

Atlantic Coastal Fisheries Act of 2000, Shark Finning Prohibition Act, Coral Reef Conservation Act of 2000, and Marine Mammal Rescue Assistance Act of 1999. I expect several of the latter bills to be enacted this year.

Tom also identified key funding shortfalls in NMFS and State of Mississippi programs for the Gulf of Mexico. His concern that Gulf of Mexico needs were being overlooked as NMFS funding was increased to address high-profile issues in other regions of the country led me to fight for additional funding for our region. The NMFS appropriation for Fiscal year 2001 includes an additional \$8.25 million for red snapper research and \$1 million to expand the NMFS Mississippi Laboratory at Pascagoula. I know he is pleased with that the State of Mississippi will receive much needed additional funding for coastal impact assistance, almost \$28 million in Fiscal Year 2001. This vital piece of the Conservation and Reinvestment Act was authorized and funded this year.

I wish Tom and his wife Janet all the best as they prepare for his next assignment within NMFS. I know that whatever he does, he will bring to it the same keen insight, practical solutions, and good humor that has served him so well in the past.

A MEMORIAL TO ELIZABETH KNIGHT BUNCH

Mr. LOTT. Mr. President, we were all saddened to learn of the death of a long-time Senate employee and good friend, Ms. Betty Bunch. Betty died last week after a long struggle with a pulmonary infection.

Betty started working for the Senate on January 3, 1977, when she moved to Washington, DC, to be the office manager for Senator Malcolm Wallop, the Republican Senator from Wyoming. As a graduate of the University of Wyoming, Ms. Bunch worked for some years at the University before deciding to move East with the Senator.

After serving Senator Wallop for 10 years, Betty transferred to the Committee on Rules and Administration and worked for ranking member Senator TED STEVENS of Alaska. In July 1991, Betty moved to the Senate Sergeant at Arms office and worked on a number of projects for the Education and Support Services team of the Computer Center.

One of Betty's major projects was to assist with the final construction planning for the Sergeant at Arms' operations move to the Postal Square building. She was very involved in the relocation of the Senate's computer and communications center and staff, as well as the financial and procurement staffs. This was a major initiative, and Betty accomplished it with the utmost professionalism.

Betty continued on a number of special projects for the Sergeant at arms

until her retirement in June 1999. In total, Betty served the Senate well for over 22 years.

We will all miss her loyalty, professionalism, integrity, and wonderful sense of humor. Her son Jamie and daughter-in-law Glennis are in our thoughts and prayers.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

November 1, 1999:

Carlester Johnson, 17, Memphis, TN;
Rory Longs, 20, Chicago, IL;
Orlando Rangel, 23, Chicago, IL;
Patrice Thomas, 21, Houston, TX;
Donnell Tucker, Jr., 22, Baltimore, MD;
Adrian Miller, 43, Detroit, MI; and
John Ellis Wright, Jr., Fort Wayne, IN.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

HEALTH CARE FINANCING ADMINISTRATION

PAYMENTS FOR OUTPATIENT SERVICES

Mr. GRAMM. Mr. President, I am very concerned about how the Medicare program has chosen to pay the 10 free-standing cancer hospitals for outpatient services. It appears that the Health Care Financing Administration has ignored the explicit intent of the provisions we enacted last year as part of the Balanced Budget Refinement Act—provisions intended to help these critically important health care institutions.

Mr. ROTH. Senator, I share the Senator's concern. Last year, the Congress was concerned about how cancer hospitals would fare under the new Medicare outpatient prospective payment system. Cancer hospitals face many unique costs and the advent of exciting new treatments caused many to question the wisdom of applying the new outpatient prospective payment system to these facilities. To this end, the Finance Committee proposed and the Congress enacted provisions to protect these important facilities.

In brief, this provision created a permanent "hold harmless" for cancer hospitals. We instructed the Medicare program to pay cancer centers the same proportion of the facility's cost covered in 1996. In addition, we instructed the Secretary of the Department of Health and Human Services to make interim payments to these facilities consistent with this hold harmless.

Mr. GRAMM. The Secretary has ignored our concerns and intent. The Secretary has allowed the Medicare program to withhold 15 to 20 percent of the interim payments owed to cancer facilities. The Medicare program will not pay cancer hospitals these withheld funds for up to 4 years.

