policy may be assessed a \$10,000 civil penalty for each violation, or debarred from all USDA financial assistance programs for up to 5 years, depending on the severity of the violation. Agents, loss adjusters, and approved insurance providers who provide false or misleading information about a policy or the administration of a policy or claim under this Act may be subject to civil fines up to \$10,000 per violation, or debarred from participating in insurance programs under this Act for up to 5 years, depending on the severity of the violation. The same penalties may apply to agents, loss adjusters, and approved insurance providers who have recurrent compliance problems.

##### Section 202. Oversight of loss adjustment

Requires the Corporation to develop procedures for annual reviews of loss adjusters by the approved insurance provider, and to consult with the approved insurance provider about each annual evaluation.

##### Section 203. Revenue insurance pilot program

Extends the authority for certain revenue insurance pilot programs through the 2004 crop.

##### Section 204. Reduction in CAT underwriting gains and losses

Reduces the potential for underwriting gains or losses associated with catastrophic crop insurance (CAT) policies for the 2001 through 2004 reinsurance years.

##### Section 205. Whole farm revenue insurance pilot program

Establishes a pilot program for the 2001 through the 2004 reinsurance years that guarantees farm revenue based on the average adjusted gross income of the producer for the previous 5 years. Covers crops and livestock.

##### Section 206. Product innovation and rate competition pilot program

Establishes a pilot program for the 2001 through 2004 reinsurance years that allows private insurance companies to develop and market innovative insurance products, to compete with other companies regarding rates of premium, and to allow a company that has developed a new insurance product to charge a fee to other companies that want to market the product.

##### Section 207. Limitation on double insurance

Prohibits purchasing insurance for more than 1 crop for the same acreage in a year, except where there is an established history of double-cropping on the acreage.

#### TITLE III—REGULATIONS

##### Section 301. Regulations

Requires the Secretary to promulgate regulations within 180 days of enactment.

By Mr. KERRY (for himself, Mr. BROWNBAC, Mr. LIEBERMAN, Mr. HUTCHINSON, and Ms. MIKULSKI):

S. 1668. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### WORKPLACE RELIGIOUS FREEDOM ACT

• Mr. KERRY. Mr. President, I am introducing today a bipartisan bill, together with Senator BROWNBAC of Kansas. This is the Workplace Religious Freedom Act of 1999.

This bill would protect workers from on-the-job discrimination related to religious beliefs and practices. It represents a milestone in the protection of the religious liberties of all workers.

In 1972, Congress amended the Civil Rights Act of 1964 to require employers to reasonably accommodate an employee's religious practice or observance unless doing so would impose an undue hardship on the employer. This 1972 amendment, although completely appropriate, has been interpreted by the courts so narrowly as to place little restraint on an employer's refusal to provide religious accommodation. The Workplace Religious Freedom Act will restore to the religious accommodation provision the weight that Congress originally intended and help assure that employers have a meaningful obligation to reasonably accommodate their employees' religious practices.

The restoration of this protection is no small matter. For many religiously observant Americans the greatest peril to their ability to carry out their religious faiths on a day-to-day basis may

come from employers. I have heard accounts from around the country about a small minority of employers who will not make reasonable accommodation for employees to observe the Sabbath and other holy days or for employees who must wear religiously-required garb, such as a yarmulke, or for employees to wear clothing that meets religion-based modesty requirements.

The refusal of an employer, absent undue hardship, to provide reasonable accommodation of a religious practice should be seen as a form of religious discrimination, as originally intended by Congress in 1972. And religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment opportunities. Enactment of the Workplace Religious Freedom Act will constitute an important step toward ensuring that all members of society, whatever their religious beliefs and practices, will be protected from an invidious form of discrimination.

It is important to recognize that, in addition to protecting the religious freedom of employees, this legislation protects employers from an undue burden. Employees would be allowed to take time off only if their doing so does not pose a significant difficulty or expense for the employer. This common sense definition of undue hardship is used in the "Americans with Disabilities Act" and has worked well in that context.

We have little doubt that this bill is constitutional because it simply clarifies existing law on discrimination by private employers, strengthening the required standard for employers. This bill does not deal with behavior by State or Federal Governments or substantively expand 14th amendment rights.

I believe this bill should receive bipartisan support. This bill is endorsed by wide range of organizations including the American Jewish Committee, Christian Legal Society, Family Research Council, General Conference of Seventh-day Adventists, National Council of the Churches of Christ in the U.S.A., and the Southern Baptist Convention.

I want to thank Senator BROWNBAC for joining me in this effort. I look forward working with him to pass this legislation so that all American workers can be assured of both equal employment opportunities and the ability to practice their religion.●

• Mr. BROWNBAC. Mr. President, today I am pleased to stand with concerned colleagues, both Republicans and Democrats, as well as concerned citizens, including Christians, Jews, Muslims, and Sikhs among many other faiths. We come together in support of a simple proposition. America is distinguished internationally as a land of religious freedom. It should be a place where no person is forced to choose between keeping their faith and keeping their job. That is why I am joining

with Senators KERRY, HUTCHINSON, LIEBERMAN and MIKULSKI in introducing the Workplace Religious Freedom Act.

This legislation provides a skilled reconciling of religion in the workplace. It recognizes that work and religion can be reconciled without undue hardship. Americans continue to be a religious people, with a deep personal faith commitment. With this commitment comes personal religious standards which govern personal activity. For example, some Americans don't work on Saturdays, while others don't work on Sundays. Not because they're lazy or frivolous, but because their faith convictions call for a Sabbath day, requiring a day to be set aside as holy.

Similarly, some Americans need to wear a skullcap to work, or a head covering, or a turban. As a nation whose great strength rests in diversity, surely we can protect such diverse yet simple and unobtrusive expressions of personal faith. Surely we're still generous enough, and God-respecting enough as a nation, to support others in the genuine expressions of their faith. I am particularly anxious for the religious minorities, for the Muslims and the Jews and the others who are very small in number but great in conviction. In our increasingly secular society, many remain among us who still hold by ancient, heart-felt principles governed by a deep personal belief. I submit to you they deserve the decency of respect which includes our protection in preserving their peaceful religious expressions. This is a core principle which cannot be compromised, because it speaks to the essence of who we are as a people committed to preserving freedom.

In this land of religious freedom, one would hope that employers would spontaneously accommodate the religious needs of their employees whenever reasonable. That is, after all, what we do here in Congress. For example, we don't conduct votes or hearings on certain holidays so that Members and staff can observe their religious holy days. While most private employers also extend this simple but important decency to their workers, others unfortunately do not.

Historically, title VII of the Civil Rights Act was meant to address conflicts between religion and work. On its face it requires employers to "reasonably accommodate" the religious needs of their employees as long as this does not impose an "undue hardship" on the employer. The problem is that our federal courts have essentially read these lines out of the law by ruling that any hardship is an undue hardship. This is not right, nor does it hold with the spirit of this great nation which was founded as a refuge for religious freedom.

Thus, a Maryland trucking company can try to force a devout Christian truck driver to take a Sunday shift. A local sheriff's department in Nevada can tell a Seventh Day Adventist that

she must work a Saturday shift if she wants to continue with them.

The Workplace Religious Freedom Act will re-establish the principle that employers must reasonably accommodate the religious needs of employees such as these. This legislation is carefully crafted and strikes an appropriate balance between religious accommodation, while ensuring that an undue burden is not forced upon American businesses. It is flexible and case-oriented on an individual basis. Thus, a smaller business with less resources and personnel would not be asked to accommodate religious employees in exactly the same fashion as would a large manufacturing concern.

I am proud of the fact that this is a bi-partisan effort, I am proud that this legislation is supported by such a broad spectrum of groups ranging from the Christian Legal Society and the Union of Orthodox Jewish Congregations, to the Family Research Council, the National Council of Churches, the North American Council for Muslim Women, and the American Jewish Committee.

