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Senate

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

PRAYER

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

Almighty God, Sovereign of this Nation and Lord of our lives, we celebrate the anniversary of the opening of the Constitutional Convention in 1787, by remembering Benjamin Franklin's call to prayer at a time when the deliberations were deadlocked. He said, ''I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I believe that without His concurring aid we shall succeed no better than the builders of Babel. We shall be divided by our partial local interests; our projects will be confounded.''

Gracious Lord, we join our voices with the Founding Fathers in confessing our total dependence on You. We believe that You are the Author of the glorious vision that gave birth to our beloved Nation. What You began You will continue to develop to full fruition, and today the women and men of this Senate will grapple with the issues of moving this Nation forward in keeping with Your vision. It is awesome to realize that You use people to accomplish Your goals. Think Your thoughts through the Senators; speak Your truth through their words; enable Your best for America through what You lead them to decide. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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. ALLARD). The acting majority leader.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the distinguished majority leader, I have been asked to announce that today we will immediately resume consideration of the appropriations bill on Labor, Health and Human Services, and Education. Under the order, there will be closing remarks on the amendment offered by the distinguished Senator from Texas, Mrs. HUTCHISON, regarding same-sex schools, with a vote to occur at approximately 9:45 a.m. Following the vote, there will be closing remarks and then a vote on the Daschle amendment regarding fetal alcohol syndrome.

We are urging all Senators who have amendments to come to the floor. It is the intention of the majority leader to conclude action on this bill today. It is my hope that we could have a limit on the number of amendments, perhaps have a unanimous consent agreement limiting the number of amendments, and that we can work through time agreements to proceed to conclude the bill.

MEASURE PLACED ON THE CALENDAR—S. 2801

Mr. SPECTER. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2801) to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act.

Mr. SPECTER. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. SPECTER. I yield the floor.

RESERVATION OF LEADER TIME

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

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4577 which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Harkin (for Daschle) amendment No. 3658, to fund a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect.

Hutchison/Collins amendment No. 3619, to clarify that funds appropriated under this Act to carry out innovative programs under section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for same gender schools.

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

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

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

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Mr. KOHL. Mr. President, I rise today in support of the Hutchison amendment, which would allow local school districts to use Title VI funds to establish same-gender schools if they so choose. I have opposed a similar amendment in the past because I have been concerned that many of these ''separate but equal'' programs are sometimes not equal in reality. I am pleased that the Senator from Texas has made modifications to her amendment that deal with these concerns, and ensures that single-gender schools will not result in a system where one gender is educationally disadvantaged.

I believe this amendment is another important step in our drive toward more flexibility and local control in education. I am pleased to be an original cosponsor of the Public Education Reinvestment, Reinvention and Responsibility Act—better known as ''Three R's''—which would also provide school districts with the flexibility to design programs that best meets their needs. The Hutchison amendment, which allows local officials to make the decision to set up a single-gender school, is consistent with the ''Three R's'' philosophy. We must continue to move toward a public education system that gives States and local school districts—who are in the best position to know what their educational needs are—the ability to create innovative programs that allow all students to achieve to high standards.

The PRESIDING OFFICER. Under the previous order, the hour of 9:40 a.m. having arrived, there will be 4 minutes of debate prior to the vote on or in relation to the Hutchison amendment No. 3619.

Mrs. HUTCHISON. Mr. President, if there is no one on the other side, which I believe is the case, I ask unanimous consent to give 2 minutes to Senator COLLINS, and then 2 minutes to myself.

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

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I commend the Senator from Texas for her extraordinary leadership on this issue. She has been an advocate for girls and women in so many different ways, and she truly is committed to ensuring that young girls growing up get the very best education they deserve, and that they have every opportunity available to them. The amendment that she has proposed, which I am proud to cosponsor, is in keeping with that commitment.

I commend her for her leadership on this very important issue.

I first became very interested in the issue of having same-gender classrooms because of an experience of a high school all-girls math class in northern Maine. This math class, which is an advanced math class taught at Presque Isle High School, has been proven to be of enormous benefit to the young women who are enrolled in it. They do very advanced math. It has been shown that their SAT scores soared.

Moreover, it gives them the confidence that they can handle advanced math and science and other subjects that unfortunately women sometimes have felt uneasy about, even though obviously girls and women have every ability in the world to handle such subjects. This class has been an enormous success for the girls at Presque Isle High School.

Unfortunately, a few years ago, the Department of Education objected to this class despite the fact that it was showing such enormous results for the young women who were enrolled in it. They were taught by a very gifted teacher, Donna Lisnik, who has subsequently gone on to be the principal of a school in Aroostook County. But she was the one who originated this course.

The Department of Education objected because it was a same-sex class. They have been able to get around that. But that shouldn't require a waiver or a circumvention of the law.

The amendment of the Senator from Texas would cure this situation.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator COLLINS, the cosponsor of this amendment, who has worked with me because of the very example that she just gave.

She has the situation in her State where this actually has curbed the creativity of public schools in offering more options for parents who believe their adolescent boys or their young girls would do better in a single-sex setting. In fact, in Detroit, MI, there is a boys school that has the same success that Senator COLLINS has just mentioned about a girls class in Maine; the boys are able to have a single-sex atmosphere. And sometimes it is shown by studies that adolescent boys do better in that atmosphere.

We want public schools to have the same options and the Federal help that are available in parochial and private schools for creative approaches and solutions to our education problems. We want options, not mandates. But we want every child in this country to reach his or her full potential. We want that child to be given opportunities in a way that best fit that child's needs.

That is why I think this amendment is going to be overwhelmingly accepted in the Senate—just as these amendments have been in the past. It will give the guidance to the Department of Education that will clarify the issue once and for all; that we want absolutely every option available in our public schools that will give every child in this country the ability to succeed.

Thank you, Mr. President.

I yield the floor and ask my colleagues for their support of the Hutchison-Collins amendment.

The PRESIDING OFFICER. The question now occurs on the Hutchison amendment numbered 3619.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent

The PRESIDING OFFICER (Mr. L. CHAFEE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—99

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden

NOT VOTING—1

Inouye

The amendment (No. 3619) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3658

The PRESIDING OFFICER. There will now be 4 minutes for debate on the Daschle amendment No. 3658.

Mr. DASCHLE. Mr. President, I offered this amendment on behalf of the thousands of individuals who have been impacted by prenatal exposure to alcohol, their families, and the estimated 12,000 children who will be born with fetal alcohol syndrome, FAS, or fetal alcohol effects, FAE, during the next year.

My amendment will provide $25 million to establish a competitive grant program to fund prevention and treatment services to individuals with FAS and FAE and their families. This grant program is absolutely critical for several reasons.

FAS and FAE are 100 percent preventable. Despite this fact, the Centers for Disease Control have reported a sixfold increase in the incidence of babies born with FAS between 1960 and 1995. One in five women still drink during pregnancy.

Once a child has been born with FAS or FAE, there is still much we can do to help prevent the secondary disabilities that often accompany the disease.

For too long, we have treated the birth of an FAS or FAE child as the losing end of a battle, rather than the beginning of one we can win. We have neglected children with FAS and FAE at the peril of those individuals, their families and their communities.

Let me illustrate this point with two real life examples—Karli Schrider and Lucy Klene.

Twenty-eight years ago, when Karli's mother, Kathy, was pregnant with Karli, it was not uncommon for expectant mothers to be told to ''drink a beer a day for a fat, healthy baby.'' Women who were in danger of miscarrying were sometimes hospitalized and given alcohol intravenously for five or six hours in the mistaken belief it would prevent miscarriage.

Back then, it never crossed Kathy's mind that her occasional glasses of wine might be harming her unborn child. Besides, just the year before, Kathy had had another baby who was perfectly healthy, and she drank during that pregnancy too.

The first time Karli was misdiagnosed, she was an infant. A doctor attributed her developmental delays to chronic ear infections. When she was 4 years old, a psychologist offered another explanation for Karli's difficulties. He said she was being ''willfully disobedient.''

When Karli was 8, a team of specialists misdiagnosed her again—with cerebral palsy.

Eight years later, when Karli was 16, Kathy was training to be a substance abuse counselor. As part of her training, she attended a conference on ''crack babies.'' Sitting in the audience, she was stunned. Every characteristic of ''crack babies'' the lecturer described, Karli had. But Kathy had never used crack.

She tracked down the few studies that had been done at that time on the effects of alcohol on fetuses. Again, she saw the same list of symptoms.

Years later, researchers would announce that most of the symptoms they originally thought were the result of fetal exposure to crack were actually the result of fetal alcohol exposure, and that alcohol is much more devastating to fetuses than crack—or any other drug.

Learning the real cause of Karli's special challenges has not lessened them. FAS and FAE are lifelong conditions. But, knowing the truth has enabled Kathy—and others in Karli's life—to focus less on Karli's deficits, and more on her strengths.

One of those strengths is Karli's extraordinary kindness and empathy. In addition to her volunteer work at NOFAS, Karli also volunteers to help people with cerebral palsy, and the elderly. Two years ago, she was named one of America's ''Thousand Points of Light'' by former President Bush. She is an inspiration to everyone who meets her, and one of the reasons I believe so deeply in advocating for children with FAS and FAE.