Mr. ROTH. I investigated this issue with the Health Care Financing Administration, HCFA, to ensure that they are not proceeding in a way that disadvantages these facilities and protects access to important cancer services. It is my understanding that the Medicare fiscal intermediaries are keeping the interim payments to these facilities artificially low in order to avoid the risk of overpayments.

While I think it is appropriate to make interim payments to facilities as accurately as possible, paying these facilities as low as 80–85 percent of what HCFA estimates final costs to be seems too low. If in fact these reductions are lower than previous rates of reduction when a system transition has been implemented, then I strongly urge HCFA to immediately review their proposal to make upward adjustments in the payment rates. Also, I urge the Administration to give special attention to the expeditious handling of the initial cost reports from cancer hospitals as they are submitted over the next few months in order to determine what appropriate payment levels need to be.

Mr. GRAMM. I agree with the Senator. I believe that the Secretary's actions are counter productive and I strongly urge including language in the CONGRESSIONAL RECORD that would make our intent clear.

Mr. ROTH. I, too, support restating within the CONGRESSIONAL RECORD our intent with regard to last year's Medicare bill.

LABOR-HHS-EDUCATION FUNDING BILL

Mr. KENNEDY. Mr. President, in every area of public policy, we have to make choices and set priorities.

How much do we spend on defense? And how much do we spend on domestic priorities?

How much do we protect our forests and natural resources? How much do we allocate to health care, education, law enforcement, and other obvious priorities?

How heavy should the tax burden be? How much do we need to do to protect Medicare and Social Security for the future generations?

Often, we have to make difficult choices.

But when it comes to protecting workers from injuries in the modern workplace and increased investments in education, I say there is no choice. It's not one or the other. We must do both.

But I'm convinced that our Republican friends want to do neither.

They don't want to protect workers from the dangers of the modern workplace. They don't want to protect them from repetitive motion injuries in their offices. Or from eyestrain at their computer screens.

But they also don't want to make the targeted investments in education that we need for smaller class sizes, quality teachers, and modern schools.

On Sunday night, Republican and Democratic House and Senate appropriators and the White House came to a bipartisan agreement on increasing funding for the nation's schools and communities.

On Monday, the Republican leadership rejected that agreement, jeopardizing critical support for the nation's public schools, college students, families, and workers.

Once again, the GOP Congress has earned the name the "Anti-Education Congress."

Once again, the GOP Congress is putting special interests ahead of education.

They failed to reauthorize the Elementary and Secondary Education Act for the first time in 35 years. Last May, we considered only eight amendments to the bill over six different days, when Senator LOTT suddenly abandoned the debate and moved to other legislation. The bill has never seen the light of day again.

By contrast when the bankruptcy bill was debated, our Republican colleagues did everything they could to satisfy the credit card companies. That bill was debated for 16 days, and 55 amendments were considered.

Now, while schools and parents wait to see whether Congress will increase its investment in education, Republicans find time to bring up the bankruptcy bill again.

Obviously, when the credit card companies want a bill, our Republican friends put everything else aside to get it done. But when it comes to education, the voices of parents and children and schools and communities always go unheard.

Every year since they have been in the majority, Republicans have left education funding until the very end. As we've had to do every year since the GOP took over the majority in Congress in 1995, we must be especially vigilant on education funding. Over and over, we've heard the Republican rhetoric of support, but the reality is just the opposite.

They say education is a priority. We thought the Republicans might finally

put aside their opposition to education. But it's all talk and no action.

At the beginning of this Congress, on January 6, 1999, Senator LOTT said, "Education is going to be a central issue this year . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important."

As recently as July 25, Senator LOTT said, "We will keep trying to find a way to go back to this legislation this year and get it completed."

They say they want to invest in education, but their record shows they won't and don't. Year after year, it's the same sad story.

In 1995, they tried to abolish the Department of Education and slash \$1.7 billion of education funds.

In FY96, they proposed to cut discretionary funds for education by \$3.9 billion, and to cut for student loans by \$14 billion.

In FY97, they proposed to cut education by \$3.1 billion. In FY98, they tried to cut education by \$200 million below the President's request, and in FY99 they tried to cut education by \$2.8 billion below the President's request.

With the strong leadership of President Clinton, all of these reactionary GOP anti-education schemes were defeated, and federal funding for education steadily increased.

Nevertheless, the anti-education Republicans in Congress continue to give education the lowest priority. They say they want to make education a high priority—but their rhetoric never matches the reality. It's four weeks after the fiscal year began, and the Republicans have just rejected a strong bipartisan education funding agreement. And now, for the GOP, the education funding bill is MIA—missing in action.