America is a great nation because we honor the free exercise of belief, which includes the very precious, fundamental freedom of religion. This liberty, known as the "first freedom," is worthy of our continued vigilance. It properly demands support from all quarters, both the public and private sectors. It properly finds it here in this legislation which re-establishes the right balance between the competing concerns of business and faith.●

● Mr. LIEBERMAN. Mr. President, I am proud to join Senators BROWBACK, KERRY, and others in introducing this important legislation today. America is a deeply religious nation, and fostering a society in which all Americans can worship according to the dictates of their conscience has been of prominent importance to this country since its beginning. Indeed, the Founders of this great Nation saw preserving Americans' ability to worship freely as so important that they enshrined it in the Bill of Rights' very first amendment.

Unfortunately, a number of Americans today are not able to take full advantage of America's promise of religious freedom. They are instead being forced to make a choice no American should face: one between the dictates of their faith and the demands of their job. Whether by being forced to work on days their religion requires them to refrain from work or by being denied the right to wear clothing their faith mandates they wear, too many Americans of faith are facing an unfair choice between their job and their religion.

This legislation would provide much needed help for those confronted with that choice. It would require employers to provide reasonable accommodations to an employee's religious observance or practice, unless doing so would impose an undue hardship on the employer. The bill would not, it is worth emphasizing, give employees a right to

dictate the conditions of their job, because it does not demand that employers accede to unreasonable requests. Instead, it requires only that an employer grant a religiously based request for an accommodation to an employee's religious belief or practice if the accommodation would not impose significant difficulty or expense on the employer.

Mr. President, this legislation is long overdue. I hope that we can see it enacted into law soon.●

#### ADDITIONAL COSPONSORS

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 486

At the request of Mr. HATCH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 709

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 709, a bill to amend the Housing and Community Development Act of 1974 to establish and sustain viable rural and remote communities, and to provide affordable housing and community development assistance to rural areas with excessively high rates of outmigration and low per capita income levels.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 791

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 909

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 909, a bill to provide for the review and

classification of physician assistant positions in the Federal Government, and for other purposes.

S. 914

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 1028

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. ROBB) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1053

At the request of Mr. BOND, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Nebraska (Mr. KERREY), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order *Ratitae* that are raised for use as human food.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1368

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1368, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

S. 1455

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1455, a bill to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1544

At the request of Mr. ALLARD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1544, a bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

S. 1623

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1623, a bill to select a National Health Museum site.

S. 1652

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1652, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Virginia

(Mr. ROBB), the Senator from Indiana (Mr. BAYH), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 118, A resolution designating December 12, 1999, as "National Children's Memorial Day."

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mr. GRAMM), the Senator from West Virginia (Mr. BYRD), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of Senate Resolution 179, A resolution designating October 15, 1999, as "National Mammography Day."

#### SENATE CONCURRENT RESOLUTION 57—CONCURRENT RESOLUTION CONCERNING THE EMANCIPATION OF THE IRANIAN BAHAI COMMUNITY

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. SCHUMER, Mr. BAUCUS, Mr. KERRY, Mr. SARBANES, Mr. BROWNBACK, Mr. HATCH, Mr. REID, Mr. DURBIN, Mr. DODD, and Mr. SESSIONS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 57

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, and 1996, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas in July 1998 a Baha'i, Mr. Ruhollah Rowhani, was executed by hanging in Mashhad after being held in solitary confinement for 9 months on the charge of converting a Muslim woman to the Baha'i Faith, a charge the woman herself refuted;

Whereas 4 Baha'is remain on death row in Iran, 2 on charges on apostasy, and 12 others are serving prison terms on charges arising solely from their religious beliefs or activities;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which was revealed by the United Nations Commission on Human Rights in 1993;

Whereas Baha'is have been banned from teaching and studying at Iranian universities since the Islamic Revolution and therefore created the Baha'i Institute of Higher Education, or Baha'i Open University, to provide educational opportunities to Baha'i youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October 1998, Iranian authorities arrested 36 faculty members of the Open University, 4 of whom have been given prison sentences ranging between 3 to 10 years, even though the law makes no

mention of religious instruction within one's own religious community as being an illegal activity;

Whereas Iranian intelligence officers looted classroom equipment, textbooks, computers, and other personal property from 532 Baha'i homes in an attempt to close down the Open University;

Whereas all Baha'i community properties in Iran have been confiscated by the government, and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools, or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights;

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran; and

Whereas in 1998 the United Nations Special Representative for Human Rights, Maurice Copithorne, was denied entry into Iran: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policies and actions of the Government of Iran, including the denial of legal recognition to the Baha'i community and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, including executions and death sentences, solely on account of their religion;

(4) urges the Government of Iran to permit Baha'i students to attend Iranian universities and Baha'i faculty to teach at Iranian universities, to return the property confiscated from the Baha'i Open University, to free the imprisoned faculty members of the Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Baha'i community made by the United Nations Special Rapporteur on Religious Intolerance, Professor Abdelfattah Amor, in his report of March 1996 to the United Nations Commission of Human Rights;

(6) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(7) calls upon the President to continue—

(A) to assert the United States Government's concern regarding Iran's violations of the rights of its citizens, including members of the Baha'i community, along with expressions of its concern regarding the Iranian Government's support for international terrorism and its efforts to acquire weapons of mass destruction;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the de-

velopment of the United States Government's relations with the Government of Iran;

(C) to emphasize the need for the United Nations Special Representative for Human Rights to be granted permission to enter Iran;

(D) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(E) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

• Mr. LIEBERMAN. Mr. President, it is with a heavy heart that my esteemed colleagues and I bring to the Senate's attention for the eighth time in 18 years the plight of Iran's Baha'is by submitting today the Baha'i Resolution of 1999.

Since the 1997 election of President Mohammad Khatami, the world has watched Iran with great anticipation of change. Indeed, under Khatami, Iran has witnessed some small, incremental steps toward democratization, transparency, and an attempt to assert the rule of law. As recent demonstrations at Tehran University have shown, the Iranian people are eager for reform, the kinds of changes that would allow Iran to become a member in good standing of the international community.

The Iranian people have suffered much in the last 20 years. A regime desperate to maintain control at all costs has executed hundreds of thousands of Iranians of all religious and political backgrounds. Iran's economy is in shambles, many of its best and brightest have fled, and the government's pursuit of policies supporting terrorism and the development of weapons of mass destruction have made Iran a pariah state in the international community. It is good to remember, as we focus on the plight of specific groups in Iran, that all of Iran's citizens, Shi'a, Sunni, Zoroastrian, Jewish, Christian, and Baha'i, have been victimized by the Iranian regime.

However, today we focus on the group that, man for man and woman for woman, has fared the worst under Iran's revolutionary government—the Baha'is.

Since the Islamic Revolution and consequent seizure of power by the Ayatollah Khomeini, the Baha'is have endured tremendous hardships that continue to this day. Large numbers have been killed and many other have disappeared and are presumed dead. Unlike other religious minorities in Iran such as Christians, Jews and Zoroastrians, the Baha'is are not recognized in the Iranian Constitution and subsequently do not enjoy the rights, minimal though they may be, normally granted Iranian citizens.

The refusal of Iran to protect the rights of the Baha'i community is iron-

ic. The Baha'is do not advocate insurrection, violence, or political partisanship. Their faith requires them peacefully to observe the laws of the country. For the Iranian government to regard the Baha'is as a threat, when all they desire is to be able to live in accordance with their religious beliefs is truly outrageous.

Now, imagine if you will what it would be like to live in a world where you and your children are not recognized as citizens simply because of your religion. Imagine your government seizing your only outlet for a higher education. Imagine fearing arrest simply for adhering to a set of beliefs and a way of life that you and your family hold dear. Unfortunately, this nightmarish scenario is all too real for 300,000 members of the Baha'i religion in Iran who need not expend any effort imagining such a situation, because they have the misfortune of living it.