Another reason is a pint-sized girl named Lucy Klene. Lucy is 4 years old. She spent the first two years of her life in an orphanage in Russia. When she was 2, she was adopted by Stephan and Lydia Klene, of Herndon, Virginia. The Klenes also adopted a son from Russia, Paul, who is 3 years old and has no apparent fetal alcohol effects.

Within a month after bringing Lucy and Paul home, Stephan and Lydia began to suspect that Lucy had special challenges. Over the next 16 months, Lucy was evaluated eight times by pediatricians and other specialists.

Not one of them recognized the symptoms of Lucy's fetal alcohol effects. Finally, scouring the Internet, Stephan stumbled on the truth. He and Lydia took their research to Lucy's pediatrician, who read it and confirmed their hunch.

Today, Lucy is a talented little gymnast who attends special education preschool. And while it's still too early to know for sure, her doctor and parents think there is a good chance she will be able to live an independent and productive life when she grows up.

Together, Karli and Lucy illustrate the challenges that families with FAS and FAE face and the need for expanded prevention, early detection and real support for FAS/FAE families. While we have certainly seen progress—it took Karli's family 16 years to get a correct diagnosis and Lucy's family about 16 months—there is still much more that needs to be done.

A study recently released by Anne Streissguth at the University of Washington illustrates the importance of early intervention with individuals with FAS and FAE:

94 percent of children and adults with FAS experience mental health problems;

45 percent exhibit inappropriate sexual behavior;

43 percent have a disrupted school experience;

42 percent have trouble with the law;

Of the 90 adults studied, 83 percent do not live independently and 79 percent have problems with employment; and,

72 percent have been victims of physical or sexual abuse or domestic violence.

This study also showed that the presence of protective factors such as an early diagnosis and a stable and nurturing home reduce secondary disabilities. Even though early diagnosis is critical for preventing secondary disabilities, only 11 percent of kids and adults studied were diagnosed by age 6.

While intensive intervention is critical to enabling individuals with FAS and FAE to live productive, safe lives, there is still widespread ignorance about this disease in the health care, scientific and educational communities. There is little advice available to families on parenting skills or how to utilize outside resources.

Even when parents seek help from professionals, those teachers, counselors or health care providers may not have the training to provide necessary assistance or offer the right information.

Teachers often do not have the tools they need to serve these special-need students. Physicians frequently do not know which medications to provide, if any. And, like Karli, many individuals with FAS and FAE still remain unidentified and mislabeled as noncompliant or delinquent.

This amendment will fund a grant program within HHS to develop FAS training and treatment models that can be replicated around the country. The grant program was authorized by Congress in the fiscal year 1999 appropriations bill. The program will provide much-needed assistance to families, who, in many cases, have been bearing the burden of this national public health problem unaided and alone.

The grant program will be directed by the Centers for Disease Control and the Substance Abuse and Mental Health Services Administration. Portions of the funding for the grant will come from each of these agencies.

It is time for Congress to join those who have already dedicated time and resources to this effort. Particularly, I want to recognize the National Organization of Fetal Alcohol Syndrome that has been aiding children and families and fighting for prevention for the last 10 years. I would also like to thank the directors of the Family Resource Institute, who have educated and been a voice for parents of children with alcohol-related birth defects. I also greatly appreciate the work of those in my own state, including Judy Struck and those at the University Affiliated Program, Charles Schaad, and the South Dakota March of Dimes.

The National Institute of Alcoholism and Alcohol Abuse, NIAAA, has been studying FAS and FAE for more than 20 years, and it has provided excellent leadership with the Inter-Agency Coordinating Committee. The Centers for Disease Control and the Substance Abuse and Mental Health Services Administration should also be commended for their growing dedication to this cause.

We have developed a model for dealing with FAS and FAE that will bring our nation's best scientists together with advocates, service providers and families and will enable us to develop our knowledge of successful prevention, diagnosis, early detection, and education. It is the result of extensive consultation and input from experts in the field. I urge my colleagues to vote in support of this important amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before I comment on the pending amendment,

the ranking member of the subcommittee and I have conferred, as we have been trying to have all of the amendments submitted. We make a request at this time that any Senator who has an amendment to this bill, let us know what it is by 11 o'clock. It is our intention, shortly thereafter, to propound a unanimous consent request that the amendments submitted to us at that time be the only amendments which will be considered on the bill. That is by 11 o'clock.

Briefly, on the pending amendment offered by the Senator from South Dakota, it is a very good amendment which allocates $25 million to fetal alcohol syndrome. Some $15 million is currently allocated. It may be even a greater amount should be allocated for this very pressing problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I compliment my colleague from South Dakota for bringing attention to this serious problem. Fetal alcohol syndrome affects 2,000 infants born every year. At the same time, we must keep in mind that birth defects generally are a major, even larger health care problem in this country. Birth defects are the leading cause of infant mortality, and about 150,000 children will be born with a major birth defect annually.

This year, CDC is spending only $16.5 million total on all birth defects, with an additional $2 million being spent on a folic acid awareness campaign for which I fought and worked with my colleagues in this body to support. The $10 million for CDC to fight fetal alcohol syndrome would be well spent. At the same time, we need to significantly increase our overall investment in the fight against birth defects.

I look forward to working with the chairman and ranking member and Senator DASCHLE as we move forward to make sure this critical area of children's health is adequately addressed in this bill and in the work of the CDC in the coming year.

I thank the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3658. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—98

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden
Enzi	Lugar	

NAYS—1

Allard

NOT VOTING—1

Inouye

The amendment (No. 3658) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senator from Iowa and I had announced previously our request that all Senators submit amendments by 11 a.m. this morning. It is our intention, as soon thereafter as we can, to compile a list and to ask unanimous consent that that be the exclusive list for amendments to be considered on this bill.

Mr. HARKIN. Mr. President, if the Senator will yield, I fully support him in that. At 11 o'clock, which is about 20 minutes from now, we hope to be informed of all amendments. I say to Senators on our side, please let us know, either through the Cloakroom or directly, because shortly after that, I will be joining with our chairman in propounding a unanimous consent request to make that a finite list.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Iowa. We had announced that between the votes, but we repeat it at this time. We think we can conclude this bill today. If we have the cooperation of Senators on letting us know about their amendments, we will be able to do that.

Mr. President, we are about to have an amendment offered by the distinguished Senator from Massachusetts, Mr. KENNEDY. This has been worked out, but I formally ask unanimous consent that time on the amendment by Senator KENNEDY be limited to 60 minutes equally divided with no second-degree amendments in order prior to the vote.

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

Mr. SPECTER. Mr. President, the Kennedy amendment will be followed in sequence by an amendment by the Senator from Connecticut, Mr. DODD. This has been cleared.

I ask unanimous consent that the time on the Dodd amendment, prior to the vote in relation to that amendment, be limited to 30 minutes equally divided with no second-degree amendments in order prior to the vote.

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

Mr. SPECTER. I yield the floor to Senator KENNEDY.

AMENDMENT NO. 3661

(Purpose: To provide an additional $202,000,000 to carry out title II of the Higher Education Act of 1965)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. BINGAMAN, Mr. WELLSTONE, Mr. DODD, Mrs. MURRAY, Mr. LEVIN, Mr. SCHUMER, and Mr. DURBIN, proposes an amendment numbered 3661.

Mr. KENNEDY. 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 title III, insert the following:

SEC. . TEACHER QUALITY ENHANCEMENT.

In addition to any other funds appropriated under this Act to carry out title II of the Higher Education Act of 1965, there are appropriated $202,000,000 to carry out such title.

Mr. KENNEDY. Mr. President, I offer this amendment along with Senators REED, BINGAMAN, WELLSTONE, DODD, MURRAY, LEVIN, SCHUMER, and DURBIN.

Mr. President, this amendment is one of the most important policy matters that we are going to consider on this appropriation bill, and that is whether we are going to provide adequate resources to train the needed number of teachers for our classrooms and for children across this country.

We believe—at least I do—that the funds that have been allocated in the current bill are inadequate to do the job. I spelled out in my earlier comments that I know the Appropriations Committee received allocations. But, I don't believe those allocations given to the committee were adequate to really respond to the challenges we are facing in education. It is as a result of the fact that the Republican leadership wants to have a tax break. It seems to me that these priorities take preference over that. I wish these priorities had been given additional funds. In

spite of that, we ought to make an expression in the Senate about our priorities for the children of this country, particularly in the area of training teachers, so that we are going to have a well-trained teacher in every classroom in the country.

Mr. President, it was only in February of this year that the Wall Street Journal had an article on the front page:

SCHOOLS TURN TO TEMP AGENCIES FOR SUBSTITUTE TEACHERS.

Most school districts begin each day with a nerve-racking hunt for substitutes to fill in for absent teachers. With a tight labor market making the task especially tough, a few are starting to outsource the job. Kelly Services Inc. unveiled the first nationwide substitute teacher program four months ago, and now handles screening and scheduling for 20 schools in 10 States.

Mr. President, this is a national indictment of policy out of the local, State, and Federal level, where we are using the Kelly Services, which have provided professional secretaries and office assistants, and now they are out there recruiting teachers to teach in the schools for the children of this country. We have to be more serious about this issue. We know what needs to be done, and we ought to get about the business of doing it.

We have a number of groups that support our amendment, which include the American Association of Colleges for Teacher Education, the Association of Community Colleges, American Council on Education, the National Association of Independent Colleges, the NEA, the AFT, Council of Chief State School Officers, and others.

I ask unanimous consent that the full list of those supporting the program be printed in the RECORD.