The House Republican majority did break their word when they rejected the bipartisan education funding agreement. They broke their word to the appropriators and the White House who negotiated the agreement. And, they broke their promise to the American people that they would do something for education across the country.

I want to be sure that my colleagues on both sides of the aisle understand what was at stake in the agreement.

By rejecting the agreement, the Republican leadership is rejecting \$1.75 billion to reduce class size. That's an increase of \$450 million over last year, to help communities hire an additional qualified teachers to reduce class size in the early grades to 18.

By rejecting the agreement, the Republican leadership is rejecting \$1 billion for after-school activities—an increase of \$547 million over last year.

Each day, 5 million children, many as young as 8 or 9 years old, are home alone after school. Juvenile delinquent crime peaks in the hours between 3

p.m. and 6 p.m. Children left unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

Under the successful 21st Century Community Learning program, students are able to have expanded learning opportunities in school facilities, in cooperation with community organizations and other educational and youth development agencies.

Massachusetts has greatly benefitted from this successful program. Worcester Public Schools received a \$1.2 million federal grant recently to expand after-school opportunities. Boston received \$306,000, so that three middle schools in high need areas can create high-quality learning centers that meet the needs of their communities. Chelsea, Holyoke, and Springfield have also received grants under this vital program. We should help more communities increase after-school opportunities for children.

By rejecting the agreement, the Republican leadership is also rejecting \$585 million for teacher quality programs, an increase of \$250 million over last year. That means denying millions of teachers access to high quality professional development and mentoring. With training in proven effective teaching practices and the newest technologies, teachers can help all children meet high academic standards and graduate from school prepared for the 21st century workplace.

By rejecting the agreement, the Republican leadership is rejecting \$6.6 billion for IDEA, an increase of \$1.7 billion over last year. That means undermining local efforts to help children with disabilities get a good education.

By rejecting the agreement, the Republican leadership is rejecting \$250 million for states to help failing schools, an increase of \$116 million over last year. That means denying help needed to turn around thousands of low-performing schools.

By rejecting the agreement, the Republican leadership is rejecting a maximum Pell grant of \$3,800, an increase of \$500 over last year. That means denying many needy college students a much-needed increase in their Pell grants.

By rejecting the agreement, the Republican leadership is rejecting \$325 million for GEAR UP, an increase of \$125 million over last year. That means denying low-income middle and high school students the extra mentoring and financial assistance they make college a reality for their future.

By rejecting the agreement, the Republican leadership is rejecting a new program to provide \$1.333 billion for school repair and renovation. That means denying schools the support they need to meet their most urgent repair and renovation needs.

Elementary and secondary schools are in urgent need of repair and renovations, so that students can learn

and teachers can teach in safe and up-to-date facilities. It's estimated that \$112 billion is needed, just to repair existing schools across the nation in poor condition. Nearly one third of all public schools are more than 50 years old. 14 million children in a third of the nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition. The problems with ailing school buildings aren't the problems of the inner city alone. They exist in almost every community—urban, rural, or suburban.

Sending children to learn and teachers to teach in dilapidated, overcrowded facilities sends a message to these students and their teachers. It tells them they don't matter. No CEO would tolerate a leaky ceiling in the board room, and no teacher should have to tolerate it in the classroom. We need to do all we can to ensure that children are learning in safe, modern buildings.

Republicans have also rejected the Administration's proposal to provide \$25 billion in interest-free bonds to help communities build and modernize 6,000 new schools to alleviate overcrowding and repair crumbling and dilapidated buildings.

The President's proposal is the right approach because it maintains Davis-Bacon protections for workers. The Davis-Bacon Act requires contractors to pay construction workers locally prevailing wages, thereby ensuring that federally assisted construction projects are not used to undermine local wages. Paying prevailing wages ensures that taxpayers have quality construction work performed by well trained, highly skilled, efficient workers. It is short-sighted and unacceptable to build new schools for children to improve their learning, and then allow construction workers to be paid sub-standard wages.

Republicans opposed to Davis-Bacon continue to repeat the myth that the Davis-Bacon Act increases the cost of school construction. Study after study shows that it does not. Recent studies of prevailing wage laws in Michigan, in Maryland and other Mid-Atlantic states, and in New Mexico and other western states, show that prevailing wage laws do not increase the cost of school construction.