Even after their signing of the Universal Declaration of Human Rights and the recent election of President Khatami, the Iranian government still shows no sign of easing its subjugation of Iran's largest religious minority. Tehran continues to oppress, persecute, and undermine the Baha'is way of life. Under such pressure, we fear that an already tragic past can only lead to a bleaker future.

Since 1979 the Baha'i community has been denied the right to assemble officially, conduct religious ceremonies—including the proper burial of their dead—and attend Iranian schools of higher education. Baha'is are denied the same job and pension opportunities as their non-Baha'i neighbors and by law. They cannot even collect on insurance policies.

The denial of access to schools of higher education has been a particular hardship to the Baha'is, who hold as one of the central tenets of their faith the supreme importance of education. In order to educate their youth, the Baha'is have created a network of university level courses, accredited by the University of Indiana and taught in the homes of Baha'i professors. Over 900 Baha'is have enrolled in the Open University and many more have benefited from their programs. In the Fall of 1998, for no other reason than to harass the Baha'i community, Iranian police raided over 500 homes associated with the Open University. Police arrested hundreds of professors and seized massive amounts of classroom and laboratory equipment, computers, and textbooks. To this day, three professors remain in jail. One has been sentenced to a ten year imprisonment and two have received seven year terms all for the 'sin' of involving themselves in teaching Baha'i studies which, according to the Iranian authorities constituted "crimes against national security."

(In recent years, the Iranian government has gradually stepped up its harassment of the Baha'is, as exemplified

in the 1998 raids on the Open University. With the raids came the realization that Tehran was not afraid to publicly display its maltreatment of the Baha'is. It was in this same year that Iran executed Mr. Ruhollah Rowhani.)

Mr. Rowhani was accused by the Iranian government of forcibly converting a Muslim woman to the Baha'i faith. Before Mr. Rowhani's hanging in July 1998, the woman totally refuted the charges, stating that she had been raised as a Baha'i, making it impossible and unnecessary for Mr. Rowhani to impress his religion upon her. Mr. Rowhani spent the nine months prior to his execution in solitary confinement, and most telling, no sentence was ever passed. It is in recognition and in memory of the recent one-year anniversary of Mr. Rowhani's execution that we submit this resolution.

The Baha'i Resolution expresses our strong disapproval of the Iranian government's treatment of the Baha'is and reminds Iran that the development of a relationship between our two countries depends greatly on Tehran's record of human rights. Equally important, it is a statement of America's values. It sends a message to perpetrators of persecution everywhere that our eyes will not be averted. And it reassures Iran's Baha'is, indeed all of those persecuted in Iran, that America is with them and will continue to shine sunlight on the abuses of Iran's government while we plead, and pray for change there.●

**SENATE RESOLUTION 190—DESIGNATING THE WEEK OF OCTOBER 10, 1999, THROUGH OCTOBER 16, 1999, AS NATIONAL CYSTIC FIBROSIS AWARENESS WEEK**

Mr. CAMPBELL (for himself, Mr. GRAMM, Mr. ASHCROFT, Mr. KERRY, and Mr. ROBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 190

Whereas Cystic Fibrosis is the most common fatal genetic disease in the United States, for which there is no known cure;

Whereas Cystic Fibrosis, characterized by digestive disorders and chronic lung infections, has been linked to fatal lung disease;

Whereas a total of more than 10,000,000 Americans are unknowing carriers of Cystic Fibrosis;

Whereas 1 out of every 3,900 babies in the United States are born with Cystic Fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, suffer from Cystic Fibrosis;

Whereas the average life-expectancy of an individual with Cystic Fibrosis is age 31;

Whereas prompt, aggressive treatment of the symptoms of Cystic Fibrosis can extend the lives of those who suffer with this disease;

Whereas recent advances in Cystic Fibrosis research have produced promising leads in relation to gene, protein, and drug therapies; and

Whereas education can help inform the public of Cystic Fibrosis symptoms, which will assist in early diagnoses, and increase knowledge and understanding of this disease: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week;

(2) commits to increasing the quality of life for individuals with Cystic Fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for Cystic Fibrosis sufferers and their families; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. CAMPBELL. Mr. President, today I submit a resolution recognizing October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week. I am pleased to be joined by my colleagues Senators GRAMM, ASHCROFT, KERRY, and ROBB in submitting this resolution. We are hopeful that greater awareness of cystic fibrosis (CF) will lead to a cure.

Incredibly, CF is the number one genetic killer in the United States. Approximately 30,000 Americans suffer from the life-threatening disease. Today, the average life expectancy for someone with CF is 31 years. We must do what we can to change that.

While there remains no cure, early detection and prompt treatment can significantly improve and extend the lives of those with CF. For example, my home state of Colorado is one of the first and only states that requires CF screening for newborns, providing a greater quality of life for CF sufferers. And since the discovery of the defective CF gene in 1989, CF research has greatly accelerated. At Children's Hospital of Denver, researchers are participating in the innovative Therapeutics Development Program, a promising venture with the CF Foundation. Designed to aid the development of new therapeutics for CF, researchers in the program are expediting the early phases of clinical trials that evaluate safety and dosing regimens for new drugs. I applaud their efforts.

But while I am encouraged by the CF research in Colorado and elsewhere, more needs to be done. Therefore, I urge my colleagues to act quickly on this resolution so that we can move one step closer to eradicating this disease.

**SENATE RESOLUTION 191—EXPRESSING THE SENSE OF THE SENATE REGARDING EAST TIMOR AND SUPPORTING THE MULTINATIONAL FORCE FOR EAST TIMOR**

Mr. HARKIN (for himself, Mr. CONRAD, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LEAHY, Mr. CHAFEE, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 191

Whereas on May 5, 1999, the Governments of Portugal and Indonesia and the United Nations signed an agreement that provided

for an August 8, 1999, ballot organized by the United Nations on the political status of East Timor;

Whereas the agreement gave the people of East Timor an opportunity to accept a proposed special autonomy for East Timor within the unitary Republic of Indonesia or reject the special autonomy and opt for independence;

Whereas on August 30, 1999, 78.5 percent of the people in East Timor voted for independence;

Whereas after the voting was concluded, the militias in East Timor intensified their ongoing campaign of terror;

Whereas it has been reported that thousands of people have been killed and injured since the violence began in East Timor;

Whereas the United Nations High Commissioner for Refugees (UNHCR) has reported that as many as 200,000 of East Timor's residents have been forced to flee East Timor;

Whereas it has been reported that East Timor militias are controlling the refugee camps in West Timor, intimidating the refugees and denying access to the UNHCR, relief agencies, and other humanitarian non-governmental organizations;

Whereas it has been reported that a systematic campaign of political assassinations that targeted religious, student, and political leaders, aid workers, and others has taken place;

Whereas the compound of the United Nations Mission in East Timor (UNAMET) was besieged and fired upon, access to food, water, and electricity was intentionally cut off, and UNAMET personnel have been killed, forcing the closure of the UNAMET mission in East Timor;

Whereas Catholic leaders and lay people have been targeted for killing and churches have been burned in East Timor; and

Whereas on September 12, 1999, Indonesian President B.J. Habibie announced that Indonesia would allow a United Nations Security Council authorized multinational force into East Timor: Now, therefore, be it

*Resolved*, That the Senate hereby—

(1) congratulates the people of East Timor for their heroic vote on August 30, 1999;

(2) commends the United Nations Security Council for passing Resolution 1264 authorizing a multinational force to address the security situation in East Timor;

(3) expresses support for a rapid and effective deployment throughout East Timor by the multinational force;

(4) commends Australia for its readiness to lead the multinational force for East Timor and welcomes the participation of other nations in this force, especially Asian participation;