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

GROUPS THAT SUPPORT THE KENNEDY TEACHER QUALITY AMENDMENT

American Association of Colleges for Teacher Education.
American Association of Collegiate Registrars and Admissions Officers.
American Association of Community Colleges.
American Association of State Colleges and Universities.
American Council on Education.
American Federation of Teachers.
Association of Jesuit Colleges and Universities.
Boston College.
National Association of College and University Business Officers.
National Association of Independent Colleges and Universities.
National Association of State Universities and Land-Grant Colleges.
National Education Association.
National PTA.
The California State University.
Clark University.
The College Board.
Council of Chief State School Officers.
Lesley College, School of Education.
University of California.
University of Massachusetts.

Mr. KENNEDY. Mr. President, in 1996, what is basically the most important document that has been published on the need for getting high-quality teachers for the children of this country has been published by the National Commission on Teaching in America's Future, in September of 1996—''What Matters Most: Teaching for America's Future.'' There are many other studies and documents, but I think this is about as fine a document as we could have. In our Health, Education, Labor, and Pensions Committee, we relied on it very substantially, but not completely. We had over 20 days of hearings on our elementary and secondary education bill. Nonetheless, this document was, I thought, very profound.

The problem in making recommendations is about how to address them. I will take a moment to read the major flaws in teacher preparation:

For new teachers, improving standards begins with teacher preparation. Prospective teachers learn just as other students do: by studying, practicing, and reflecting; by collaborating with others; by looking closely at students and their work; and by sharing what they see. For prospective teachers, this kind of learning cannot occur in college classrooms divorced from schools or in schools divorced from current research.

Yet, until recently, most teacher education programs taught theory separately from application. Teachers were taught to teach in lecture halls from texts and teachers who frequently had not themselves ever practiced what they were teaching. Students' courses on subject matter were disconnected from their courses on teaching methods, which were in turn disconnected from their courses on learning and development. They often encountered entirely different ideas in their student teaching, which made up a tiny taste of practice added on, without connections, to the end of their course work.

Mr. President, they made a series of recommendations about what we ought to do. One was to reinvent teacher preparation and professional development. It included professional development in the schools themselves. Also, it talked about the importance of mentoring. Those are two very important features which have been left out in terms of this underlying appropriations bill which were included in our authorization bill.

Then, further, it goes on and says:

. . . fix teacher recruitment and put qualified teachers in every classroom.

That was one of the very strong commitments that we had in our Democratic proposal, our Democratic commitment for the Elementary and Secondary Education Act—a commitment to American families that we would put a well-qualified teacher in every classroom in this country within 4 years.

Look at what happened last year across this country, where school districts hired 50,000 unqualified teachers. This isn't a problem of just 1996, this is a problem of the year 2000 and 2001. We have to address it.

So where are we in terms of these recommendations that we took to heart in a very bipartisan way—which I will come back to—in terms of our Elementary and Secondary Education Act?

In this legislation, there is effectively no new money for teacher preparation. We are going to have level funding for title II of the Higher Education Act. This is what is requested; $98 million was requested last year and $98 million for this year. So there is virtually no increase. There will be absolutely no new Federal participation in working with States and local communities in terms of enhanced teacher recruitment—zero, none.

If you look at what is happening in this last year, as this money is being expended in 2000, where the grants are being made, now, it is only the difference between $77 million and $98 million because about 95 percent of the $77 million is carried through in 2- to 3-year programs. So the current situation is that over a 2-year period, with the demand for 2.2 million teachers, our Federal response has been to provide $21 million to help States and local communities go out and recruit teachers, when we have a need for 2.2 million of them. That is effectively wrong. We cannot do that. It is so important, and I will come back to this.

Let me just show you here what happened. For the $77 million that we had, we had 366 total applicants, but only 77 applications could be funded. We had 5 times the number of applications for the number of grants available. The desire is out there. The interest is out there. Parents and local communities want this kind of help and assistance. We are funding one out of five. And this is what is happening, also: We are expecting $21 million in grants for this current year, zero for next year. We expect that 11 applications will be funded out of 141 total applications. That is more than 12 times the number. People across this country—States, educational centers, local communities—want the help. One of the most important aspects of education is having well-trained teachers. What I find so troublesome is the fact that we worked out a bipartisan effort in the Higher Education Act of 1998, which is basically what this is all about.

It is about funding the provisions in the 1998 Higher Education Act. When we authorized the Higher Education Act in 1998, we had strong bipartisan support. Efforts were led by Senators REED, BINGAMAN, JEFFORDS, and GREGG. Our goal was to create a program to address the Nation's needs and to recruit better qualified teachers to enter the classroom. Each day, we agreed on that basic principle.

I hope our colleagues will agree to give it the full support it deserves.

Senator DEWINE during the course of the debate on title II:

Really, there is nothing more important in regard to education than the teacher. Our children deserve to be taught by teachers who really understand their subject, understand the subject matter.

I have worked hard to incorporate measures concerning good teaching into this bill. I want to thank Chairman Jeffords for the

assistance that he has given me and the cooperation in getting these sections incorporated into this very good bill.

Senator JEFFORDS:

As its foundation, Title II embraces the notion that investing in the preparation of our nation's teachers is a good one. Well-prepared teachers play a key role in making it possible for our students to achieve the standards required to assure both their own well being and the ability of our country to compete internationally.

Senator MCCAIN on July 8:

Another important component of this bill is the establishment of a comprehensive program promoting statewide reforms to enhance the performance of teachers in the classroom by improving the quality of teacher training. Having professional, well-trained teachers is an essential component for ensuring that our children achieve high educational standards.

Senator SMITH of Oregon:

By improving the quality of teacher training and recruitment, increasing the purchasing power of students through Pell grants and other forms of student assistance, and by improving access to higher education for students with disabilities, this legislation provides opportunity for the young people of our Nation to seek a higher education.

The list goes on and on. It keeps going on, with the exception to stop when it comes to putting funding into these kinds of commitments.

These are efforts that have been made in a bipartisan way to try to get an effective program and partnership with the State and local communities. Effectively, we are zeroing this out. We had $21 million provided for this last year. That is wrong.

Research shows that the national need for high-quality teachers is growing:

Doing What Matters Most: Investing in Quality Teaching, November 1997:

Nationally, relatively few teachers have access to sustained, intensive professional development about their subject matter, teaching methods, or new technologies.

National Center for Education Services, The Baby Boom Echo Report, 1998:

An estimated 2.2 million teachers will be needed over the next 10 years to make up for a large number of teachers nearing retirement and rapid enrollment growth.

One thing is for sure: They are not getting them in here. The Federal Government is AWOL on that issue of education.

What matters most is teaching for America's future.

The National Commission on Teaching and America's Future found that more than 50,000 people who lack the training for the job enter teaching annually on emergency or provisional licenses. And, 30–50% of teachers leave within the first three to five years. In urban district, the attrition rate can be 30–50% in the first year.

That is what is happening. You get them in there, and they leave, unless you have some very important changes, such as providing skills for teachers who will be working with newer teachers in situations involving mentoring, where we have seen these figures change dramatically and where teachers will remain and work in these communities.

The Urban Teacher Challenge Report of January 2000:

One hundred percent of 40 urban school districts surveyed have an urgent need for teachers in at least one subject area. 95% of urban districts report a critical need for match teachers; 98% report a critical need in science; and 97% report a critical need in special education.

There it is. In urban areas across the country: No math, no science, no special education. We are asking ourselves: What can we do as a nation to try to make a difference for children in our country? I don't know how many more studies we have to have. I am not saying if you just pour buckets of money, it is going to solve the problem. But one thing we know is that without the investment of resources in these areas, we are not going to solve it either.

My colleagues will speak about other aspects. But we need investment in terms of recruitment and professional development and in terms of mentoring.

Listen to the results of some of these studies.

''Teacher Quality and Student Achievement'', Linda Darling-Hammond, December 1999: The states that repeatedly lead the nation in math and reading achievement have among the nation's most highly qualified teachers and have made long-standing investments in the quality of teaching. The top scoring states—Minnesota, North Dakota, and Iowa, recently joined by Wisconsin, Maine, and Montana—all have rigorous standards for teaching that include requiring extensive study of education plus a major in the field to be taught. By contrast, states such as Georgia and South Carolina, where reform initiatives across a comparable period focused on curriculum and testing but invested less in teacher learning, showed little success in raising student achievement within this timeframe.

Do we have that? What are the conclusions? If you invest more in quality teachers and recruiting, and providing and keeping professional enhancement and mentoring, you are going to have the corresponding results in enhanced academic achievement.

That is what these reports show. If you do not do this, and spend the money in other ways, which you could do with the general funds—which I would call the block grant way—you find that you are failing the children in those particular areas.

1996 Mathematics Report Card for the Nation and the States, and 1994 Reading Report Card for the Nation and the States (National Assessment of Education Progress): Over the last decade of reform, North Carolina and Connecticut have made sizable investments in major statewide increases in teacher salaries and intensive recruitment efforts and initiatives to improve preservice teacher education, licensing, beginning teacher mentoring, and ongoing professional development. Since then, North Carolina has posted among the largest students achievement gains in math and reading of any state in the nation, now scoring well above the national average in 4th grade reading and math, although it entered the 1990s near the bottom of the state rankings. Connecticut has also posted significant gains, becoming one of the top scoring states in the nation in math and reading, despite an increase in the proportion of students with special needs during that time.