Congress has given strong bipartisan support to the Davis-Bacon Act ever since it was first passed in 1931. Paying prevailing wages makes good policy sense. It enhances productivity and quality. It strengthens skills training in the construction industry. It protects the wages and benefits of local construction workers. Even Ronald Reagan promised to support Davis-Bacon.

Republican leaders should be ashamed of themselves for denying this urgently needed help for schools, com-

munities, and families across the country.

The Republican Congress has put education last too many times, and it should be held accountable in the voting booths on November 7.

Voters should also recognize that the Republican candidate for President, Governor Bush, has a track record that is no better on education, and he should be held accountable, too.

If Governor Bush's record in Texas is any indication, average Americans—who work day after day to make ends meet—will be an after-thought in a Bush Administration.

The Republican Congress says he has the answers on education. He calls his record in Texas an "education miracle." But if you look at the record, it is more of an "education mirage" than an "education miracle."

Under Governor Bush, in 1998, according to the National Center for Education Statistics, Texas ranked 45th in the nation in high school completion rates. 71 percent of high school dropouts in Texas are minorities. Hispanic students in Texas drop out at more than twice the rate of white students in the state.

So if education is the biggest civil rights issue in America, as Governor Bush claimed in the Presidential debates, he flunked the test in Texas.

Last August, the College Board reported that nationally, from 1997 to the year 2000, SAT scores have increased—but in Texas, they have decreased. In 1997, Texas was 21 points below the SAT national average—and by 2000, the gap had widened to 26 points.

Then, last Thursday, Governor Bush heard more bad news. The RAND Corporation released an education bombshell that raises serious questions about the validity of even the gains in student achievement in Texas claimed by the Governor.

The RAND bombshell was all the more embarrassing, because in August, Governor Bush said, "Our state . . . has done the best . . . not measured by us but measured by the RAND Corporation, who take an objective look as to how states are doing when it comes to educating children."

Clearly, at that time, Governor Bush trusted the conclusions made by the RAND Corporation. He was referring to a RAND report that looked at scores in Texas from 1990 to 1996. In fact, Senator HUTCHISON cited those findings on the floor of the Senate on Thursday.

But most of the years covered by the earlier RAND report were before Bush became Governor. The new RAND report, released earlier this week, analyzes scores from 1994 to 1998, when George W. Bush was the Governor.

The achievement gap in Texas is not closing—it is widening. And what is the Governor's solution? Tests, tests, and more tests. In August, Governor Bush said, "Without comprehensive regular

testing, without knowing if children are really learning, accountability is a myth, and standards are just slogans."

We all know that tests are an important indication of student achievement. But the RAND study questions the validity of the Texas state test, because Governor Bush's education program was "teaching to the test," instead of genuinely helping children to learn.

If we want a true solution, we should look at the success of states such as North Carolina, which is improving education the right way—investing in schools, improving teacher quality, and expanding after-school programs—all in order to produce better results for students. SAT scores went up in North Carolina by 10 points between 1997 and 2000.

The Bush Plan mandates tests and more tests for children—but it does nothing to ensure that schools actually improve and children actually learn.

We know that immediate help for low-performing schools is essential. We know that we can turn around failing schools, when the federal government and states and parents and local schools work together as partners to provide the needed investments.

In North Carolina, low-performing schools are given technical assistance from special state teams that provide targeted support to turn around low-performing schools. In the 1997-98 school year, 15 North Carolina schools received intensive help from these state assistance teams. In August 1998, the state reported that most of these schools achieved "exemplary" growth—and not one of the schools remained in the "low-performing" category. Last year, 11 North Carolina schools received similar help. Nine met or exceeded their targets.

That's the kind of aid to education that works—not just tests, but realistic action to bring about realistic change for students' education.

Instead of taking steps that work, Governor Bush abandons low-performing schools. He proposes a private school voucher plan that drains needed resources from troubled schools and traps low-income children in them.

In the Vietnam War, it was said that we had to destroy some villages in order to save them. That's what Governor Bush has in store for failing schools—a Vietnam War strategy that will destroy schools instead of saving them.

Parents want smaller class sizes, where teachers can maintain order and give children the one-on-one attention they need to learn.

Parents want qualified teachers for their children—a qualified teacher in all of their classes.

Parents want schools that are safe and modern learning environments for their children.

Parents and students alike want an increase in Pell Grants, to help students afford the college education they