(5) expresses approval for the United States to assist in this effort in an appropriate manner;

(6) commends the professionalism, determination, and courage of the United Nations Mission in East Timor (UNAMET) personnel;

(7) recognizes the overwhelming expression of the people of East Timor in favor of independence;

(8) condemns the violent efforts of the East Timor militias and elements of the Indonesian military to overturn the results of the August 30, 1999, vote;

(9) notes the failure of the Government of Indonesia, despite repeated assurances to the contrary, to guarantee the security of the people of East Timor and further notes that is the responsibility of the Government of Indonesia to restrain elements of the Indonesian military and paramilitary forces and restore order in East Timor;

(10) calls upon the Government of Indonesia to recognize its responsibilities as a member of the United Nations and a signatory to the Universal Declaration of Human

Rights to cooperate with appropriate United Nations authorities in the restoration order in East Timor;

(11) urges the Government of Indonesia to allow unrestricted access to refugees and displaced persons in West Timor by UNHRC and other relief agencies and to guarantee their security; and

(12) calls upon the Government of Indonesia to hold accountable those responsible for the violence, human rights abuses and atrocities and to cooperate with the international community in establishing an international commission of inquiry to investigate human rights abuses in East Timor as a first step in bringing to justice those responsible.

#### AMENDMENTS SUBMITTED

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

##### DURBIN AMENDMENT NO. 1803

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

At the end of title III, add the following:

##### 21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), \$200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000-2001.

##### MURRAY (AND OTHERS) AMENDMENT NO. 1804

Mrs. MURRAY (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LEVIN, Mr. WELLSTONE, Mr. DURBIN, Mr. TORRICELLI, Ms. MIKULSKI, Mr. KERRY, Mrs. BOXER, Mr. SARBANES, Mr. JOHNSON, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Mr. REED, and Mr. AKAKA) proposed an amendment to the bill, S. 1650, supra; as follows:

On page 54 strike all after "Act" in line 18 through page 55 line 5 and insert the following: "\$3,086,634,000 of which \$1,151,550,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which \$1,439,750,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000-2001: *Provided*, That of the amount appropriated, \$335,000,000 shall be for Eisenhower professional development State grants under title II-B and up to \$750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That \$1,400,000,000 shall be available, notwithstanding any other provision of federal law, to carry out programs in accordance with Section 307 of 105-277, the class size reduction program.

"Further, a local education agency that has already reduced class size in the early

grades to 18 or fewer children can choose to use the funds received under this section for locally designed programs—

"(i) to make further class-size reductions in grades 1 through 3, including special education classes;

"(ii) to reduce class size in kindergarten or other grades, including special education classes; or

"(iii) to carry out activities to improve teacher quality, including recruiting, mentoring and professional development."

##### GORTON (AND LOTT) AMENDMENT NO. 1805

Mr. GORTON (for himself and Mr. LOTT) proposed an amendment to the bill, S. 1650, supra; as follows:

On page 55, line 2, strike all after "*Provided further*," to the period on line 5 and insert the following: "\$1,200,000,000 is appropriated for a teacher assistance initiative pending authorization of that initiative. If the teacher assistance initiative is not authorized by July 1, 2000, the 1,200,000,000 shall be distributed as described in Sec. 307(b)(1) (A and B) of the Department of Education Appropriation Act of 1999. School districts may use the funds for class size reduction activities as described in Sec. 307(c)(2)(A)(i-iii) of the Department of Education Appropriation Act of 1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act that will improve the academic achievement of all students. Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section."

##### TORRICELLI AMENDMENT NO. 1806

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

##### LIMITATION

SEC. . None of the funds appropriated in this Act shall be used by the Bureau of Labor Statistics for the realigning of its New York City Regional Office as part of the reorganization of the Bureau's field management structure.

##### REID (AND OTHERS) AMENDMENT NO. 1807

Mr. REID (for himself, Mrs. BOXER, and Mr. KENNEDY) submitted an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

##### TITLE —NEEDLESTICK PREVENTION SEC. 01. SHORT TITLE.

This title may be cited as the "Health Care Worker Needlestick Prevention Act".

##### SEC. 02. REQUIREMENTS.

(a) BLOODBORNE PATHOGENS STANDARD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Labor, acting through the Occupational Safety and Health Administration, shall amend the bloodborne pathogens standard to require that—

(A) employers utilize needleless systems and sharps with engineered sharps injury protections in their work sites to prevent the spread of bloodborne pathogens; and

(B) to assist employers in meeting the requirement of subparagraph (A), non-manage-

rial direct care health care workers of employers participate in the identification and evaluation of needleless systems and sharps with engineered sharps injury protections.

(2) EXCEPTION.—The bloodborne pathogens standard requirements of paragraph (1) shall apply to any employer, except where the employer demonstrates, to the Secretary's satisfaction, that—

(A) there are circumstances in the employer's work facility in which the needleless systems and sharps with engineered sharps injury protections do not promote employee safety, interfere with patient safety, or interfere with the success of a medical procedure; or

(B) the needleless systems and sharps with engineered sharps injury protections required are not commercially available to the employer.

(b) STANDARD CONTENT.—For carrying out the requirement of subsection (a)(1) for needleless systems and sharps with engineered sharps injury protections, the amendment required by subsection (a) shall include the following:

(1) EXPOSURE CONTROL PLAN.—The employer shall include in their exposure control plan an effective procedure for identifying and selecting existing needleless systems and sharps with engineered sharps injury protections and other methods of preventing bloodborne pathogens exposure.

(2) SHARPS INJURY LOG.—In addition to the recording of all injuries from contaminated sharps on the OSHA Occupational Injuries and Illnesses 200 log or its equivalent, the employer shall maintain a separate contaminated sharps injury log containing the following information (to the extent such information is known to the employer) with regard to each exposure incident:

(A) Date and time of the exposure incident.

(B) Type and brand of sharp involved in the exposure incident.

(C) Description of the exposure incident which shall include—

(i) job classification of the exposed employee;

(ii) department or work area where the exposure incident occurred;

(iii) the procedure that the exposed employee was performing at the time of the incident;

(iv) how the incident occurred;

(v) the body part involved in the exposure incident;

(vi) if the sharp had engineered sharps injury protections—

(I) whether the protective mechanism was activated, and whether the injury occurred before the protective mechanism was activated, during activation of the mechanism, or after activation of the mechanism, if applicable; and

(II) whether the employee received training on how to use the device before use, and a brief description of the training;

(vii) if the sharp had no engineered sharps injury protections, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury, as well as the basis for the opinion; and

(viii) the employee's opinion about whether any other engineering, administrative, or work practice control could have prevented the injury as well as the basis for the opinion.

(3) TRAINING.—A requirement that all direct care health care workers shall be provided adequate training on the use of all needleless systems and sharps with engineered sharps injury protections which they may be required to use.

##### SEC. 03. NATIONAL CLEARINGHOUSE ON SAFER NEEDLE TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Institute for Occupational Safety and

Health shall establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections.

(b) **EVALUATION CRITERIA.**—The Director shall develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections.

(c) **TRAINING.**—The Director shall develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and shall (to the extent feasible) provide technical assistance to persons who request such assistance.

(d) **MONITORING.**—The Director shall establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence. In carrying out its duties under this subsection, the National Institute for Occupational Safety and Health shall have access to information recorded by employers on the sharps injury log as required by section 02(b)(2).

**SEC. 04. DEFINITIONS.**

For purposes of this title:

(1) **BLOODBORNE PATHOGENS.**—The term “bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include hepatitis B virus, hepatitis C virus, and human immunodeficiency virus.

(2) **CONTAMINATED.**—The term “contaminated” means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

(3) **DIRECT CARE HEALTH CARE WORKER.**—The term “direct care health care worker” means an employee responsible for direct patient care with potential occupational exposure to sharps related injuries.