That has impacted many of our communities. Many of our communities are increasingly challenged with a wide expansion of diversity that eventually, of course, adds such extraordinary value to these communities. But they initially put additional kinds of pressures on education institutions and other institutions. That has been true in Connecticut, and it has been true in my own State of Massachusetts.

What does this report say? The report says that when you have sizable investments and intensive recruitment efforts and initiatives to improve preservice teacher educating, licensing, beginning teacher mentoring, and ongoing professional development, you see dramatic increases in the quality of education for these children.

I think that would be fairly self-evident for people in this Chamber to understand. We certainly understood it in the Health, Education, Labor and Pensions committee. It was understood there. As I pointed out, there is broad bipartisan support for those particular provisions.

We find that the various studies—I mentioned just a few of them—are compelling and convincing, and those who wrote those studies made presentations which were compelling. Others, in response to those measures, indicated they were compelling.

I see Senator REED. I understand I only have 10 minutes left. I yield myself 3 more minutes.

Let me point out exactly what this amendment does.

My amendment increases the appropriation for the Teacher Quality Enhancement Grants from $98 million in the underlying FY2001 Labor, Health and Human Services, and Education appropriations bill to the full authorization level of $300 million to enable much greater participation in this vital program to improve teacher preparation and recruitment.

This increase in appropriations from $98 million to $300 million will help fund over 100 additional partnerships.

The Teacher Quality Enhancement Program provides three types of grants to improve teacher training and recruitment:

One, local partnership grant to improve teacher training; two, State grants are to implement statewide teacher reform efforts; and three, local partnerships for State grants to focus on innovative teacher recruit programs.

The teacher quality enhancement grants support local partnerships among teachers, institutions, and local schools to help improve in many ways the quality of teachers entering the classroom. By increasing the cooperation between college programs that prepare new teachers in the schools that hire the teachers, teachers obtain

the effective training they need to teach in classroom settings. The prospective teachers have more opportunities to observe successful veteran teachers and obtain feedback.

I urge the Senate to support this amendment to increase the funding for this critical program so more of the Nation's schools and communities can improve teacher training programs. The Nation's children deserve no less.

Under the current proposal in the Senate, there is no new money for teacher preparation level for title II. There is minimal increase in the Eisenhower program, which effectively had been block granted in the Elementary and Secondary Education Act, so it may disappear completely. There are no funds for mentoring or recruitment. I think the bipartisan program that passed out of our human resources committee on higher education considered these various measures and had bipartisan support. I think we ought to give life to those recommendations. That is what this amendment does.

I withhold the remainder of my time.

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

Mr. SPECTER. Mr. President, I prefer to hear the balance of the argument of the proponents of the amendment before responding.

How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining. The Senator from Pennsylvania has 30 minutes remaining.

Mr. KENNEDY. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank Senator KENNEDY for yielding and for sponsoring this amendment. He has grasped the most critical aspect of educational reform in the United States today—improving the quality of teachers. He has simply brought forward the bipartisan, unanimous consent we reached in the Higher Education Act amendments of 1998 where, in the vote of 96–0, we passed the teacher quality enhancement grants program. We authorized a magnificent program on a unanimous vote, but we have failed to fully fund it. If we have the plan, but not the money, we are not going to succeed.

Senator KENNEDY is simply saying, we have a good plan, let's put the resources behind it.

We understand we need to have high-quality teachers to meet the challenges of the 21st century classroom. These challenges are different from 50, 30, 20, even 10 years ago. It is no longer sufficient for a student to go to a teacher college and learn about pedagogy and then go into the classroom. They need to have clinical exposure. They must have real-life experiences in the classroom before they become new teachers.

They also have to understand their subject matter. Technique is one aspect, but it can't substitute for detailed knowledge of the subject—be it science, history, or mathematics. They also have to understand how to integrate technology, which is at the key of most of the breakthroughs in education in the United States today.

They have to be able to deal with a diverse population of students, some with limited English proficiency, some who are coming from cultures much different from the culture in which the teacher grew up.

All of this necessitates significant reform in our educational practice. That is why, in the Higher Education Act, I worked closely with my colleague, Senator KENNEDY, and others to develop partnerships between teacher colleges and elementary and secondary schools—real partnerships where aspiring teachers can get the clinical experience, and the other things necessary to be prepared for today's classrooms. It is similar to the model of physician training. We would never send a physician into an operating room simply with a few lectures on theory. It is practice, practice, practice, before they are allowed to operate. It should be the same for teachers.

We can't do that unless we fully fund the teacher quality grants. They cover the spectrum. First, they provide the opportunity for these partnerships to develop. Second, they support statewide reforms. Third, they allow for recruitment of teachers, particularly to reduce shortages of qualified teachers in high-need school districts.

We will need 2 million new teachers over the next 10 years because of the changing population of teachers, retiring teachers who are leaving, and the increase of our student population entering first grade and kindergarten. Look at any urban school district in this country, and you will see they are suffering severe teacher shortages. Recruitment is necessary.

We also need to stimulate partnerships that are so essential between colleges of education and elementary and secondary schools.

Last year, $77 million was available for new grants. Mr. President, 366 applications were received—a huge response—from States and local school districts. This is a popular program. The Department of Education could only fund 77: 25 local partnerships, 24 State grants, and 28 teacher recruitment grants. Rhode Island, I am proud to say, got a State grant and is using it very well.

This year, however, only $21 million was available for new grants. There were 141 applicants, but the Department of Education estimates they will only be able to fund 11 grants—1 in 12. The need is there and the plan is there; the resources are lacking. That is why we are here today.

We want to fully fund this program up to the authorized total of $300 million, creating an additional 100 partnerships, State and recruitment grants. This will help meet the demand and do the one thing that is so critical to education reform in this country, which is not questioned by anyone, evidenced by a 96–0 vote in this Chamber approving the program: We have to enhance the quality of teachers in this country. We can't do it just with admonitions. We can't do it just with sentiments. We have to do it with dollars.

We have a program that works. We have a popular program. We just don't have the resources. Senator KENNEDY's amendment, which I am proud to cosponsor, will give us the resources to do the job.

I thank the Senator. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the bill which has been reported out by the Appropriations Committee appropriates some $40.2 billion to education funding, an increase of $4.6 billion over last year. This bill has $100 million more than the President asked for. We have assessed the priorities as the subcommittee saw them and as the full committee saw them and have made very substantial increases in very many important accounts.

For example, on the title I grants, there is an increase of $394 million, bringing the total to $8.3 billion. On the 21st Century Afterschool Program, there is an increase of $146 million, coming to $600 million. On special education, where we have made an extraordinary effort to try to have the Federal Government meet its obligation, we have made an increase of $1.3 billion to $7.3 billion. On title VI innovative education State grants, we had an increase—this was considered so important—from $400 million to $3.1 billion. On Pell grants, we had an increase of $350, to $3,650, a very important grant program enabling people to go to college. On the higher education programs, we had an increase of $165 million to $1.7 billion.

The amendment which the Senator from Massachusetts has offered is a very worthwhile amendment. I do not deny that for a moment. If we had more funding, I would be glad to see us increase the money in that account by what the Senator from Massachusetts would like to have. But the difficulty is that we have assessed the priorities. We have stretched the subcommittee allocation to $104.5 billion. That is the maximum amount which could be obtained, consistent with the wishes of our caucus. In fact, that is stretching the matter.

Last year, we lost some 20 members of the Republican caucus of 55 because there was too much money in the bill as it was viewed on our side of the aisle. But we have come in here with $104.5 billion and made allocations as we see fit, as we assessed the priorities.

Regrettably, I could not be on the floor yesterday to debate the Wellstone amendment and the Bingaman amendment and the Murray amendment because I was busy on a Judiciary Committee hearing where I have the responsibility to chair the subcommittee

on the Department of Justice oversight. If time permits today, I am going to talk a little bit about that. But when Senator WELLSTONE offered an amendment for $1.7 billion to increase title I funding, I would, frankly, like to see that funding done. Title I is very important, but I had to vote against it because it is a matter of assessing the priorities.

When Senator BINGAMAN offered a $250 million increase, again on title I, it was very meritorious. There is no higher priority, in my opinion, than education. The only priority which equals education is health care.

The allocations which our subcommittee has made have to take into account education and health care. We have increased the funding very materially on the National Institutes of Health and on drug rehabilitation programs and on school violence programs—all of which have to come out of the overall funding of $104.5 billion.

Senator MURRAY offered an amendment on class size, wanting to add $350 million. She disagreed with what the committee has done on the subcommittee recommendation, meeting the President's request for $1.4 billion for teachers to reduce class size. But we added a provision, if the local school districts want to use it for something else, they could get their share somewhere else.

So we come now to the amendment which is pending. It was just authorized in 1997–1998. There was no appropriation for support for teacher quality and professional development in 1998. In fiscal year 1999, there was an allocation of $77 million. It went up last year to $98 million. It is true, the funding has leveled.

I heard the Senator from Massachusetts say this funding is an indictment. That is just a figure of speech, but if it is an indictment, the President is included as well as the Appropriations Committee because that is the President's request. The President has already issued a veto threat on the bill because he doesn't like our allocations and our priorities. But the last time I read the Constitution, the Congress has the appropriations responsibility. Certainly the President has to sign the bill, or we can have passage over the veto, but we have established the priorities. On this matter of teacher quality and professional development, we have met the President's figure.