(4) **EMPLOYER.**—The term “employer” means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(5) **ENGINEERED SHARPS INJURY PROTECTIONS.**—The term “engineered sharps injury protections” means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a non-needle sharp, which effectively reduces the risk of an exposure incident.

(6) **NEEDLELESS SYSTEM.**—The term “needleless system” means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(7) **SHARP.**—The term “sharp” means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(8) **SHARPS INJURY.**—The term “sharps injury” means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(9) **SHARPS INJURY LOG.**—The term “sharps injury log” means a written or electronic record satisfying the requirements of section 02(b)(2).

**SEC. 05. APPLICATION TO MEDICARE HOSPITALS.**

The Secretary of Health and Human Services shall provide by regulation that, as a condition of participation under the Medicare program under title XVIII of the Social Security Act of a hospital that is not otherwise subject to the bloodborne pathogens standard amended under section 02(a) because it is exempt from regulation by the Occupational Safety and Health Administration, the hospital shall comply with the bloodborne pathogen standard amended under section 02(a) with respect to any employees of the hospital, effective at the same time as such amended standard would have applied to the hospital if it had not been so exempt.

**SEC. 06. EFFECTIVE DATE.**

This title shall become effective upon the date of its enactment, except that the Secretary of Labor shall take the action required by section 02 within 1 year of such date.

**SMITH AMENDMENT NO. 1808**

Mr. SMITH of New Hampshire proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, add the following:

“SEC. . It is the sense of the Senate that the Conferees on H.R. 2466, the Department of Interior and Related Agencies Appropriations Act, shall include language prohibiting funds from being used for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit ‘Sensation,’ which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry.”

**BOXER (AND OTHERS)  
AMENDMENT NO. 1809**

Mrs. BOXER (for herself, Mr. DURBIN, Mr. KENNEDY, Mr. KOHL, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of the title III, add the following:

**21ST CENTURY COMMUNITY LEARNING CENTERS**

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), \$200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

**GREGG AMENDMENT NO. 1810**

Mr. GREGG proposed an amendment to amendment No. 1809, proposed by Mrs. BOXER to the bill, S. 1650, supra; as follows:

At the end of the amendment proposed strike the “,” and insert the following: “(which funds shall, notwithstanding any other provision of this title, be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the require-

ments of such part, in lieu of being used to carry out part I of title X)”.

**BOXER (AND OTHERS)  
AMENDMENT NO. 1811**

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mr. JOHN-SON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of the amendment, add the following:

Notwithstanding any other provision of this Act the following shall apply:

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), \$200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

**HUTCHINSON AMENDMENT NO. 1812**

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end of title I, add the following:

**TRANSFER OF FUNDS FOR THE CONSOLIDATED  
HEALTH CENTERS**

SEC. . Notwithstanding any other provision of this Act, \$25,472,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

**NOTICE OF HEARING**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND  
FORESTRY**

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 30, 1999, in SR-328A at 9 a.m. The purpose of this meeting will be to discuss the administration’s agriculture agenda for the upcoming World Trade Organization meeting in Seattle.

**AUTHORITY FOR COMMITTEES TO  
MEET**

**COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS**

Mr. SPECTER. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider pending business Wednesday, September 29, 10 a.m., hearing room (SD-406).

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

**COMMITTEE ON FINANCE**

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Wednesday, September 29, 1999, at 9:30 a.m., to hear testimony on

the preparations for the upcoming WTO ministerial meeting in Seattle and the objectives for the multilateral negotiations that will follow.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 29, 1999, at 9:30 a.m., to conduct a hearing on S. 1508, a bill to provide technical and legal assistance to tribal justice systems and members of Indian tribes.

The hearing will be held in room 485, Russell Senate Building.

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

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Wednesday, September 29, 1999, beginning at 9:30 a.m., in Dirksen Room 226.

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

COMMITTEE ON SMALL BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, September 29, 1999, to markup S. 791, the Women's Business Centers Sustainability Act of 1999, and other pending legislation. The meeting will begin at 9 a.m., in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 29, 1999, at 2 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON SURFACE, TRANSPORTATION, AND MERCHANT MARINE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Surface Transportation and Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 29, 1999, at 9:30 a.m., on the Motor Carrier Safety Act.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 29, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of

this oversight hearing is to conduct oversight on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.

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

ADDITIONAL STATEMENTS

HONORING THE VFW ON ITS 100TH ANNIVERSARY

• Mr. SPECTER. Mr. President, today is the 100th birthday of the Veterans of Foreign Wars (VFW). Yesterday, the Senate approved H.J. Res. 34, a resolution which commemorates that auspicious event. I wish to mark the occasion further by offering my congratulations to the members and families of that fine organization.

In my 19 years as a United States Senator I have been able to count on the VFW to convey the concerns of veterans in a fair and insightful manner. Especially during my tenure as Chairman of the Committee on Veterans' Affairs, I have always been able to rely on the VFW to assist me in ascertaining the quality of health care and benefits provided by the Department of Veterans Affairs (VA). Without the VFW's 2,000,000 strong membership, it would be extremely difficult for the Committee—or the Congress—to operate in the best interest of America's veterans.

Earlier this year, I had the honor of being named the recipient of the VFW Congressional Award. At the award reception, I was struck by the history of the VFW. From the trenches of Verdun to the deserts of Iraq, VFW members have taken their place in America's history, serving to preserve "one Nation, under God, with liberty and justice for all."

The service of VFW members, however, has never been limited to wartime service—as vital as that has been. VFW members also play indispensable roles within their communities—as volunteers in VA hospitals and advocates for veteran claimants and through numerous civic and youth projects in every State and locality. Indeed, America counts VFW members among its model citizens.

For 100 years as honorable citizens and soldiers, the VFW deserves America's gratitude for a job well done. We salute you.●

NORMA SULLIVAN

• Mrs. BOXER. Mr. President, I rise in honor of Norma Sullivan, a great Californian who died on September 22 in San Diego.

Norma Sullivan was a woman of many talents: a champion skier, an accomplished poet, a prolific essayist, a loving mother, and an inspirational teacher. But she was best known to her many friends and admirers as a tireless fighter for the environment. As a writ-

er, activist, and spokesperson for the San Diego Audubon Society, Norma was one of Southern California's most dedicated and effective defenders of the natural world.

San Diego County contains some of the nation's most beautiful landscapes and diverse habitat. The County is home to more endangered species per square mile than any other region in the continental United States. Thanks largely to Norma's prodigious efforts, many of these lands and their inhabitants have been preserved for future generations.

She was instrumental in generating support for parks, establishing habitat conservation programs, and blocking projects that would harm the environment—including the proposal to build Pamo Dam near Ramona, which was withdrawn after Norma alerted the community to its dangers.

One of Norma's greatest achievements was her role in creating a major wildlife refuge in southern San Diego Bay. For ten years she worked tirelessly to build support for the refuge among conservationists, landowners, local governments, community members, and federal wildlife agencies. She never shied away from confrontation, but she was always ready to cooperate. Finally, this spring, her long efforts bore fruit when the South San Diego Bay National Wildlife Refuge was established and dedicated.

This magnificent refuge—and many other pristine tracts of San Diego County—live on as part of Norma Sullivan's legacy. She has also left us a model of what it means to be an engaged citizen: a person who works for the public good with intelligence, humor, and love.●

100TH ANNIVERSARY OF THE AMERICAN ROYAL

• Mr. BOND. Mr. President, I rise today in recognition of the 100th anniversary of the American Royal. The American Royal is an annual Fall event that has contributed much to the Kansas City area over the last century. The Royal features world-class horse and livestock competitions; a top-ten PRCA indoor rodeo; as well as many educational and scholarship programs that foster the development of tomorrow's leaders. The American Royal is truly the Midwest's largest and oldest agricultural extravaganza. From the world's largest Barbecue, to the outstanding parade, music and comedy, to the elegant Concert of Champions, the Royal has something for every member of the family.

Even though the Royal began in the 19th Century, it still plays an integral role in the community by providing a connection to Kansas City's rural roots and by celebrating the value of working in agriculture. For many, being a part of the Royal's livestock shows or rodeo can be the highlight of their career. Not only does the Royal offer agricultural competition, but there are

also educational tours of their museum, scholarships and programs for college age youth.

Mr. President, I am truly proud of the contribution the American Royal has made to Kansas City, the state of Missouri, and the entire country over the last 100 years. I wish the Royal well as they continue to be America's best agricultural expose' well into the next millennium.●

#### WORLD SERIES WINNERS

● Mr. TORRICELLI. Mr. President, I rise today in recognition of the achievements of the Millville Girls All-Star Softball Team, who recently captured the first-ever Babe Ruth Softball World Series. This past year has seen tremendous accomplishments by American female athletes, including the 1999 Women's World Cup Soccer Champions. I am pleased that the state of New Jersey can now boast its own champion's in women's athletics through the Millville team.

The Millville team, comprised of girls 16 years old and younger, defeated several worthy opponents at the Softball World Series. The event, which took place in Kill Devil Hills, North Carolina, was the first Championship of its kind. All of the games were close, particularly the championship game. Millville won this in spectacular fashion, 1-0, on a two-out, ninth-inning-single which scored the winning run. The girls demonstrated outstanding skills and sportsmanship throughout the tournament. From pitching a no-hitter, to numerous diving catches, to clutch hitting; the Millville team proved themselves to be superb players, and model young athletes.

The character and manners displayed by the thirteen girls on the Millville team throughout the Softball World Series should be a source of pride for the Millville community, the Southern New Jersey region, and the State as a whole. The values of the parents, teachers, officials, and volunteers of Millville are clearly reflected in the play and conduct of the World Champions.

I am proud to recognize the accomplishments and contributions of Rachel Barber, Amy Holliday, Jil Conner, Constance DeSalvo, Tara Haines, Colleen Scholl, Rachel Mudry, Danielle Weber, Megan Lore, Adina De Hainaut, Jodi Dick, Christin Carpini, and Debra Vento. I know they will continue to make New Jersey proud for years to come, and I look forward to watching them defend their title next year.●

#### TRIBUTE TO BILL GREELY

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to Bill Greely on the occasion of his retirement. My good friend Bill served as assistant manager and general manager of the Keeneland Association for 14 years, and is now stepping down from his successful 13-year post as the Association's president.

Bill is a true horseman. He grew up in the Keeneland community, and

began spending time at the horse track when he was a small child. Bill began taking on responsibilities at the horse track when he was just seven years old, and has worked in almost every aspect of horse racing in tracks around the country—but it is clear that Bill has always been partial to Keeneland. In 1972, after years of moving around the country from track to track, he finally got his chance to return to his hometown, working at the track he loved.

Bill's long-time affiliation with Keeneland and love of horse racing made him an ideal candidate to manage the track and eventually become president. Bill's knowledge of the horse industry prepared him for his leadership role at Keeneland, and enabled him to make Keeneland one of the nation's premiere horse tracks. During his time at Keeneland, Bill updated the track's betting options, improved the grandstands and grounds, and brought Keeneland to a level of growth that will be hard to exceed or even match.

Keeneland would not be what it is today without Bill's leadership and guidance over the last 27 years—and Bill would not be where he is today without the love and support of his family. His wife Norma, and their children Sean, Kevin and Kara, endured numerous moves before they finally settled down in Lexington, and they have helped sustain Bill during his demanding career at Keeneland. A third generation horseman, Bill has seen first-hand what it takes to simultaneously work the track and raise a family—and he has happy, successful children to prove he made it work.

Thank you, Bill, for putting so much of yourself into Keeneland to make it a better place for others. Your hard work and successes have become your legacy, and will continue to impact the entire horse industry for years to come. My colleagues join me in congratulating you on a job well done, and wish you all the best as you enter this new stage in life.●

#### TRIBUTE TO LEBANON CLOWNS

● Mr. THOMPSON. Mr. President, on June 18, 1999, Tennessee-based Lebanon Clowns celebrated their inaugural reunion at their Baseball Team Roundup in Lebanon. The Negro League baseball team gathered for the first time in over thirty years to reminisce about their youthful baseball exploits. The Clowns were a favorite among Lebanon's African-American community as they played teams from Birmingham, Alabama, Pontiac, Michigan and Nashville and Chattanooga, Tennessee.

The Negro Leagues were an integral part of American baseball history. A product of segregated America, it gave opportunity where opportunity did not exist. The teams were professional, pre-integration black baseball leagues in which the level of play was considered to be the equal of play in major league baseball. The first stable black league was the Negro National League organized in 1920 by Andrew "Rube" Foster. This league, as well as the recognized

Negro National League—created by Gus Greenlee in the early 1930s—and the Negro American League, are universally regarded as having offered the highest level of play among African-American players of the day.

During the 1940s the Negro National and Negro American leagues reached their highest point of popularity and financial success. While fans dreamed of watching their stars compete in major league play, the eventual realization of this dream meant the end of both leagues. Some historians contend that the Negro Southern League and Texas Negro League, as well as several of the stronger independent teams during the 1920s and 1930s, offered major league caliber play.

The Negro National League folded under financial pressures at the end of the 1948 season. The Negro American League continued play into the late 1950s, but was no longer a stable circuit. As the talent pool of black baseball was absorbed into the integrated major and minor leagues, Negro League team owners were left without a product of sufficient quality to attract fans to the ballpark.

Baseball history would not be complete without recognizing Negro League teams such as the Philadelphia Stars, Newark Eagles, Bacharach Giants, Nashville Elite Giants, St. Louis Stars, and the Memphis Red Sox. The Negro Leagues brought us such great players as Willie Mays, Henry Aaron, Satchel Paige, Smokey Joe Williams, and Jackie Robinson. The players and teams of the Negro Baseball League have become a fundamental part of American culture and are forever woven into the fabric of professional baseball. The surviving players, some now in their seventies, are still as filled today with pride and love for the game as they were when they were young rookies on dusty sandlots.

So today, I pay tribute to the Negro League by recognizing the deceased and surviving players and managers of the Lebanon Clowns, Negro League baseball team:

John Forris "Bigclue" Griffith; Harry "Hammerhead" Harris, Jr.; Tommy "Red-eye" Humes; Robert Earl "Smiley" Smith; Gilbert "Sunny" Oldham; Robert Oldham; Teddy "Mutt" Owens; Claude Britton; Bob "Woods" Oldham; L.D. "Zeak" Ward.

George McGown, Jr.; Jerry "Foots" Oldham, Sr.; Robert L. "Pondwater" McClellan; Betty Lou Oldham; Bob White; Price Logue; Norton Whitley; Roy L. Clark; Kenny Andrews.

James Shannon; Lee R. Rhodes; Carl Gilliam; Lonnie Gilliam; Howard Walker; Eddie Muirhead; Charles Walker; Pot Walker.

Herman Denny; James H. Carter; Walter "Rabbit" Hastings; Robert Pincky; Charlie McAdoo; Jelly Walker; John C. Martin; Junior Donnell; Frank Simpson; Lonnie Neuble.

Buck Hunt; Richard "Boosem" Owens; Elmer Draper; James Turner; Arthur Turner; C.D. Woodmore; Sammy Woodmore; Mose Alexander; James Harrison; Delmes Jackson.

Thomas Tubbs; Honey Johnson; John Dockins; Charlie B. Hill; Thomas Hill; Joe L. Rhodes; Fred Clark; Ramond Roberts.