I approached the Senator from Massachusetts for some light talk before the amendment was offered. I said: Senator KENNEDY, how much money do we have to have in the bill so as to preclude a Kennedy amendment to add money? I ask him that every year. I want to know what the answer is next year, so we can bring a bill, hopefully, which would have sufficient money. But if it is $1.4 billion for class size, someone is going to offer an amendment for more money. Senator MURRAY did so, for $350 million more. Whatever the amount of money we put in, somebody is going to offer an amendment for more money.

I said last year, in voting against the add-ons, that I had cast more difficult votes that I did not like in the 4 days I managed this bill than I had cast in the previous 18 years I had been in the Senate because I am a firm believer in education.

In the Specter household, my parents had very little. My mother went to the eighth grade; my father, an immigrant, had no formal education. My brother and two sisters and I have been able to share in the American dream because of educational opportunity. I have been on this subcommittee for my entire tenure in the Senate, and I am doing everything I can to promote education in America so everybody has the maximum opportunity.

I would like to spend more money on teacher recruitment, teacher development, but it cannot be done within the confines of the very enormous allocation we have at the present time.

Mr. President, how much time do I have left on the 30 minutes?

The PRESIDING OFFICER. The Senator has 22 minutes remaining.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his comments and his explanation. But the fact remains, these allocations are within a context about how we are going to allocate resources in the Federal Government. This explanation we heard is in the context of a 10-year, $792 billion tax cut. If we did not have the $792 billion tax cut, we would have the opportunity to do more.

I personally believe this is a higher priority. I think most of us on this side of the aisle believe that it is a higher priority than having a tax cut and putting on the squeeze, in terms of improving quality of education. That is philosophical and that is decided in this body, where the majority are the Republicans and where they have had the votes in order to be able to do that. But that is the harsh truth.

The fact is, in more recent years, between 1980 and 1999, we are finding out the support for elementary and secondary education is falling down, and in higher education it is falling down.

Against that background, we have the explosion of the number of children who are going on to schools, K–12 schools. These are the numbers—54 million. I don't think we can do business as usual. I don't think it is a matter of shifting priorities from here to there on this matter, and shuffling the debt. I respect the Senator from Pennsylvania's strong commitment to education and health. There is nobody in this body who doubts it. But we are talking about the broader issue, and that is, given the announcement yesterday that we are going to have a $750 billion surplus in addition to what was expected, whether we are going to be able to find some $300 million to improve the quality of education, and do it in a program that has strong bipartisan support, that is what this is about. That is really what is at issue.

With regard to our program, in the legislation, the national commission, they say:

> We recommend that colleges and schools work with the States to redesign teacher education so that the 2 million teachers hired in the next decade are adequately prepared.

Then they list the various criteria:

> . . . stronger disciplinary preparation, greater focus on learning, more knowledge about curricula, greater understanding of special needs, multicultural competence, preparation for collaboration, technological skills, and strong emphasis on reflection.

Those have all been incorporated in our underlying amendment, which we are trying to fund. That is why it had the strong bipartisan support. Without this amendment, we have, effectively, flat funding. In our appropriation priorities, we are saying to the American people that we are not going to fund resources to provide the best teachers in the classrooms of America. I think we ought to be able to do so.

Mr. SPECTER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 22 minutes remaining.

Mr. SPECTER. Mr. President, with respect to the argument on education, it is a matter of priorities. We have a very extensive allocation of $104.5 billion. Much as I would like to see additional funding for teacher training and teacher recruitment, it is simply a matter of priorities. I am constrained to oppose the amendment by the distinguished Senator from Massachusetts.

INDEPENDENT COUNSEL

Mr. SPECTER. Mr. President, in my remaining time, or at least in a portion of it, I think it worthwhile to comment on the very extensive hearing which was held by the Judiciary Committee yesterday on the issue of independent counsel because the matter is now pending before the Attorney General of the United States as to whether independent counsel ought to be appointed.

The subcommittee on the Department of Justice oversight has conducted extensive hearings. Even before the subcommittee began its hearing process, this is an issue which I raised with the Attorney General on judiciary oversight more than 3 years ago in April of 1997. At that time, I raised the question of hard money and have consistently called for an investigation. We had the Chairman and Vice Chairman of the Federal Election Commission testify a week ago today on current complaints which have been stated by Common Cause and by Century 21, that both political parties ought to be investigated for abuses on soft money and for coordination of soft money with their campaign accounts. I have long contended that the investigations ought to be as to both parties

on a bipartisan or on a nonpartisan basis.

The issue, as I say, was raised first in April of 1997. FBI Director Freeh then made a request for independent counsel. That recommendation to the Attorney General was in November of 1997. Charles LaBella, who was appointed by the Attorney General as special counsel, made a similar request for independent counsel in July of 1998.

Within a week after the Freeh report was issued, I asked for a copy and was denied that. Within a week after the LaBella report was issued, I requested a copy and was denied that. We finally received those documents when Judiciary Committee subpoenas were issued, returnable on the 20th of April.

Then it came to light when Vice President GORE announced that he had been questioned by the new chief of the task force, Robert Conrad, that the matter was still open. Somehow, notwithstanding the fact that the Vice President had been questioned on four prior occasions, no questions were ever asked on two matters which had received very substantial publicity: the Hsi Lai Buddhist Temple fundraiser and the issue of coffees in the White House.

As a result of the investigation of the judiciary subcommittee, we determined that Mr. Conrad had made a recommendation to the Attorney General again for independent counsel, just like the LaBella recommendation, just like the Freeh recommendation. Mr. Conrad testified before our subcommittee a week ago today and declined to respond to questions about that matter. It was my judgment that it was a matter for the public to know. The public had a right to know. There was a necessity for the public to know if we were to have accountability by the Attorney General. As is the established custom as a subcommittee chairman, I made that public disclosure which was in accordance with our practice and something where there was solid justification for doing so.

In the hearing which we had with the Attorney General yesterday, it had been scheduled long before the disclosure was made that Mr. Conrad had made a recommendation of independent counsel. We went over with the Attorney General quite a number of factors, starting with the statements which Attorney General Reno had made during her confirmation hearing in 1993.

The Attorney General—then not the Attorney General but the district attorney of Dade County in Miami, FL—came in and asked for our support and our votes, and I voted for her in the Judiciary Committee and on the floor, in part because of her strong stand that the Independent Counsel Act was an important act. She said this during her confirmation hearings:

> It is absolutely essential for the public to have confidence in the system, and you cannot do that when there is a conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor.

The Attorney General serves at the pleasure of the President who appoints her and is obviously very close to the President and to the Vice President.

Attorney General Reno further said at her confirmation hearing:

> The credibility and public confidence engendered with the fact that an independent and impartial outsider has examined the evidence and concluded prosecution is not warranted serves to clear a public official's name in a way that no Justice Department investigation ever could.

She quoted from Archibald Cox who said:

> The public could never feel easy about the vigor and thoroughness with which the investigation was pursued. Some outside person is absolutely essential.

It is in that context that the evidence was examined in our hearing yesterday as to whether independent counsel should have been appointed as to the Vice President and as to the President as well.

As to the Vice President, the issue arose about the veracity of statements which he made about telephone calls raising hard money from the White House. If the money was so-called soft money, it was not a contribution and not covered by the act. But if it was hard money, then there could be a violation of the act. The Vice President was questioned about that and said he did not raise hard money, did not know that hard money was to be raised.

I questioned the Attorney General at some length about the specifics which had been produced. For example, there were four witnesses who testified that at a meeting on November 21, 1995, hard money was discussed, certainly probative raising the inference that if a Vice President is at a meeting where hard money is discussed, he knew he was raising hard money or that hard money was the objective.

Leon Panetta, White House Chief of Staff, was very blunt about his testimony that the Vice President was there and listening and said the purpose of the meeting was ''to make sure they''—the President and Vice President—''knew what the hell was going on.''

The Attorney General and I had a protracted discussion about the fact that she discounted the evidence from David Strauss who was the deputy Chief of Staff for the Vice President who had made contemporaneous notes at this November 21, 1995, meeting: ''Sixty-five percent soft, 35 percent hard.''

Mr. Strauss said he could not remember. Notwithstanding that, the law of evidence is conclusive that if there is prior recollection recorded and a contemporaneous record made, that is evidence which can go before a grand jury or before a court.

The attorney said he did not remember, even after he looked at his notes. That raises an evidentiary report of prior recollection refreshed, and that is evidence. Even if a person does not now remember, if they had notes and that refreshes their recollection, the person may testify from the notes on the approach of current recollection refreshed. It does not rule out what his notes had on prior recollection recorded, even though he could not remember it. That was some very important evidence.

In addition, the Vice President received 13 memoranda from Harold Ickes who was involved and running the campaign. Those 13 memoranda recited hard money. The Vice President said he did not read the memoranda. That is a question which would call for further investigation.

The memoranda were put in his in box. And a secretary testified that the input was culled very carefully to keep out extraneous matters. But the Ickes memoranda always went in.

Then the Vice President further said that: The subject matter of the memoranda would have already been disclosed in his and the President's presence.

The Vice President further conceded, in interviews with the FBI—he acknowledged that he had ''been a candidate for 16 years and thought he had a good understanding of hard and soft money.''