President: Thelma "Slick" McAdoo.  
Secretary: Anna Mae Palmer.  
Managers: Roy "Shorty" Catron; Odell Dockins; P.J. Skeens; Tom Walker; Carl "Bowchicken" Rhodes.●

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 232, 237, 240, 241, 242, 243, and nominations in the Army on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

#### ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C. section 12203:

#### To be major general

Brig. Gen. Peter J. Gravett, 0000  
Brig. Gen. Walter J. Pudlowski, Jr., 0000  
Brig. Gen. Frederic J. Raymond, 0000

#### To be brigadier general

Col. Lewis E. Brown, 0000  
Col. Dan M. Colglazier, 0000  
Col. James A. Cozine, 0000  
Col. David C. Godwin, 0000  
Col. Carl N. Grant, 0000  
Col. Herman G. Kirven, Jr., 0000

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Armando Falcon, Jr., of Texas, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, for a term of five years.

#### FEDERAL RESERVE SYSTEM

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

Zell Miller, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2000.

#### DEPARTMENT OF STATE

Edward W. Stimpson, of Idaho, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Counsel of the International Civil Aviation Organization.

Sim Farar, of California, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### IN THE ARMY

Army nominations beginning \*Eric J. Albertson, and ending \*Stanley E. Whitten, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army nominations beginning Roger F. Hall, Jr., and ending Paul K. Wohl, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army nomination of Robert A. Vigersky, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Michael V. Kostiw, and ending David T. Ulmer, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Robert S. Adams, and ending Jeffrey P. Stolrow, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Jon A. Hinman, and ending \*Glenn R. Scheib, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning James E. Cobb, and ending Curtis G. Whiteford, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Herbert J. Andrade, and ending Nathan A. K. Wong, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Richard P. Anderson, and ending Gary F. Wainwright, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning \*Rodney H. Allen, and ending \*Clifton E. Yu, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### ORDER FOR STAR PRINT—S. 1574

Mr. SPECTER. Mr. President, I ask unanimous consent that a star print of S. 1574 be made with the changes that are already at the desk.

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

### ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 287, S. 1051.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1051) to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211-6251) is amended—

(a) In section 166 (42 U.S.C. 6246), by inserting "through 2003" after "1999".

(b) In section 181 (42 U.S.C. 6251), by striking "1999" each place it appears and inserting "2003".

SEC. 2. Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261-6285) is amended—

(a) In section 256(h) (41 U.S.C. 6276(h)), by inserting "through 2003" after "1997".

(b) In section 281 (42 U.S.C. 6285), by striking "1999" each place it appears and inserting "2003".

Mr. SPECTER. I ask unanimous consent that the committee substitute be agreed to.

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

The committee amendment was agreed to.

Mr. SPECTER. Mr. President, I ask unanimous consent the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1051), as amended, was read the third time and passed.

### AUTHORIZING EXPENDITURES BY SENATE COMMITTEES

Mr. SPECTER. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 289, S. Res. 189.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 189) authorizing expenditures by committees of the Senate for the periods of October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I am pleased to support the resolution before the Senate today which authorizes funding for 18 Senate standing committees through the remainder of the biennium ending on February 28, 2001.

This resolution marks another milestone in the development of the biennial funding authority for committees, first authorized in the 100th Congress. Since 1989, the Senate has funded committees on a two-year basis. The two-year budget has given the authorizing committees, and the Rules Committee in its capacity as the oversight committee, a management tool for efficiently operating the Senate committees. The two-year budget process allows for a continuity of funding which provides greater flexibility in allocating committee funds and scheduling committee business. Although the Rules Committee has adjusted the biennial funding authority in the past to provide greater flexibility to committees, the Senate has consistently approved a biennial budget for committee funding in each of the last six Congresses.

In the 106th Congress, changes in the Senate financial management system

required to address Y2K issues necessitated a departure from the Senate rules and past practices. In the past, the Rules Committee completed action on the biennial committee funding resolution prior to the beginning of the new biennium on March 1 of the new Congress, as provided for in Rule XXVI of the Senate Rules. Due to the pressing business of the Senate at the beginning of the Congress, and in light of a number of unresolved issues regarding the implementation of the new financial management system in the Senate, the majority and minority staff of the Committee jointly recommended delaying committee action on the biennial budget until later in the year. Consequently, the Committee proposed, and the Senate adopted, S. Res. 38 on February 12 of this year, which authorized the Rules Committee to report a continuing resolution for committee funding for the period of March 1, 1999 through September 30, 1999. Subsequently, the Committee adopted, and the Senate passed, S. Res. 49 which funded 18 standing committees on a continuing basis for this period. In June, the Senate passed S. Res. 122, which required the authorizing committee to report their funding resolution by July 15 of this year and authorized the Rules Committee to report an omnibus funding resolution for the remainder of the biennium, ending on February 28, 2001. S. Res. 189 before us today is the culmination of this process.

This resolution preserves the overall flexibility of a two-year budget while modifying past practices to reflect changes in the Senate's financial management system. At the recommendation of the Senate Disbursing Office, this resolution moves the committee budget year from two equal funding periods, within the overall two-year budget, of March 1 through February 28, to three varying funding periods which track the Senate's fiscal year period. S. Res. 49 provided funding for the first of the three periods, March 1 through September 30, 1999. S. Res. 189 authorizes committee spending during each of the next two periods of the biennium: October 1, 1999 through September 30, 2000, and finally, October 1, 2000 through February 28, 2001. It is anticipated that the biennial funding resolution adopted in the 107th Congress will once again follow Senate Rule XXVI and be adopted prior to March 1, 2001, providing funding for committees for the three fiscal year periods occurring during the biennium ending February 28, 2003.

Most importantly, this resolution continues a practice begun by the Rules Committee in 1993 referred to as the "special reserves." Special reserves result from the overlap in the end of the committee funding year on February 28 and the end of the fiscal year on September 30. The unobligated balances of the authorizing committee budgets which are unspent at the end of the biennium on February 28, but

which remain available through the end of the fiscal year on September 30, are reprogrammed into special reserves and made available to the committees to meet their unforeseen needs.

The Rules Committee first authorized the use of special reserves in the 103rd Congress in S. Res. 71, section 23. In that resolution, the Senate authorized special reserves to be reprogrammed as carry-over funds for the committees. In the 104th Congress, the Rules Committee reported S. Res. 73, section 22 of which continued the authorization for special reserves, but eliminated the authorization for automatic carry-over and replaced it with a procedure whereby the chairman and ranking member of the authorizing committee could jointly request a draw on the special reserves, subject to the joint approval of the chairman and ranking member of the Rules Committee. This procedure, and the authorization for special reserves, was continued in the 105th Congress in S. Res. 54, section 22. Finally, in the 106th Congress, S. Res. 49, which provided funding for committees on a continuing basis through September 30, 1999, also contained, in section 20, the authority for special reserves. This authority continued the procedure first adopted in the 104th Congress providing that the chair and ranking member of the authorizing committee jointly request a draw on special reserves, subject to the joint approval of the chair and ranking member of the Rules Committee.

Although section 20 of S. Res. 189 continues the authority for special reserves, and the procedure by which such reserves are accessed by committees, this resolution reflects an important change in the calculation of the special reserves amount. Prior to the 106th Congress, special reserves represented a reprogramming of unobligated balances that automatically occurred when the committee funding authorization ended on February 28. With the changes necessitated by the new financial management system, committee funding authorizations now track the fiscal year. Consequently, there is no overlap between the end of the committee funding year and the end of the fiscal year. Therefore, in order to assure that sufficient funds remain available in the appropriations Investigations and Inquiries account to fund the unforeseen needs of committees, the Rules Committee specified a funding level for special reserves. That funding level is based on the historic amount that has been available to the Committee for special reserves in the past three Congresses.