It is important to focus on the fact that the matters presented to the Attorney General are not such that would warrant a prosecution, but only that the matters call for further investigation.

The independent counsel statute is very carefully structured so that the Department of Justice does not do very much. The Department of Justice only makes a preliminary inquiry, and then, in the language of the statute, ''The Attorney General, on completion of a preliminary investigation, determines that there are reasonable grounds to believe that further investigation is warranted.''

The others who were present at the meeting, who ''did not recall,'' should have been called before a grand jury, which the Attorney General cannot do on her preliminary inquiry. That is to keep the Department of Justice really out of it, but to turn it over to an independent counsel at an early stage.

The Attorney General did say yesterday that they did not submit this to a grand jury. Certainly that is the next step. When witnesses are questioned, it is one thing, but it is quite another to come into the formality of a grand jury, under oath, and to be asked questions. That is why there is the provision for further investigation.

The Attorney General testified yesterday, relying on her submission to the court declining the appointment of independent counsel, that ''the Government would have to prove beyond a reasonable doubt.'' That said, the standard for further investigation for appointment of independent counsel does not involve proof beyond a reasonable doubt, it is only that there is reason to have a further investigation.

I shall not characterize the Attorney General or draw conclusions at this

stage, but only lay out the facts and suggest that on the face of the very substantial materials produced, further investigation was required and independent counsel should have been appointed.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. SPECTER. Mr. President, the subject then arose as to what were the factors related to the famous fundraiser at the Hsi Lai Buddhist Temple on April 29, 1996.

The Vice President had received an e-mail from his scheduler asking whether there should be another stop on the April 29 itinerary on top of the ''two fundraisers in San Jose and LA.''

The Vice President responded:

If we have already booked the fundraisers, then we have to decline.

But the Vice President said he did not know there were any fundraisers, that the Hsi Lai Temple was a fundraiser.

Then Harold Ickes sent the Vice President a memorandum on April 10 identifying the Los Angeles fundraiser which would raise $250,000 and a supplemental memorandum on April 25 saying the Los Angeles fundraiser would raise up to $325,000. Within 24 hours of receiving this memorandum, the Vice President was given briefing materials from the Democratic National Committee informing him that the DNC luncheon he would attend on April 29 was at the Buddhist temple.

During the course of the event, two of the guests who ate lunch with the Vice President talked about fundraising. Witnesses there said—''One speaker commented that they had raised *x* amount of dollars.'' And another witness at the luncheon said that a speaker took the podium and reassured the assembled guests that they had ''doubled checked'' and it was ''OK to give contributions at the Buddhist temple.''

So here again, there are substantial indicators which certainly would call for going forward with independent counsel.

Then the question was raised about the coffees which raised more than $26 million. When the Vice President was questioned about the coffees—and the Vice President released the transcript—he said:

Question:

In terms of a fundraising tool, what was the purpose of the coffees?

His response was:

I don't know.

Then he was asked:

With respect to raising $108 million, did you have discussions with anybody concerning the role coffees would play in raising that type of money?

The answer of the Vice President:

Well, let me define the term ''raising.''

Shades of what ''is'' is.

Later, he was questioned:

You had indicated earlier you may have attended one coffee. What were you talking about?

His response:

Although it was not my practice to go to any of these coffees, there may have been one that I attended briefly.

The Vice President's lawyer then submitted a letter 2 days later, saying:

As best we can determine from the Vice President's schedule, he was designated to attend four White House coffees. The Vice President hosted approximately 21 coffees at the Old Executive Office Building.

Here again, those matters require further inquiry.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. SPECTER. Mr. President, I raised a question with the Attorney General as to why the Department of Justice went to ask the Vice President these questions on April 18. The apparent reason was that the subcommittee had finally gotten subpoenas out to get the Freeh and LaBella memoranda returnable on April 20.

So the subcommittee would soon find out that the Vice President had never been questioned about the Buddhist temple fundraiser or about the coffee klatsches and that, in fact, the Department of Justice was embarrassed by that omission.

I believe the Attorney General did a substantial disservice to the Vice President in failing to have these matters resolved one way or another at an early stage.

I said at the outset, last Thursday, when I discussed the matter as to the Conrad recommendation for independent counsel, that there is a sharp distinction between the level of information evidenced to call for an independent counsel's investigation and the level to return a criminal prosecution.

I raised a question with the Attorney General yesterday that her failure to act on these matters in 1997, and when Director Freeh called for an independent counsel in 1998, and when LaBella called for an independent counsel, has now put the 2000 Presidential elections in some state of controversy. These matters should have been cleared up. Why the questioning on April 18?

If independent counsel is appointed now, can there possibly be a determination to clear the Vice President before the Democratic convention in August? It seems highly unlikely.

If independent counsel or special counsel is appointed now, is there time to resolve the matter before the general election? It seems highly unlikely.

So that by delaying, it really is too late, at this point, to have special counsel. And that is a responsibility which falls squarely with the Department of Justice and the Attorney General for failing to appoint independent counsel in a timely manner.

It is puzzling why the matter would be reinvestigated and re-inquired into on April 18. The reason is obvious—so they would not be further embarrassed by not having asked about these two matters before. But what is to be done at this stage?

All of this leads to a conclusion that there ought to be some form of judicial review on the Attorney General's judgment on an independent counsel. I had tried for a long time to have a mandamus action brought to take it for judicial review to see if an independent counsel should have been appointed under the mandatory provisions of the statute or the discretionary provisions where there was an abuse of discretion. The problem was one of standing.

It would be my recommendation to the subcommittee that the subcommittee recommend that there be provision for standing to the Judiciary Committee to bring an action for judicial review to have a court determine whether an independent counsel should be appointed because of an abuse of discretion by the Attorney General or because of mandatory provisions of a new statute. This will be a very constructive result, so we do not find ourselves in a situation where these questions linger for more than 3 years and cannot really be resolved before the conventions and so that the Democratic Party would know who their candidate ought to be or what baggage that candidate would have.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

The Senator from Nevada.

Mr. REID. Mr. President, I follow boxing. When I was a younger man, I did some boxing of my own.

One of the things I remember more than anything else regarding fights is when Evander Holyfield fought Mike Tyson. You remember the famous fight where they were in the ring and suddenly Mike Tyson was chewing and biting on Evander Holyfield's ear. That was unfair. It was unnecessary. Mills Lane, the referee, said: You shouldn't do that.

They come out again. He does it again.

I feel, with all due respect to my good friend from Pennsylvania, that that is kind of what has happened here.

The two leaders want to speed up this very important bill. The minority will do everything we can. We have agreed to a time when the amendments could be filed. We have agreed that I will work, as other members of this conference will, to have some of the amendments disappear. The majority leader wants to finish this bill today.

Instead, we have an anti-GORE campaign speech coming from nowhere.

If we want to do something about campaign finance, why don't we do

something in the Senate Chamber such as trying to outlaw campaign soft money? That would be a good step to take. We have been trying for years to have campaign finance reform. We have narrowed the issues. We will now just take doing away with soft money. We will take that. But, no, we are prevented from having a vote on that. Why? Because the majority won't let us vote on it. So we have an anti-GORE campaign speech today by the manager of this bill.

I don't serve on the Judiciary Committee. I can't answer all the questions that have been asked. I read the newspapers.

We know that the Attorney General is an impeccably honest person. For example, when she was the chief law enforcement officer of Dade County, Miami, she would go to a car dealership to buy a car and would pay only the sticker price on the window. She didn't want anyone thinking she was getting some kind of a special deal from the car dealership. No one can question the veracity of Janet Reno. She is an honest woman and has been a good Attorney General and has called things the way she believes they should be.

I don't know anything about Conrad, other than he donated money to JESSE HELMS. The only donation he has made in his life was to JESSE HELMS. I also find it interesting that this came out as a result of a leak, a leak from supposedly secret information.

Then my friend from Pennsylvania has the audacity to talk about an independent counsel. We have had our fill of independent counsels, majority and minority. We don't want anymore. They have harassed and berated President Reagan, President Clinton. Independent counsel is out. Remember, we didn't reauthorize that. Of course, we can, because the law was in effect about the period of time the Senator from Pennsylvania was talking about. We could have another independent counsel, and maybe they could break the record of some of the others. For example, Walsh, he was at $50 million or thereabouts. We have had a tag team on the Whitewater stuff. We will probably break all records there. It will probably be about $75 or $80 million by the time that is finished. We all should be a little suspect that this great concern has taken place 4 months before the election.

To advance campaign finance reform, the House, in a bipartisan fashion, as they did last year, passed a bipartisan campaign finance bill that we had buried over here; it went no place—late at night passed a campaign finance bill to outlaw 527s. These are the secret committees that are formed. You don't have to list how much money you give, who gives it, or why they give it. You list nothing. They are secret. The House, in a bipartisan fashion, outlawed that yesterday.

Why don't we do that same thing in the Senate before the Fourth of July recess? If we want to do something to help the political process, let's do that, rather than gin up all this stuff that is so patently political from my friend from Pennsylvania that anybody could see through it.

This is simply an effort to hurt AL GORE in his election against George W. Bush. That is all it is about. Let's call it the way it is. You can dress it in all kinds of clothes and be very self-righteous about all this, but the fact is, this a campaign speech and a campaign effort to hurt Vice President GORE.

Let's talk about Vice President GORE. He also is an honest man, has a wonderful family; he is a religious man.

Now we have the ''bite on the ear'' this morning. I don't know how much we can take over here. We have worked very hard to move along the appropriations bills. The majority leader said: Work with us on these appropriations bills. It would be the right thing to.

We believe it is the right thing to do also. But we need the majority to go halfway. Do we now want Senators coming in here all day debating this? We have Senator LEAHY. We could have him come. He is ranking member on the Judiciary Committee. He would be happy to come over and spend an hour or two talking about what went on in the Judiciary Committee. We could have BOB TORRICELLI come over and spend an hour or two. He is articulate; he could do that. Is that what we want to happen today or do we want to go ahead with the Labor-HHS bill, a very important bill for the country?

I know the Presiding Officer believes strongly in the defense of this country. We should do the Defense authorization bill. We can't do the Defense authorization bill because it is tied up with campaign finance reform. If we did 527s, Senators MCCAIN and FEINGOLD would be happy to move on to another issue and allow us to complete the Defense authorization bill. A lot of items could be completed in the Senate. The minority needs a little help to move these things along. We can't be burdened, come Thursday afternoon or Wednesday night late, with: Why aren't we moving this bill along? We are not getting cooperation.

With regard to the work we have ahead of us on this bill, right now we have 88 amendments on the Democratic side—I don't know how many on the Republican side—to try to get rid of before we are able to complete the bill. That takes a lot of time. I don't think we should be diverted with this phony campaign finance issue, an attempt to interject it into the Presidential race 4 months before the election.

I think the majority leader has to make a decision. Are we going to spend the day on campaign finance? We would be happy to do that. What went on in the Judiciary Committee, we will come over and talk about it if that is what they want to do. I see my friend from Illinois, a member of the Judiciary Committee. I think he has something to say. I think he spent some time in the last few days in the Judiciary Committee. Is that fair?

Mr. DURBIN. Mr. President, I was on the Judiciary Committee assignment and Government Affairs assignment in the last Congress, and I sat through literally 1 whole year of this under Chairman THOMPSON.

Mr. REID. Well, I didn't. I can only comment on what I read in the papers. But I know when somebody's ear is bitten, as Tyson did to Holyfield, and it is unfair; that is what happened here today. I am not a member of the Judiciary Committee, but I am not going to let this go on being unannounced. We are on a Labor-HHS bill, and we are getting a lot of pressure to do something about it. Here we have a campaign speech in the middle of this bill, and that isn't fair.

Mr. DURBIN. Mr. President, if I might address the Senator from Nevada through the Chair, the situation we saw yesterday is clear evidence that we are in the campaign season. Instead of dealing with issues that many of us think are critical for families, such as prescription drugs and gun safety legislation, we are instead talking about further investigations.

I think there is a point where this Congress is expected to legislate rather than investigate. The closer we get to the election, I think the more the American people discount some of the rhetoric they are hearing on this issue.

Mr. REID. Well, if we want to do some work on this issue, then we will spend the day doing it on this issue, if that is what the majority wants. Or, as I say, I make an invitation: If we want to do something constructive about campaign finance reform, let's pass what the House did last night and do it before the Fourth of July recess. Let's make a goal when we get back, in that 3-week period, that we get rid of soft money, that corrupting influence on political campaigns.

Early in this century, there was a decision made by the Congress that we would not have soft money, corporate money, in Federal elections. The Supreme Court turned that on its head and now soft money is the money of choice, putting millions of dollars in these Federal elections. That is the invitation I make to the majority. Let's do 527 tomorrow and do soft money when we get back.

I know my time is gone. I want to move on with this bill. But the choice is that of the majority as to what we are going to do. Are we going to do appropriations bills? Are we going to debate what went on in the Judiciary Committee for the last several days?

The PRESIDING OFFICER. All time has expired on the Kennedy amendment.

Mr. SPECTER. I believe I have 30 seconds left.

The PRESIDING OFFICER. The Parliamentarian says there is no way to reserve that 30 seconds of time. All time did expire.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for 1 minute.

Mr. DODD. Reserving the right to object, and I don't intend to object, but I have an amendment on the bill, a relevant amendment. If it is going to be much longer, I will come back in an hour. If we can get to it, I would like to do that or let me go, so I can do something else.

Mr. SPECTER. Within the confines of 30 seconds, simply to reply, we are taking the time that we had on this amendment and nothing more. This is not a matter that has arisen in 4 months but 3½ years ago.

Mr. President, I raise a point of order under section 302(f) of the Budget Act, as amended, that the effect of adopting the amendment provides budgetary authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 concurrent resolution on the budget and is not in order.

Mr. DODD. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—51

Akaka	Durbin	Lieberman
Baucus	Edwards	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee, L.	Kennedy	Roth
Cleland	Kerrey	Sarbanes
Collins	Kerry	Schumer
Conrad	Kohl	Smith (OR)
Daschle	Landrieu	Snowe
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden

NAYS—48

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Voinovich
Fitzgerald	Mack	Warner

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, just so we know what is happening here, after the Senator from Connecticut offers his amendment—I don't see the manager of the bill—there was an understanding that Senator KERRY from Massachusetts would offer the next amendment.

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

The distinguished Senator from Connecticut is recognized.

AMENDMENT NO. 3672

(Purpose: To provide $1,000,000,000 for 21st Century Community Learning Centers)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, and Mr. WELLSTONE, proposes an amendment numbered 3672.

Mr. DODD. 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, insert the following:

SEC. . 21ST CENTURY COMMUNITY LEARNING CENTERS.

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part I of title X of the Elementary and Secondary Education Act of 1965 shall be $1,000,000,000.

Mr. DODD. Mr. President, very briefly, this is an amendment on the 21st Century Community Learning Centers program.

Before getting to the substance of this amendment, I want to take a minute to thank my colleague from Pennsylvania and my colleague from Iowa for the work they have done on this bill in a number of areas—and in the are of child care in particular. Last year, when I offered an amendment to increase the funding for the Child Care and Development Block Grant, the distinguished Senator from Pennsylvania reluctantly opposed that amendment. In so doing, he said he would make every effort to raise the level up in this year's appropriation, which he did. I am very pleased with the level of funding that he has provided for child care.

So, while I am offering an amendment on afterschool, which is related in some ways to child care, I want to express my gratitude to the chairman of the subcommittee for his commitment to this issue and to our nation's families and children. As a result of the efforts of the Senator from Pennsylvania and the Senator from Iowa and their colleagues on the committee, 220,000 children will have access to affordable childcare next year who would not have had the increase in funding not been provided by the Senator from Pennsylvania.

Second, I commend Senator KENNEDY for his amendment on teacher quality. I am sorry it had a point of order raised against it. Similar motions have been made other Democratic education amendments—against Senator BINGAMAN's amendment on accountability, Senator MURRAY's amendment on class size, and Senator WELLSTONE's on title I.

I cannot let the moment pass without expressing my deep regrets that these amendments were necessary because the Elementary and Secondary Education Act has still not been considered. As many of you know, we only deal with that bill once every 6 years. I know we are in a rush to get everything done, but once every 6 years to focus on the elementary and secondary education needs of 2.5 million children and their parents is not a great amount of time.

I am sorry I am offering this amendment on the Labor-HHS bill. I would have liked to have considered this issue on the ESEA reauthorization. But, I know we are not going to have a chance to get back to the authorizing bill, so I am left with no alternative but to offer this amendment on afterschool programs on this bill. I express my apologies to my colleagues for doing so. If my colleagues care about afterschool programs, as most Americans do, this may be our only chance to do something about it.

The committee did increase funding for afterschool programs in this bill. They have raised that amount from $453 million up to $600 million. There has been an increase. It is interesting to note, we appropriated only $1 million in 1997 for afterschool programs. The demand has been so great by school districts across the country to fill this need that we have watched this program grow tremendously.

I will show my colleagues why. People ask: Why do we need more afterschool funding? The answer is not difficult to understand. In fact, parents across the country will tell you this without looking at statistics. You can go to any community in America, and around 3 o'clock in the afternoon, you will find people who work will try to find that 5, 10, 15 minutes to get to a phone if they do not have one at their own workstation, to call home to find out whether or not their child has gotten home and is safe.

This is a huge concern for parents. Do my colleagues remember the old bumper sticker which said: ''It is 11 p.m. Do you know where your child is?'' Mr. President, the fact is that 11 p.m. is not the problem, the hours right after the school day ends are the problem.

The statistics on this chart come from our major police organizations. They show that the peak period for serious violent crimes is between 3 p.m. and 6 p.m. That is the problem time.

Percent of robbery incidents for children under age 18: The peak period is 3 p.m., 4 p.m., 5 p.m., up to around 8 o'clock in the evening.

Percent of aggravated assault incidents for children under 18: The peak period is about 4 o'clock in the afternoon.

The first chart show when children are the perpetrators of crime. The second chart shows when children are at risk of being victims of crime. The peak period is 3 to 4 o'clock in the afternoon.

As I said, parents know about this and care about it. Let me show you to what extent they care about it. Through the 21st Century program, we are now offering 310 afterschool programs around the country. Yet the demand for these programs is much higher—in FY 2000, 2,252 schools applied for grants to provide afterschool services through this program. That demand is coming from the parents through the schools. And, frankly, we're not coming even close to meeting that demand with an increase in funding of $147 million. Increasing funding to $1 billion, as this amendment would do, would allow us to triple the number of children serviced to 2.5 million.