I want to commend our chairman, Senator MCCONNELL, for shepherding this resolution to the Senate floor. His leadership during this transition year has ensured that the committees have received sufficient funds while allowing the Committee time to adjust to the new financial management system. I especially commend the chairman for

continuing the special reserves provision and for the responsible manner in which he has proposed to fund special reserves. This provision ensures that the Rules Committee can continue to hold committee funding to its historic levels, while retaining the flexibility to meet the unforeseen needs that may result.

I urge adoption of this resolution.

Mr. SPECTER. I ask unanimous consent that this resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 189) was agreed to, as follows:

S. RES. 189

*Resolved,*

**SECTION 1. AGGREGATE AUTHORIZATION.**

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period October 1, 1999, through September 30, 2000, in the aggregate of \$52,933,922, and for the period October 1, 2000, through February 28, 2001, in the aggregate of \$22,534,293, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) EXPENSES OF COMMITTEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required—

(A) for the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper and the Department of Telecommunications;

(C) for the payment of stationery supplies purchased through the Keeper of Stationery;

(D) for payments to the Postmaster;

(E) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper; or

(F) for the payment of Senate Recording and Photographic Services.

(c) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period October 1, 1999, through September 30, 2000, and for the period October 1, 2000, through February 28, 2001, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

**SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$2,118,150, of which amount—

(1) not to exceed \$4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$903,523, of which amount—

(1) not to exceed \$4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,796,030, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,568,418, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,160,739, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,348,349, of which amount—

(1) not to exceed \$8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$354, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,449,315, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000,

through February 28, 2001, expenses of the committee under this section shall not exceed \$1,472,442, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,823,318, of which amount—

(1) not to exceed \$14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,631,426, of which amount—

(1) not to exceed \$14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the

period October 1, 1999, through September 30, 2000, under this section shall not exceed \$2,924,935.

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,248,068.

**SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$2,688,097, of which amount—

(1) not to exceed \$8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,146,192, of which amount—

(1) not to exceed \$3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

**SEC. 9. COMMITTEE ON FINANCE.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,762,517, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,604,978, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

**SEC. 10. COMMITTEE ON FOREIGN RELATIONS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,158,449, of which amount—

(1) not to exceed \$45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,347,981, of which amount—

(1) not to exceed \$45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

**SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and

the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$5,026,582, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$2,144,819, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an

impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) **EXTENT OF INQUIRIES.**—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) **SPECIAL COMMITTEE AUTHORITY.**—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from October 1, 1999, through February 28, 2001, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) **AUTHORITY OF OTHER COMMITTEES.**—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) **SUBPOENA AUTHORITY.**—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 49, agreed to February 24, 1999 (106th Congress) are authorized to continue.

#### **SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR FISCAL YEAR 2000 PERIOD.**—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$4,560,792, of which amount—

(1) not to exceed \$22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.**—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,946,026, of which amount—

(1) not to exceed \$22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### **SEC. 13. COMMITTEE ON THE JUDICIARY.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR FISCAL YEAR 2000 PERIOD.**—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$4,845,263, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.**—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$2,068,258, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### **SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR FISCAL YEAR 2000 PERIOD.**—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,647,719, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.**—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$703,526, of which amount—

(1) not to exceed \$21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### **SEC. 15. COMMITTEE ON SMALL BUSINESS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the

Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,330,794, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$567,472, of which amount—

(1) not to exceed \$10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,246,174, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$531,794, of which amount—

(1) not to exceed \$21,000, may be expended for the procurement of the services of indi-

vidual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$2,100, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,459,827, of which amount not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$622,709, of which amount not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

#### SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$2,674,687, of which amount not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,141,189, of which amount not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

#### SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by

section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,260,534, of which amount not to exceed \$1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$537,123, of which amount \$1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

#### SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account "Expenses of Inquiries and Investigations" appropriated by the legislative branch appropriation Acts for fiscal years 2000 and 2001, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed \$3,700,000, shall be available for the period October 1, 1999, through September 30, 2000; and

(2) an amount not to exceed \$1,600,000, shall be available for the period October 1, 2000, through February 28, 2001.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1) and (2) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

#### ORDERS FOR THURSDAY, SEPTEMBER 30, 1999

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, September 30. I further ask consent that immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the pending Gregg amendment to the Labor-HHS appropriations bill.

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

## PROGRAM

Mr. SPECTER. For the information of all Senators, the Senate will reconvene at 9:30 a.m. tomorrow and immediately begin 30 minutes of debate on the Boxer amendment regarding after-school programs and the Gregg second-degree amendment to the Boxer amendment. At the expiration of that debate, the Senate will proceed to two back-to-back votes at approximately 10 a.m. Further amendments are expected to be offered during tomorrow's session of the Senate. Therefore, Senators may expect votes throughout the day and into the evening. The Senate may also consider any conference reports available for action.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. SPECTER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Thursday, September 30, 1999, at 9:30 a.m.

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NOMINATIONS

Executive nominations received by the Senate September 29, 1999:

## TENNESSEE VALLEY AUTHORITY

SKILA HARRIS, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2008, VICE WILLIAM H. KENNOY, TERM EXPIRED.

GLENN L. MCCULLOUGH, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2005, VICE JOHNNY H. HAYES, RESIGNED.

## CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1999:

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARMANDO FALCON, JR., OF TEXAS, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FOR A TERM OF FIVE YEARS.

## FEDERAL RESERVE SYSTEM

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

## OVERSEAS PRIVATE INVESTMENT CORPORATION

ZELL MILLER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2000.

## DEPARTMENT OF STATE

EDWARD W. STIMPSON, OF IDAHO, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

SIM FARAR, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. PETER J. GRAVETT, 0000  
BRIG. GEN. WALTER J. PUDLOWSKI, JR., 0000  
BRIG. GEN. FREDERIC J. RAYMOND, 0000

*To be brigadier general*

COL. LEWIS E. BROWN, 0000  
COL. DAN M. COLGLAZIER, 0000  
COL. JAMES A. COZINE, 0000  
COL. DAVID C. GODWIN, 0000  
COL. CARL N. GRANT, 0000  
COL. HERMAN G. KIRVEN, JR., 0000  
COL. ROBERTO MARRERO-CORLETTI, 0000  
COL. WILLIAM J. MARSHALL III, 0000  
COL. TERRILL MOFFETT, 0000  
COL. HAROLD J. NEVIN, JR., 0000  
COL. JEFFREY L. PIERSON, 0000  
COL. RONALD S. STOKES, 0000  
COL. GREGORY J. VADNAIS, 0000

ARMY NOMINATIONS BEGINNING \*ERIC J. ALBERTSON, AND ENDING \*STANLEY E. WHITTEN, WHICH NOMINA-

TIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 1999.

ARMY NOMINATIONS BEGINNING ROGER F. HALL, JR., AND ENDING PAUL K. WOHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 1999.

THE FOLLOWING NAMED PERSON FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ROBERT A. VIGERSKY, 0000

ARMY NOMINATIONS BEGINNING MICHAEL V. KOSTIW, AND ENDING DAVID T. ULMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING ROBERT S. ADAMS, AND ENDING JEFFREY P. STOLROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING JON A. HINMAN, AND ENDING \*GLENN R. SCHEIB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING JAMES E. COBB, AND ENDING CURTIS G. WHITEFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING HERBERT J. ANDRADE, AND ENDING NATHAN A.K. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING RICHARD P. ANDERSON, AND ENDING GARY F. WAINWRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING \*RODNEY H. ALLEN, AND ENDING \*CLIFTON E. YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

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WITHDRAWALS

Executive messages transmitted by the President to the Senate on September 29, 1999, withdrawing from further Senate consideration the following nominations:

## TENNESSEE VALLEY AUTHORITY

SKILA HARRIS, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2005, VICE JOHNNY H. HAYES, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 23, 1999.

GLENN L. MCCULLOUGH, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2008, VICE WILLIAM H. KENNOY, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 23, 1999.