Before he even says anything, I can tell you the chairman is not going to argue with me about whether or not we need to do this. The chairman is going to say: Where are the resources going to come from? We are up against a wall on this.

It is a very difficult situation. If I want to find an offset for my amendment, I have to raid health care or child care. With these budget caps we have forced competition between programs that are serving the same families.

I know we have budget caps, but, like most Americans, I believe if people care enough about this, we will find a way to deal with it. We always manage to on other issues. This certainly qualifies as a crisis, if not a natural disaster where the winds and fires have devastated areas, it is close to something of a natural disaster when we have the violent crimes, the victimization of children, the fear that parents have about who is watching their kids, and what are they doing when they are home alone.

I will share with my colleagues, aside from the crime elements, what happens to kids when they are home alone.

Drug abuse, alcohol, cigarettes all begin with these age groups when kids are unsupervised. Parents, as I said earlier, are not unmindful of this. Eighty-five percent of the most recent study of voters think ''afterschool programs are a necessity. More than a third of the voters believe the single biggest threat to their children today is being unsupervised after. Voters rank afterschool programs, along with parent involvement and reducing class size, as the most effective means of improving academic performance.

Two months ago, I attended an event at the White House to release a report by a group called Fight Crime: Invest in Kids. It is a coalition of over 700 police chiefs and prosecutors across the country. Many of the individuals are conservative Republicans.

These police chiefs said: If you are going to address the issue of juvenile crime and the victimization of children, you have to focus on the issue of after school. The parents get it; the police officers get it. The question is whether or not we are going to find some means to do something about it, to support a program that can serve 2.5 million children of the 5 million who are home alone in the afterschool hours.

I mentioned earlier—and I will repeat it again today—that we spend less than one-half of 1 percent of the entire Federal budget on elementary and secondary education. I suspect that could be a great trivia question. I suspect most Americans think that as a percentage of our Federal budget that we would spend something more than less than one-half of 1 percent of the entire Federal budget on the 50 million children who attend public schools. Out of the 55 million children who go to school every day in this country, 50 million of them go to a public school. Five million children go to private, parochial schools.

Less than one-half of 1 percent of our budget goes to serve 50 million children. I suspect not one of us has been home in our states, regardless of the audience, where we do not find some way to talk about education in our remarks. We do so because I think all of us in this Chamber—regardless of party or political ideology—understand deeply how important education is to the well-being of our Nation and the need to improve the quality of our public schools.

Shutting down failed schools may provide some quick satisfaction, but too often those kids in a rural school—in Nebraska or Connecticut—or an urban school—in Los Angeles or Chicago or Philadelphia—have no alternative if you shut down the school. There are not a lot of schools around where they can all of a sudden go the next day or the next week. And these are the very children we most need to help. We have to do a better job in trying to help these underserved kids, the ones who come from single-parent families, or where two parents are working because they have to put food on the table.

Contributing only 7 cents out of the entire education dollar in the country, does not make the federal government a very good partner. Our local communities are strapped, our States are struggling to try to do a better job on class size, teacher quality, accountability, and afterschool programs.

We are not measuring up, in my view, to the level of partnership that we ought to provide. I am not suggesting we ought to assume all of the responsibility for education. That would be ridiculous. But right now we only contribute 7 cents on the dollar—$15 billion out of about $190 billion—that is spent nationwide on elementary and secondary education.

Again, here we are at the dawn of the 21st century. It is so obvious, it is so self-evident, that if we have hopes of succeeding as a people in this century, we must meet the educational needs of our children. This is about as fundamental as it gets. This is the hub of the wheel. People always say kids represent 25 percent of the population but they are 100 percent of our future. We are the ones who will set the ground rules on whether or not they are going to have the chance to succeed and prosper in the years ahead.

Mrs. BOXER. Will my friend yield for a question?

Mr. DODD. I am happy to yield to my colleague.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that my friend be given 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank my friend. I was not able to hear his entire presentation, but he and I have worked together on afterschool programs. We have made some progress because, frankly, in the first budget fight that this President had, he put afterschool on the table, and he insisted we increase our participation.

I don't know if my friend went over the details of how many people in this country really support what he is trying to do today. I wanted to make sure my friend knew, in the last poll I saw, about 90 percent of the people said: We need to do more for our children after school. I wonder if my friend knew that.

Mr. DODD. I did make that point. The Senator from California has been a leader on this issue for a long time and on many other issues related to education. But I made the point about how many people care about this issue and I shared the polling numbers with my colleagues.

Mrs. BOXER. I am happy my friend did that.

We call ourselves representatives. What we are supposed to do is represent the hopes and the dreams and the needs of the people. We have a bill that comes to the floor that is a cap bill. We understand that. But my goodness, we know there are surpluses coming. If we can't do more to meet this need, and get that 60 votes for the Senator in this amendment, I think we are failing our children.

I thank my friend for his leadership.

Mr. DODD. I thank the Senator.

I suspect my time has expired, Mr. President.

The PRESIDING OFFICER. The distinguished Senator has 30 seconds remaining.

Mr. DODD. Again, I urge my colleagues to vote to waive the budget point of order that I know my friend from Pennsylvania will have to make. I thank him again.

I will end where I began. He has been a very good friend on a lot of these issues. I realize his objections to this are not on the policy issue as much as it is a problem financially.

But I wanted to offer this amendment because it is a critically important one. My hope is we get back to the Elementary and Secondary Education Act and that we spend more time on that bill before this session ends. We have a chance to address these kinds of policy questions, on which I think more of my colleagues would like to be heard.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Pennsylvania is recognized.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 125, the adjournment resolution, which is at the desk. I further ask consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there an objection?

The Chair hears none, and it is so ordered.

The concurrent resolution (S. Con. Res. 125) was agreed to, as follows:

S. CON. RES. 125

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 29, 2000, Friday, June 30, 2000, or on Saturday, July 1, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 29, 2000, or Friday, June 30, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. SPECTER. Mr. President, I ask unanimous consent that a vote on or in relation to the Dodd amendment not take place at the conclusion of argument; that it be stacked later this afternoon at a time to be mutually agreed upon after consulting with the leaders on both sides.

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

Mr. SPECTER. Mr. President, there is not too much need for me to respond to the Senator from Connecticut. I think he has already stated my position in toto. I do think this afterschool program, which he has proposed to add to, is a worthwhile program. But it is beyond the limits with which our subcommittee has to work. He is correct that I will make a motion that it exceeds the allocation to our committee at the appropriate time.

Afterschool is very important. It is sort of a twin brother to day care. Last year, I agreed with the Senator from Connecticut to scrimp and save and use a sharp pencil to find $817 million more to bring day care up to $2 billion, which we did. I thought that kind of an allocation might have satisfied the Senator from Connecticut for a year. But it has not. So we will have to face this when it comes along.

He said to me: That is day care.

I said: Day care is very important. Bringing it up by more than $800 million to $2 billion was a tough job, Senator DODD.

I called him CHRIS at the time.

We thought that being a twin brother to afterschool, we might have avoided an amendment.

Mr. DODD. If my colleague will yield.

Mr. SPECTER. I will be glad to yield.

Mr. DODD. I was as complimentary as I could be. But I will be even more complimentary. I am deeply grateful to the Senator.

Mr. SPECTER. It is very tough being the manager of a bill that funds the Department of Education because there is no priority higher than education. The only one on a level with it is health care. And we have the funding coming out of the same pool of money.

We made the allocations as best we could. I know of the devotion of the Senator from Connecticut to this cause. He and I were elected at the same time. He withstood the Reagan landslide in 1980 to be one of two Democrats elected to open seats, when 16 Republicans came in. And he and I cochaired the Children's Caucus at that time.

In 1987, when he proposed family leave, I was his cosponsor, with a lot of turmoil just on this side of the aisle. We have worked together over the years for education and for children. I commend him for all that he has done.

We have added to education some $4.6 billion. We are $100 million more than the President in education this year.

We have increased funding tremendously for children and young people in America. The Head Start Program comes, curiously enough, under the Department of Health and Human Services. There is an increase this year of $1 billion to Head Start, coming up to $6.2 billion. We have increased special education by $1.3 billion, bringing it up to $7.3 billion. We have increased innovative State grants by $2.7 billion for more teachers, class size, and for school construction, with the proviso that it is limited. It is up to the local school district if they decide to do something else with it.

When it comes to the program the Senator from Connecticut is talking about, the 21st Century Learning Centers, we have added $146.6 million to bring the figure up to $600 million. In fiscal year 1999, it was $200 million. So we are moving right along on it to provide the maximum amount of money we can.

It is not an easy matter to allocate $104.5 billion—as much money as that is—for the National Institutes of Health and for drug programs and for school violence programs. We have done the best job we could. It is with reluctance that I raise a point of order.

How much time remains, Mr. President?

The PRESIDING OFFICER. The distinguished Senator has 9 minutes remaining.

Mr. SPECTER. I have made the essential arguments which are relevant. In the interest of moving the bill along and saving time, I make a point of order under section 302(b) of the Budget Act, as amended, that the effect of adopting the Dodd amendment provides budget authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 concurrent resolution on the budget and is not in order.

Mr. DODD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending amendment, and 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. Mr. President, as previously agreed to by unanimous consent, the vote will be delayed to a time agreed upon by the leaders later today. I yield back the remainder of my time so we may proceed with the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized.