

**SENATE—Thursday, March 2, 2000**

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:

Sovereign God, to whom we are accountable for the precious gift of life, we spread out before You our lives and the work of this Senate. You are the ultimate judge of what we say and do. Above party loyalties, responsibilities to constituents, and regard for the opinions of people, we report to You. Sometimes we are pulled apart by trying to meet the demands and expectations of the multiplicity of factions that seek to factor our lives. Help us to play our lives to an audience of one, to You, dear Father. You alone can give us strength and courage and wisdom that we need as leaders. When we seek first Your pleasure, we can serve with true pleasure. Take our minds and think through them; take our lips and speak through them; take our hearts and set them on fire with convictions that will enable us to work for Your best for America. You are our Lord and Savior. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MIKE CRAPO, a Senator from the State of Idaho, 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. CRAPO). The Senator from Georgia.

**SCHEDULE**

Mr. COVERDELL. Mr. President, today the Senate will immediately resume consideration of the Hatch-Mack marriage tax penalty amendment. By unanimous consent, the Senate will proceed to a vote on or in relation to the amendment at approximately 10 a.m. Following the disposition of the Hatch-Mack amendment, the Roth first-degree amendment and the Graham second-degree amendment will be debated for 1 hour each, with votes to be scheduled at a time to be determined. There are a few remaining amendments to be offered, and it is hoped these amendments can be debated and disposed of so the bill can be finished during today's session of the Senate.

I thank my colleagues for their cooperation.

**RESERVATION OF LEADER TIME**

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

**AFFORDABLE EDUCATION ACT OF 1999**

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1134 which the clerk will report.

The bill clerk read as follows:

A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Pending:

Coverdell (for Mack/Hatch) amendment No. 2827, to eliminate the marriage penalty in the reduction in permitted contributions to education individual retirement accounts.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided on amendment No. 2827.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are making progress on this legislation. On our side, we have approximately seven or eight amendments remaining. Of course, there could be others offered, but we think we have been moving well on this legislation. I alert my colleagues, Senators BOXER, FEINSTEIN, SCHUMER, KENNEDY, DORGAN, GRAHAM, KERRY, HARKIN, and WELLSTONE, that they should be ready to offer their amendments in the approximate order I have read off their names, and we will try to alert their offices to give them adequate notice to get over here.

I ask unanimous consent that the time until 10 o'clock be scored equally against both sides.

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

Mr. COVERDELL. I think it is already in the order, but I would certainly agree.

The PRESIDING OFFICER. That is correct. The time is equally divided.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

**AMENDMENT NO. 2827**

Mr. HATCH. Mr. President, I rise today in strong support of the Mack-Hatch amendment that is currently before the Senate. This is an important issue both as a matter of educational policy and as a matter of fairness in tax policy. I congratulate the Senator from Florida for joining me in bringing it up as a part of the debate on this bill.

There has been a lot of discussion in recent months about the problem of the so-called marriage tax penalty. Actually, if we were to be totally accurate, we would talk about the marriage penalties. The American Institute of CPAs has found that the Internal Revenue Code contains at least 66 separate provisions that can cause a marriage penalty—66. Think about it. Many of our colleagues may not realize this, but at the same time we were supporting legislation to eliminate marriage penalties, we were busy creating new ones.

This brings me to the purpose of our amendment. The bill we are debating today would expand the education savings account Congress created in the Taxpayer Relief Act of 1997. This is a great idea, and I fully support it. However, the provision creating the education savings account in 1997 contained a flaw—a marriage penalty. This penalty is found in the fact that the phaseout threshold for married couples found in joint returns is less than twice as high as the threshold for single taxpayers.

The amendment before us would correct this problem by raising the threshold for married couples from the current level of \$150,000 to \$190,000, which is twice the \$95,000 threshold for individuals. It is that simple.

Some may argue that this is a trivial matter. Why are we taking up the Senate's valuable time on such a minor change. While to some this may not be the important tax change we should consider if this one problem is viewed by itself, this issue is much larger than that.

First, let's start with the obvious. We are debating S. 1134 to provide incentives for American families to save for their children's education: tuition payments, books, tutoring, computers, and other things. The idea, of course, is to benefit children. The goal is to further their educational opportunities. But without the Mack-Hatch amendment, we discriminate against some two-parent families who wish to take advantage of an education savings account.

In some cases, the allowable resources in the account available for their children's education would be greater if mom and dad merely divorced and set up separate accounts. That is not what we want in this country.

Second, it is time we raise the consciousness of the Senate about how seemingly minor boilerplate provisions in tax bills can eventually harm taxpayers in big ways. I would venture a guess that one of the reasons we have 66 separate marriage penalties built into the Tax Code is that Congress simply copied over and over, year after year, the faulty language referring to returns filed by single taxpayers and married couples. Once enacted, of course, they spread like a computer virus.

Later today, I plan to offer another amendment that would correct yet another marriage penalty we created in 1997, this time in the student loan interest deduction. I hope my colleagues will support Senator MACK and I on behalf of these amendments.

These amendments represent a good start on finding and correcting some of these tax inequities that riddle the Internal Revenue Code. I am looking forward to working more on this issue when the Finance Committee takes up marriage penalty legislation in the next few weeks. I congratulate Senator ROTH, chairman of the Finance Committee, for making meaningful relief in this area a high priority.

In listening to my constituents talk about the issue of taxes, I continue to hear one thing over and over again. The No. 1 complaint I hear from Utahans even more than that of taxes being too high is that of the Internal Revenue Code's complexity and unfairness. In my view, few things in our jumbled up Tax Code are more unfair than the provisions that make taxpayers pay more just because they are married.

Let's take this simple first step and eliminate this one marriage penalty by adopting this amendment. Then later, when I bring up my amendment on the student loan interest deduction marriage penalty, let's take on that one as well. Later this spring, we can do even more with the larger marriage penalty bill. We should fix all 66 of these marriage penalties, even if we have to do it one by one.

Let's strike a blow for tax fairness. I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I appreciate the remarks of Senator HATCH of Utah. I believe Senator BROWNBACK is here. How much time is remaining on our side?

The PRESIDING OFFICER. Nine and one-half minutes.

Mr. COVERDELL. I yield 3 minutes to Senator BROWNBACK and the remainder of the time then to the cosponsor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I thank Senator COVERDELL and add my voice in support of the amendment by Senator MACK and Senator HATCH.

The marriage penalty appears in the Tax Code 66 different places. That is a situation where we have a married couple who do not get the same advantages as two people filing individually. Here is another case where the marriage penalty occurs, and here is another case where we are trying to pull it out of the Tax Code. That is why I add my voice of support to this amendment by Senator HATCH and by Senator MACK to eliminate this portion of the marriage penalty that appears in the education IRAs.

Annually, there are about 22 million married couples who pay a penalty of some sort or another in the Tax Code, for being married. They pay an average of \$1,480 more in Federal income taxes than they would if they were single living together. I think it is a bad signal that we send across the country. It is a bad signal in the Tax Code. It is one we ought to ferret out wherever we possibly can.

This is a good place for us to address this particular issue. Our Tax Code is riddled with provisions that penalize America's families. The House has passed a bill to provide marriage tax penalty relief that is separate and distinct from this particular area of the marriage penalty. What they would do is provide marginal rate brackets that are fair for the families. They would eliminate the marriage penalty that exists in the standard deduction as well. However, even with those changes, which I am hopeful we can pass this year, we still will have more to do to ensure married people are not discriminated against in our Tax Code.

In fact, our Tax Code penalizes marriage in over 60 different ways, according to the American Association of Certified Public Accountants. This is unacceptable. We must continually work to make our Tax Code better, to make it fairer for America's families.

This amendment being offered by my colleagues, Senator MACK and Senator HATCH, takes an important step in our Tax Code to end a bias against marriage. I am hopeful we will pass this amendment on a strong bipartisan basis. We will pass more substantive marriage tax penalty relief later this year.

As my colleagues have already described, the Hatch-Mack amendment eliminates the marriage penalty and the reduction in contributions to education and individual retirement accounts. This important provision will remove one of the marriage tax penalties that exists in our Tax Code. I believe we must pass this important amendment.

I thank my colleagues who are introducing the amendment for allowing me this time to speak on the bill and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I rise in support of amendment 2827. This amendment, cosponsored by Senators HATCH and MURKOWSKI, is very simple and straightforward. It eliminates the marriage penalty in the education savings accounts.

Married couples should not suffer a tax increase just because they are married. The so-called marriage penalties in the Tax Code do just that. Married couples often have to pay higher taxes than the couple would owe if they were single filers. The House has recently addressed this issue in the broader Tax Code, and we will soon do the same. But it makes no sense to have marriage penalties built into newer programs we have created, such as the tax-free education savings accounts.

Under this amendment, as under the administration's HOPE scholarship tax credit and Lifetime Learning credit, the income eligibility for joint filers would be double the amount for single filers. People who qualify for these accounts when they are single should not lose this valuable opportunity to provide for their children's education just because they got married.

When the Senate first passed education savings accounts in the 1997 Taxpayer Relief Act, all Americans were eligible to use these vehicles to save for their children's education. While that bill was in conference, however, income limits were added to this tax benefit, but these limits injected a marriage penalty into this provision. There is absolutely no policy justification for a marriage penalty in education tax benefits. This should not be a partisan issue.

As I mentioned earlier, the administration's education proposal did not contain a marriage penalty, but the income limits the administration negotiated when the 1997 bill was in conference created a marriage penalty in the education savings accounts. Now is the time for us to eliminate this marriage penalty.

According to my Joint Economic Committee staff, this amendment will allow over 2 million households to establish education savings accounts for their children.

We should be looking to remove marriage penalties in the Tax Code instead of making them worse. Our amendment will ensure that married couples can save for their children's education on an equal basis, as single individuals can.

I urge my colleagues to support this amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is interesting that on a bill pertaining to education, we are talking about how we can help 4 or 5 percent of the people in this country. First of all, I have nothing against people making \$150,000 a

year. I think that is wonderful, and I hope they make even more money. But the Hatch amendment will allow married couples earning between \$150,000 and \$190,000 to make full contributions to ESAs and will allow couples with incomes up to \$220,000 to make partial contributions.

Under current law, the maximum income a married couple can earn for an ESA contribution is \$150,000. The proponents of this amendment describe this amendment as a marriage penalty relief. Well, I guess from one perspective they are right. The ability of the single tax payer to make ESA contributions phases out between \$95,000

and \$110,000. For married couples filing jointly, the phaseout range is \$150,000 to \$165,000.

The Hatch amendment would make the phaseout range for married couples twice that of single individuals; that is, \$190,000, twice \$95,000, to \$220,000, twice the \$110,000 previously spoken of.

Accordingly, the only beneficiaries of this amendment are married couples filing joint returns earning more than \$150,000 but less than \$220,000 in a year. As I have said before, people making up to \$220,000 a year can make partial contributions.

We have yet to obtain an estimate from the Joint Tax Committee. Notice,

no one has talked about how much this is going to cost. It will cost plenty. We do know that families earning \$150,000 in income are in the top 5 percent of all American families. For 1997, the top 5 percent was \$137,080 and has likely increased since then. In other words, 95 or 96 percent of American families would not benefit from this amendment.

I ask unanimous consent to print in the RECORD tabular matter from the Department of Commerce setting this forth.

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

NO. 751.—SHARE OF AGGREGATE INCOME RECEIVED BY EACH FIFTH AND TOP 5 PERCENT OF FAMILIES: 1970 TO 1997

[Families as of March of the following year. Income in constant 1997 CPI-U-X1 adjusted dollars]

Year	Number (1,000)	Income at selected positions (dollars)					Percent distribution of aggregate income					
		Upper limit of each fifth				Top 5 percent	Lowest 5th	Second 5th	Third 5th	Fourth 5th	Highest 5th	Top 5 percent
		Lowest	Second	Third	Fourth							
1970	52,227	19,820	32,333	43,910	60,357	94,240	5.4	12.2	17.6	23.8	40.9	15.6
1975	56,245	19,954	32,857	45,694	63,266	99,099	5.6	11.9	17.7	24.2	40.7	14.9
1980	60,309	20,282	34,148	48,365	67,866	107,260	5.3	11.6	17.6	24.4	41.1	14.6
1985	63,558	19,816	34,138	49,451	71,940	117,787	4.8	11.0	16.9	24.3	43.1	16.1
1990	66,322	20,687	35,666	51,625	75,510	125,696	4.6	10.8	16.6	23.8	44.3	17.4
1991	67,173	20,033	34,305	50,672	74,229	121,169	4.5	10.7	16.6	24.1	44.2	17.1
1992 <sup>1</sup>	68,216	19,119	33,946	50,335	73,272	121,275	4.3	10.5	16.5	24.0	44.7	17.6
1993 <sup>2</sup>	68,506	18,849	33,322	50,016	74,190	125,714	4.1	9.9	15.7	23.3	47.0	20.3
1994 <sup>3</sup>	69,313	19,429	33,898	50,901	75,808	130,006	4.2	10.0	15.7	23.3	46.9	20.1
1995	69,597	20,084	34,738	51,589	76,101	130,228	4.4	10.1	15.8	23.2	46.5	20.0
1996	70,241	20,132	35,102	52,258	77,044	130,937	4.2	10.0	15.8	23.1	46.8	20.3
1997	70,884	20,586	36,000	53,616	80,000	137,080	4.2	9.9	15.7	23.0	47.2	20.7
White	59,515	22,576	38,258	55,783	82,442	142,400	4.6	10.2	15.7	22.8	46.8	20.7
Black	8,408	11,396	21,875	36,052	57,000	95,684	3.4	9.1	15.6	25.1	46.8	17.6
Hispanic origin <sup>4</sup>	6,961	12,642	22,200	34,963	53,548	96,460	3.9	9.2	14.9	22.8	49.3	21.6

<sup>1</sup> Based on 1990 census population controls. <sup>2</sup> See text, this section, for explanation of changes in data collection method. <sup>3</sup> Introduction of new 1990 census sample design. <sup>4</sup> Persons of Hispanic origin may be of any race. Source: U.S. Census Bureau, Current Population Reports, P60-200; and <http://www.census.gov/hhes/income/histinc/index.html> (accessed 23 March 1999).

NO. 752.—MONEY INCOME OF FAMILIES—DISTRIBUTION, BY FAMILY CHARACTERISTICS AND INCOME LEVEL: 1997

[See headnote, Table 749. For composition of regions, see map inside front cover]

Characteristic	Number of families (1,000)	Income level (1,000)							Median income (dollars)
		Under \$10,000	\$10,000 to \$14,999	\$15,000 to \$24,999	\$25,000 to \$34,999	\$35,000 to \$49,999	\$50,000 to \$74,999	\$75,000 and over	
All families	70,884	4,816	4,054	9,250	9,079	12,357	15,112	16,217	44,568
Age of householder:									
15 to 24 years old	3,018	720	361	659	456	443	264	114	20,820
25 to 34 years old	13,639	1,363	922	1,814	1,846	2,637	3,080	1,977	39,979
35 to 44 years old	18,872	1,151	826	1,934	2,120	3,285	4,734	4,820	50,424
45 to 54 years old	14,695	530	500	1,112	1,420	2,303	3,640	5,189	59,959
55 to 64 years old	9,391	484	407	991	1,081	1,700	1,997	2,731	50,241
65 years old and over	11,270	567	1,037	2,739	2,156	1,989	1,398	1,385	30,660
White	59,515	3,185	3,047	7,454	7,552	10,527	13,172	14,578	46,754
Black	8,408	1,428	824	1,486	1,193	1,302	1,344	832	28,602
Hispanic origin <sup>1</sup>	6,961	956	759	1,397	1,066	1,199	887	697	28,142
Northeast	13,338	904	608	1,570	1,596	2,158	2,853	3,648	48,328
Midwest	16,594	898	797	1,993	2,122	3,093	3,862	3,829	46,734
South	25,682	2,008	1,689	3,718	3,492	4,565	5,230	4,981	41,001
West	15,270	1,006	959	1,968	1,869	2,542	3,167	3,760	45,590
Type of family:									
Married-couple families	54,321	1,488	2,100	5,899	6,497	9,978	13,200	15,159	51,591
Male householder, wife absent	3,911	358	292	703	707	694	716	440	32,960
Female householder, husband absent	12,652	2,971	1,661	2,647	1,875	1,685	1,195	618	21,023
Unrelated subfamilies	575	219	86	133	69	51	14	3	13,692
Education attainment of householder: <sup>2</sup>									
Total	67,866	4,096	3,693	8,590	8,622	11,913	14,848	16,103	45,874
Less than 9th grade	4,667	690	799	1,267	728	624	341	219	21,208
9th to 12th grade (no diploma)	6,604	1,027	753	1,465	1,085	1,101	778	395	25,465
High school graduate (includes equivalency)	21,991	1,439	1,152	3,261	3,517	4,610	4,991	3,021	40,040
Some college, no degree	12,107	559	562	1,358	1,666	2,338	2,964	2,661	46,936
Associate degree	5,226	162	174	506	556	1,005	1,468	1,355	52,393
Bachelor's degree or more	17,272	221	253	733	1,071	2,235	4,306	8,454	73,578
Bachelor's degree	11,201	156	185	581	797	1,616	3,079	4,788	67,230
Master's degree	3,903	46	46	109	194	451	868	2,188	81,734
Professional degree	1,249	10	12	25	50	111	203	839	106,942
Doctorate degree	919	8	10	18	30	58	156	638	103,203

<sup>1</sup> Persons of Hispanic origin may be of any race. <sup>2</sup> Persons 25 years old and over. Source: U.S. Census Bureau, Current Population Reports, P60-200.

Mr. REID. Mr. President, as I have said, this is the time that we are debating public education, I hope. And we are talking about taking taxpayer money—that is what this is about—and

giving tax relief to the top 4 or 5 percent of people in America. I am not too sure that is a proper allocation of income.

We have limited resources. We can talk about all the surpluses we want, but, as we know, when it comes time to

allocating moneys in the appropriations process, there are very scarce dollars. There are very scarce dollars for public education. As has been established in this debate, the Federal Government contributes 2 percent of its resources to public education in America. The Governors were in town from all 50 States crying for more money for all kinds of things, especially education. Of course, we don't want to take the control of education away from the local schools, but local schools, as Senator MURRAY from Washington talked about yesterday, a former school board member, need to get some financial relief. We should be spending these limited resources not on trying to help somebody who makes up to \$220,000 a year; we should be getting resources to these schools with tight budgets. We must focus on what we know works, what is going to help children in school more. Is it this tax relief to 4 or 5 percent of the American people or to do something about getting teachers who are better trained? We need to recruit and monitor high-quality teachers and principals. We need to do something about creating smaller classes.

With all due respect to the majority, they talk about smaller class size—the Senator from New Hampshire talked about that yesterday. Common sense dictates that if a teacher has 25 or 30 children as compared to 15 children, where is that teacher going to do the better job? Of course, it would be with 15 children. We need to have smaller classes and we need to work on having smaller schools because we know that works, too. We need to hold schools accountable for results. This takes resources that local school districts don't have. We need to ensure that children learn in modern, safe classrooms.

Some schools are badly in need of repair. It has been established in the debate we have had over the last few days that the average school in America is 42 years old. Well, I am sure those schools need some renovation and repair. We need to expand access to technology. We rush down—Democrats and Republicans—sponsoring and voting for a bill to give these big corporations tax credits for donating computers to schools. I think that is wonderful, but we should also be concerned about the many schools that aren't properly equipped to use these computers. They are not wired properly. They can't be wired properly a lot of times because the schools are simply too old. We need to spend money to ensure universal access to high-quality preschool programs and to make college affordable.

I hope we all understand what we are here talking about. We are talking about helping kids become better citizens of this country, and the best way is through education. I respectfully submit that helping people making up to \$220,000, that is, 4 to 5 percent of the American people, is not the best way to expend our very limited resources.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I wanted to put some information in the RECORD. It is unfortunate that all Members did not have the information as to what the cost of this amendment would be. It is nowhere near what was implied by my friend who just concluded his comments.

The Joint Tax Committee has estimated the amendment will reduce taxes by only \$7 million over 10 years. That is point one. Point two, the reason that is the case is because the individuals who would be affected by this already have the option to use prepaid tuition plans.

Now, there seems to be agreement with respect to tuition tax plans of people of high income, as Senator REID indicated a moment ago. We have all agreed it was fair to them. Why is it not fair to allow the same benefits to derive to them under the education savings accounts as under the prepaid tuition plan?

So, again, the cost is \$7 million over 10 years. Roughly 2 million families would be affected, not 20 percent of potential families. It is narrowly focused and it is addressing the issue of a marriage penalty; there is no place in our proposal, the education savings plan, for discriminating against those who are married.

I thank the Chair for the time. The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. How much time remains on both sides?

The PRESIDING OFFICER. The majority has 1½. The minority has 8½.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senator from Kansas, Mr. BROWNBACK, be added as a cosponsor.

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

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COVERDELL. The hour of 10 a.m. has arrived. By prior order, the vote is to begin. I am prepared to yield back our time so we can commence with the vote. I hope the Senator from Nevada will do the same.

The PRESIDING OFFICER. There still remains 4 minutes under the control of the minority.

Mr. REID. We yield back that time.

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL. Mr. President, 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. 2827. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Missouri (Mr. BOND) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—54

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Torricelli
Enzi	Mack	Voivovich
Fitzgerald	McConnell	Warner

NAYS—43

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	
Durbin	Leahy	

NOT VOTING—3

Bond	McCain	Moynihan
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The amendment (No. 2827) was agreed to.

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the Senator from Delaware, Mr. ROTH, is recognized to offer an amendment which the clerk will report.

AMENDMENT NO. 2869

(Purpose: To amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes)

Mr. ROTH. 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 Delaware [Mr. ROTH], for himself, Mr. ASHCROFT, and Mr. VOIVOVICH, proposes an amendment numbered 2869.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Under the previous order, the Senator from Florida, Mr. GRAHAM, is recognized to offer a second-degree amendment which the clerk will report.

AMENDMENT NO. 2870 TO AMENDMENT NO. 2869  
(Purpose: To reinstate certain revenue raisers)

Mr. GRAHAM. 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 Florida [Mr. GRAHAM] proposes an amendment numbered 2870 to amendment No. 2869.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in support of my amendment to S. 1134, the Affordable Education Act.

First, my amendment makes this legislation a true tax cut bill for education. My amendment removes all the bill's tax increases. We should not be taxing away with one hand what we return with another in a time of Federal budget surplus. Americans should not be taxed again to pay for a national priority.

Second, my amendment makes permanent the increase from \$500 to \$2,000 in the annual contribution amount for a kindergarten-to-college education IRA. Without these permanent increases in contribution limits and spending flexibility, both would end after the year 2003. My amendment removes that sunset because I believe that we should not be sunseting our Nation's future, which is the education of our children.

Education IRAs are extremely important. Not only does the increase to \$2,000 I propose make these accounts more attractive to families who want to use them, but to institutions who want to offer them. And even more important than these additional incentives to adults is the one they give to children. As experts have testified, there is something special about knowing that money is being put away for your future education. It is an incentive to excellence for both today and tomorrow.

Third, my amendment fixes a trap for the unwary. Currently, a student who takes money from an education IRA is not able to use the HOPE or Lifetime

Learning Credit—even if they are for different education expenses. That is wrong, and it is downright deceptive to families who need both. My amendment allows parents to use both and to use both permanently.

Finally, my amendment makes the tax-free treatment of employer-provided educational assistance permanent—both undergraduate and graduate. Something as important and necessary as continuing education should not be wrapped up in the uncertainty of frequently needed legislative action.

Why is the permanency of my amendment's provisions so important? Because they would allow parents to contribute up to \$2,000 annually toward their child's education—from the day of birth to the first day of college.

Even that may not seem like a lot but, like a train, it may start slowly but it is very powerful. It will gain speed. It is a savings express to college.

By putting their child on the savings express, after 18 years when that child is ready to go to college, the parents will have over \$65,000. And that just assumes a 6-percent rate of interest—the rate on a government security. Of course, other investments could yield even more. Parents would have at least \$65,000 toward their child's education. Twenty-nine thousand dollars of that would be solely due to the power of compounding interest. And every cent of that \$29,000 would be tax-free—it would go straight into education.

Maybe that still does not seem like a lot to some folks, but it sure seems like a lot to parents who are struggling today to insure college for their children tomorrow.

The national average annual cost of college—tuition, room, and fees—is roughly \$10,000 per year or \$40,000 for the cost of college education.

My amendment before us today will cover this. It will give parents and students peace of mind and a piece of the American dream.

My amendment is a powerful incentive to save. It is an engine. It is the engine that can pull a long train of savings—and dreams.

Like the "Little Engine that Could," my amendment makes this legislation the "Education Savings Plan that Will." Parents and children getting on this savings train, will get off at college to a better future.

America has waited for this education savings plan for three long years. This legislation brings it home today. My amendment makes sure it stays there for families—not just for today, but for tomorrow and all the days that follow. It is time that the President got on board.

I urge my colleagues to join with me in a bipartisan effort to make education affordable for America's families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I could not agree more with the comments that were made by the distinguished chairman of the Finance Committee relative to the importance of America investing in its future, and education is one of the most fundamental ways in which we are able to shape our future, by assuring that our young people are fully prepared to meet the challenges of this exciting new century.

It was for that reason that I supported this legislation when it was reported with a bipartisan vote from the Senate Finance Committee. I also supported it because it recognized another aspect of our responsibility to the future, and that is to act in a fiscally prudent manner, particularly at this rare moment of opportunity we have before us today.

The U.S. Government had its last surplus in 1969. We then had 30 years of deficit financing. Our national debt went from 1979's little better than \$900 billion to 1999's national debt of almost \$5.5 trillion. That is trillion with a T.

That is the extent of the profligate fiscal policy in which this country has engaged for the better part of three decades. But in the last few years, we have started to get seriously committed to not asking our children and grandchildren to pay our debts, and the result of that has been a dramatic reduction in our annual deficits to the point that now we are, for the first time in over three decades, in a surplus position.

We have made a decision—and I hope we will stay faithful to that decision—that we will commit all of the surplus which is generated from Social Security to the reduction in the national debt as the means by which we can make our greatest contribution to the long-term solvency of the Social Security system.

Second, we would husband the non-Social Security surplus to use against a set of yet-to-be-determined national priorities.

My concern is that the pattern we are now following—and I am going to give a little history of what has happened in the past few months—is that we are dissipating that opportunity to use the non-Social Security surplus against a set of national priorities by an incremental approach. A good idea or an appealing idea is presented, and we say: We will buy that, and we will pay for it out of the non-Social Security surplus.

Then a few days later another good idea comes along and we say: We would like to buy that, too; we'll pay for it from the non-Social Security surplus.

Do you know what is going to happen? It will not be long before there isn't any credit line left in that non-Social Security surplus. We will awaken and say: There were some really big things we needed to do. We have a contract out here—a contract between the

Federal Government and the people of America for their Social Security.

Right now, our ability to meet that contract, even with the investment we are going to make in reducing the national debt, is very uncertain. We should be using some of this non-Social Security surplus to help shore up our long-term ability to meet that contractual obligation. But because we spent all the non-Social Security surplus on these incremental piece-by-piece, toy-by-toy ideas, we will not have any money when we want to give America a big gift, the security of the Social Security system.

We also are not going to have any money to do other important things for which we have a contract with the American people, such as to assure there will be a health care system for our older citizens. We know the Medicare system, as Social Security, has some very daunting challenges facing it in the next few decades, as the number of eligible Americans for Medicare and Social Security will double. Yet we will not have the resources to make that kind of a commitment.

To focus on this specific issue, as I indicated earlier, I voted for this bill when it was reported from the Finance Committee because I thought it made good education policy but also because it was paid for. We were not asking future generations to sacrifice the non-Social Security surplus to pay for this program. We found some means within our current spending and taxing policy to generate the resources to pay for this program. We thought this program was important enough to pay for it, not ask our grandchildren to pay for it. I think that is not a failure; that is a statement of the seriousness of our intention.

It is a lot easier to buy something somebody else has to pay for than to buy something you have to go into your own bank account and write that check to pay for. That is a statement of an important and serious commitment to the objective. We had made that statement of the seriousness of this goal by our willingness to pay for it.

We are proposing to do two things: One, make it substantially more expensive; and, two, not pay for it.

My amendment does a simple thing; that is, it says we should at least, at a minimum, keep in this bill those items that would help to pay for it, which the Senate Finance Committee, just a matter of a few weeks ago, found to be an appropriate method of financing this program.

Let me put that simple principle into the context of what we are doing.

First, we are making a series of significant fiscal decisions before we have adopted the budget resolution. For those who are new or unfamiliar with this process, the Congress, as one of its earliest efforts to get a handle on the

30 years of deficits, adopted a complex budget process which has, as its linchpin, a congressionally adopted budget resolution.

That resolution would be analogous to an architect's set of plans for constructing a building. It gives the general direction, framework, and prioritization of Federal fiscal policy each year. Those priorities then drive the individual appropriations and tax measures which will support that architectural plan.

We have not yet seen the architectural plan for fiscal year 2001 which will be affected by this measure, and, therefore, we do not know what within that plan is going to be the provision for tax-and-spending measures that would support this educational proposal. We do not know what will be the scale of the non-Social Security surplus.

We do know this: The scale of the non-Social Security surplus could be as much as \$1 trillion from the high to the low estimate. That depends largely on what is going to be our spending appetite.

In the next 10 years, if we spend at the same rate we did in the last year, for the year 2000 fiscal budget, according to CBO, we are going to end up with a budget surplus of approximately \$838 billion over the next 10 years for the non-Social Security account.

If we go back to the budget caps we adopted in 1997—which I supported last year, and for that reason I voted against the omnibus appropriations bill—we would have a surplus over the next 10 years of about \$1.9 trillion. Those are the two extremes of the resources we will have. Yet before deciding that fundamental question: Are we going to be dealing with a surplus of \$838 billion or are we going to be dealing with a surplus of \$1.9 trillion? we are making decisions as to how to distribute the surplus.

Second, this is not the first example of that spending.

Let me catalog what we have already done.

In the Patients' Bill of Rights bill—and today is the start of its conference—we have proposed to spend \$30 billion over 10 years of non-Social Security surplus in various tax reductions. The bankruptcy bill—which has passed both Houses, and which is or soon will be in conference—proposes to have tax cuts of \$103 billion. The educational savings bill—the bill before us today—with the amendment the Senator from Delaware has proposed, would have a cost of approximately \$13 billion. I use the word "approximately" because several of the measures that are in this bill or may be proposed to the bill have not been scored by the Congressional Budget Office. The marriage penalty bill, which passed the House, has a cost of \$182 billion over the next 10 years.

If we were to reject the House approach and adopt the legislation which has been introduced in the Senate Finance Committee, and which was contained in last year's Taxpayers Refund Act of 1999, that would increase the cost of the marriage penalty to \$311 billion over 10 years.

The consequence of what we have already done, using the conservative level on the marriage penalty, is we have already spent approximately \$328 billion of our \$838 billion, 10-year, non-Social Security surplus—before we have adopted a budget resolution, before we have decided how much of the non-Social Security surplus should be used for priorities such as strengthening Social Security and assuring its solvency for three generations, before we have made a decision as to how much should be spent on strengthening Medicare and modernizing Medicare so it represents the kind of health care program our older Americans deserve, before we have made decisions on what our defense budget should be in order to protect the security of America.

All of those things have gone undecided. Yet we have decided to spend \$328 billion on this collection of tax-and-spending measures before we have an architectural plan. It would be similar to the family who wants to build a house, and before they have the architect draw the plans for the house, they decide, "We will go ahead and put in an attic family room," without any context of how that is going to relate to the rest of the house. It is always fun to be able to spend your money on those things that are joyful and happy without having to put your mind to the task of deciding what is of greatest importance.

My amendment is a very modest one. It proposes to put back into the bill exactly the same items which were in the bill when it left the Senate Finance Committee. Let me briefly mention what those items are.

First is a modification of the foreign tax credit carryover rules. This has a financial impact of \$3.6 billion over 10 years. I point out that this is not a new idea for the Senate to consider. In fact, the Senate has already passed this bill, first in 1997, as part of the Taxpayer Relief Act; in 1998, as part of the IRS restructuring program; in 1998, as part of the Parent and Student Savings Act; in 1999, as part of the Taxpayer Refund and Relief Act; and in 1999, as part of work incentives. It appears from that record that the Senate has studied, is aware of, knowledgeable of this tax issue and has decided this would be an appropriate measure to use as a partial offset for the educational savings account.

The second measure is to limit use of the nonaccrual experience method of accounting. This would contribute \$300 million over the next 10 years. That proposal was first adopted in 1999 as

part of the Taxpayer Refund and Relief Act, passed in 1999 as part of the trade bill offset, and passed in 1999 as part of the Work Incentives Act—again, not a novel idea, an idea that the Senate has had repeated exposure to and repeatedly has found to be worthy.

The third item is the extension of IRS user fees. This would produce \$278 million over 10 years. This was passed as part of the 1999 Taxpayer Refund and Relief Act and the 1999 work incentives.

The fourth item is to allow employers to transfer excess defined benefit assets. That would make a contribution of \$156 million. That was included in the 1999 Taxpayer Refund and Relief Act.

Finally, with a contribution of \$1.2 billion over 10 years, is to impose a limitation on the prefunding of certain employee benefits. This passed the Senate in 1999 as part of the Taxpayer Refund and Relief Act and in 1999 as part of the Trade Act offset.

These five items aggregate to \$5.5 billion over 10 years. These items were part of the package that had the objective of fully funding the educational savings account so it would not contribute to any reduction in the non-Social Security surplus when this bill passed the Senate Finance Committee.

I do not represent that these items will fund the bill in its current form, because the bill has ballooned in cost since it has been on the Senate floor. I suggest we ought to first take this modest step of at least retaining the offsets that have already been voted by the Finance Committee and which are in the bill and then, before we take a final vote on this legislation, assess what the cost of this total program is as amended by the full Senate, and then find an offset to pay for those additional amounts.

Failing to do so is to make a statement that we are prepared to spend the non-Social Security surplus without any frame of reference, without any budget resolution, without any architectural plan as to what we want to do. That is a prescription to return to the three decades of deficit spending which threatened the fiscal solvency and the economic future of this Nation. I believe it would be reckless for this Congress, having worked so hard to get to a surplus, not to now use this opportunity to make the hard decisions as to what is the priority for the use of this surplus and then to have the discipline to follow that set of priorities.

Mr. President, I urge adoption of this amendment which will be a symbolic statement that we are prepared to exercise fiscal discipline in times of potential prosperity and plenty, just as we had to exercise fiscal discipline during the 1990s in order to remove ourselves from the quagmire of deficits and exploding national debt.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, my colleague from Florida has offered an amendment he claims will offset the cost of this bill by keeping in place its current tax increases. It will not and what's more it should not, even if it did.

Senator GRAHAM claims this education savings bill must be paid for. Let me say the bill is already paid for. It has been paid for by a surplus in income tax revenues from America's families.

According to the Senate Budget Committee, federal revenues, not counting a cent of Social Security's surplus, will be \$1.9 trillion higher over the next ten years than this year's level of federal spending. That means a \$1.9 trillion overpayment by America's income taxpayers. Are we saying that despite a \$1.9 trillion overpayment that we cannot afford to let families keep less than one percent of it for their children's education?

Second, leaving these tax increases in this bill will still not pay for it fully. They are simply tax increases then—not offsets.

Finally, when Senate Democrats offered their tax relief package last July, it amounted to \$290 billion over ten years. None of this was offset. Why now, when the issue is education and the tax relief is just a fraction of the amount that Senate Democrats supported last year, must we now raise taxes to pay for it? This is simply inconsistent.

Perhaps an even better question is: Why must we raise taxes to constitute this offset? Why could those wishing to pay for this, not find the small amount of money necessary from a \$1.8 trillion budget? To pay for this from Washington's budget rather than the American taxpayer's?

I am sympathetic to the argument of fiscal responsibility. However at a time of substantial tax overpayment, why should it be so hard to allow families to keep some of their own tax overpayment for their children's education?

If we cannot say that when the federal government is running federal surpluses worth, according to our Budget Committee, almost \$2 trillion over the next ten years; and we are seeking to return less than half a percent for education, when can we ever have a reason to cut taxes?

The federal tax burden as a percentage of the economy is the largest that it has been since World War II. The federal income tax burden as a percentage of the economy is the largest in history. Those are not my estimates but the President's. Once again I ask: if we cannot cut taxes when they are at historically high levels, when can we cut them?

The tax overpayment is huge, the tax burden is historically high, and the cost of this education provision is small, if we cannot cut taxes now and

for education—when and for what can we ever cut them?

Sadly, I cannot help but believe that there are some Senators who must think that we can never cut taxes. That taxpayers' money is always better spent in Washington than by the people who earned it. I am one Senator who does not believe this is true.

I intend to vote against this amendment to raise taxes. Furthermore, I intend to bring more legislation to the floor that will cut taxes—not raise them.

I believe that this education legislation is precisely what America's income tax surplus should be used for: America's families.

I urge my colleagues to join with me and reject the Graham amendment and keep my proposed permanent tax relief for education.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, the issue is not whether we believe investment in education is an important part of America's future; we all agree with that. It is not even whether we believe there should be some tax reductions to encourage people to invest in their children's education as well as other desirable goals. Most of us believe in that. I certainly do. The question is, How do we have a rational process of deciding how we are going to use the opportunities that are presented to us here today?

It is interesting to me that as we start the third full century of America's national history we might reflect back on what happened at the beginning of the 19th century and the 20th century—the two other full centuries of this Nation's existence. In both of those periods, there seemed to be an energy that came from a new century and the new beginnings that it represented—an energy that was channeled into areas that have had a lasting, positive impact on our Nation.

In the beginning of the 19th century, the President of the United States was one of the gentlemen whose bust appears above our Presiding Officer—Thomas Jefferson. Thomas Jefferson had the vision to see that America's future was not in being a scattering of States along the Atlantic but, rather, as a continental empire. And at a time when our country was small and struggling, and in some areas of Europe derided as a false dream of a democracy, Thomas Jefferson had the boldness to commit us to purchase from France the Louisiana Territory and fundamentally reshaped America and created the possibility of the great Nation we are today. That was the vision Thomas Jefferson and his colleagues had for America at the beginning of the 19th century.

In the beginning of the 20th century, another man whose bust is close to this Chamber, Theodore Roosevelt, was our

President. He had a vision of an America that would begin to achieve its international goals. The Panama Canal was a statement not only of America's great technological capacity but also America's understanding of its role in the world. Theodore Roosevelt also understood the importance of investing in this country. During his Presidency, we added to our national land trust an amount of land that would be the equivalent of every acre from the State of Maine to my State of Florida along the Atlantic coast of America. Those were bold visions of the generation of Thomas Jefferson and the generation of Theodore Roosevelt.

We have the opportunity now, both because of the start of a new century and a new millennium and because we have paid the price to get our national financial house in order, to begin to think boldly of what we want to have history write about what America did at the beginning of the 21st century. The concern I express today is that we are dissipating that opportunity through a series of incremental, uncoordinated, nonprioritized decisions that are going to have the effect of continuing to dissipate the resources that could be used to do something as bold as purchasing Louisiana or building the Panama Canal.

The chairman of the Finance Committee said that the Budget Committee has indicated we will have a budget surplus over the next 10 years from non-Social Security funds of almost \$2 trillion. Well, I say, let's wait until we pass a budget resolution that indicates that is going to be the amount of our budget surplus. As you will recall, we made a commitment in 1997 that we were going to exercise budget discipline and abide by budget caps. Those decisions would have caused us, last year, to have had a discretionary spending account of approximately \$575 billion. In fact, we ended up spending over \$620 billion. We crushed and we pulverized the budget ceilings that were supposed to be the hallmark of fiscal discipline.

I want to be sure that we are going to declare that our 1999 actions were an aberration rather than the path of future lack of fiscal discipline before I conclude that we are going to have a nonbudget surplus of \$1.9 trillion. We are being asked to take a leap of faith that runs directly counter to what we did a matter of a few weeks ago when we passed that bloated final appropriations bill—that that was a mistake, and that we asked for the repentance of the American people, and we are going to go back to the fiscal discipline that would be required to have a \$1.9 trillion non-Social Security surplus, which is the discipline of returning to those 1997 budget caps. I want to see us make that commitment and live up to that commitment before we start spending the money. Let's eat our spinach before we start having our ice cream party.

Second, in addition to not having set a budget resolution, which is the architecture of our fiscal policy, we haven't even had a serious debate on what our strategic priorities should be at the beginning of this century, that capability which fiscal discipline would give us. We haven't decided what we are going to do about the fact that, whereas today there are approximately 40 million Americans on Social Security and Medicare, at the end of the next generation we are going to have 80 million Americans looking to Social Security and Medicare—looking to the solemn contract that exists between the Government of the United States of America and the people of the United States of America to provide them financial and medical security in retirement. I think we ought to be figuring out how we are going to meet that solemn obligation before we do any of these other items—as attractive, desirable, and important as we might think they are. I believe those are our first two priorities.

I am seriously concerned that the course we are on, which is following exactly what we did in 1999, is going to lead us to a dissipation of our capacity to set rational priorities, that we will become the first political leadership of America at the beginning of a new century, and instead of being the giants of Jefferson and Theodore Roosevelt, we will be the Pygmies in the toy store trying to fulfill our immediate desires and needs without focusing on what is in the best interests of America in this 21st century.

This vote today is not a giant vote of fiscal policy. I said in my concluding remarks that this does not even purport to fund the bill that is before us, in large part because the bill before us has been growing almost hourly since it has been on the floor. This amendment the Senator from Delaware offered would be the most gargantuan growth of this bill we have experienced since it has been on the floor, an addition of approximately \$10 billion over 10 years.

I do not purport that this amendment will fund fully this bill. I say this amendment is a critical statement of whether we are serious about fiscal discipline, whether we are serious about setting a plan for the fiscal future of this Nation—at least a plan for the next fiscal year before we start spending our non-Social Security surplus—and whether we are serious about setting some longer range priorities to meet these very significant legal and moral obligations the American Government has to the American people. That is what this vote is about.

Are we willing to take the very minor step of saying that we are willing to strip out of this bill five relatively small tax changes, all of which have been passed by this Senate, in most cases on multiple occasions, and

ask our grandchildren to pay out of the non-Social Security surplus they will be contributing to over the next 10 years, or are we going to step up and say this is the time we will make a statement, a commitment, a pledge for fiscal discipline?

It is my strongest wish we in the Senate do not see this as some kind of a partisan divide. We were able to contain the deficits and get to the point that we are because we worked together as Americans, not as members of any particular party or representatives of any region or interest of this country. It is in America's interest that we exercise this fiscal discipline.

Today is the day we can make an important statement that we are prepared to do so. I urge us not to let this opportunity pass.

Thank you.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, it is somewhat fascinating to me that this week and today we are being accused of spending too much on education; that we cannot afford to dedicate something close to one-half of 1 percent to assure our American families the kind of education they need these days. Yet a few days ago, the legislation was belittled for not spending enough. We can't have it both ways.

What I think is particularly important to understand is that No. 1, no matter is more important to the American family or to this Nation than a well-educated citizenry.

I believe what is remarkable about this legislation as modified by my amendment is it takes a very little amount to accomplish so much.

The continuing education of Americans is obviously critically important because of the continuing technological revolution we are enjoying. The new generation is going to be facing the need to continue their education to meet the challenges and opportunities of the future.

I find it very puzzling when we recognize—and the administration, as well, recognizes—that over the next 10 years we will have nearly a \$2 trillion surplus, and we cannot take a very small part of that to help assure American families of all backgrounds the opportunity to be well-educated citizens.

I urge my friends and my colleagues to vote against the Graham amendment, the Senator for whom I have the highest respect.

I think this is something for which we should use the surplus. I think there is nothing more important than American education.

Let me point out once more that American families are paying higher taxes than any time since the end of World War II. Close to 20 or 21 percent of gross domestic product is going to Federal taxes. It is my solid belief that it is important we return part of that

to the American family. One of the most important reasons for returning it is to assure they have the resources and are able to send their children not only to the schools of their choice but to college and graduate education as well.

For those reasons, I urge my colleagues to reject the second-degree amendment and to support my amendment which would make permanent many of the benefits contained in this legislation.

I yield the floor.

Mr. REID. Mr. President, the Senator from New Jersey, Senator LAUTENBERG, wishes to speak on this amendment. It is my understanding he is on his way over.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I ask that the yeas and nays be ordered on the second-degree amendment, No. 2870.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. I ask for the yeas and nays on the first-degree amendment, No. 2869.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, how is the time managed?

The PRESIDING OFFICER. The time is equally divided.

Mr. LAUTENBERG. Mr. President, I will begin by talking about the underlying bill which is entitled the Affordable Education Act. I stand in opposition to the bill as it is presented because I don't know who can afford it. Can the citizens of this country afford to have resources diverted from the public school system? With all of its deficiencies, it is the underlying educational system that exists throughout the country. The bill will shortchange our public schools and provide more than 70 percent of the tax breaks to families in the top 20 percent of the income brackets.

I come from the State of New Jersey. As everyone knows, New Jersey is the most densely populated State in the country. We are essentially an urbanized State. We do have some suburbs; we have very little by way of rural population.

When we say we are going to provide our citizens with an "option," the option is more or less to abandon the public school systems, particularly in our urban centers which are struggling to make ends meet and struggling to educate our children.

I was born in the city of Paterson, N.J. It is highly industrialized. Initially its growth was from textile production, textile manufacturing. My father and grandfather worked in those mills. I visit the city of my birth quite often. It is a very low-income city, as is Newark, our largest city in New Jersey, as is Jersey City, another of our large cities in New Jersey—small in comparison with other States, where one city can be 10 or 20 percent of the population. We don't have that. We have lots of cities.

They struggle, and we are often disappointed in the SAT scores. We look beyond the SAT scores and we see young people who can learn and accomplish things and get through the maze and make something of their lives despite the inconveniences that often come with insufficient physical structure in the schools, schools with instructors who do not have the appropriate teacher training, and schools that do not have sufficient revenues to make the needed investments.

I, personally, since I come out of the computer business, have been involved with some of our schools. I picked Paterson, N.J., in particular and tried to make a financial as well as a physical contribution, pulling wires into some of the schools so they could have some connection to the Internet—not fully, not sufficient for all the students, but we are living almost on spare change in cities such as that. We have to figure out a way to improve those educational standards.

By permitting people to avoid going to those schools, those few who have enough income to go elsewhere, we are not going to help the basic educational system that has done so well in this country. Before private schools became as interesting as they are now, public schools produced the talent and the brilliance and the leadership this country has seen. We put up a sign that says: Abandon the schools if you can afford it, abandon the public school system; get out of town if you can.

We made mistakes in our planning over the years. One of the most obvious is, although we did something very positive by building our National Highway System—it was begun in the 1950s—it had an unanticipated consequence and that was to encourage abandonment of the cities. Move out of

town, get some nice space—and I don't blame people for wanting to do that—and leave the problems behind. As a consequence, the average income of the people who inhabit the cities has gone down substantially; the tax base has gone down substantially, and the revenues are just not there.

So, as that happened, as people had less loyalty to the cities, they also wanted different school options. Now what we are seeing is, with these tax breaks for people who can afford to send their kids to private schools, that they, too, will abandon their interest. It will also cost the country, by my calculation, somewhere close to \$15 billion over the next 10 years, possibly even more. That is significant when we are trying to pay down the debt, trying to find ways to provide prescription drugs for people who need them, when we are trying to find other ways to improve the educational system altogether. Now we are saying the plan in this act is to have the revenue losses offset by other opportunities. Adding insult to injury, our distinguished friend, Senator ROTH, has offered an amendment that would eliminate the revenue-raising portions of the bill and seek to spend surplus funds for the tax breaks in the legislation.

To use an expression: That compounds the problem. Before we start spending projected surpluses that may or may not exist, we ought at least understand how large those surpluses are likely to be and have an overall plan for using them. Otherwise, before we know it, we will have frittered away the surpluses and used up funds that will be needed for higher priorities.

In particular, I am concerned we reserve enough of the surpluses to ensure we can protect Social Security, extend the life of Medicare, make sure we consider the prescription drug program, give targeted tax breaks, and pay down the debt. The American people salute that. They know when you are in debt it is never easy to plan ahead. Boy, we would set one incredible example if we could get our debt paid down by 2013, which is the objective of the President's plan. I also think we ought to make sure we protect those surpluses for other needs that will be discussed in our upcoming budget debate, which I hope will commence very shortly.

In my view, those priorities I discussed are more important than subsidizing private schools for a relatively small number of families. But even if you support the goals of this bill, I hope my colleagues will agree that, at a minimum, we ought to have in front of us a plan for using the surpluses before we start spending them. That makes sense. Not many people make expenditures without knowing what their paycheck is going to be. That is why we have a budget resolution. That is why we have a budget process.

I am the ranking Democrat on the Budget Committee and the chairman of

the committee, someone widely respected, is Senator DOMENICI. While we have our differences, there is a process at play, and we want to see it worked out before we start making expenditures from surpluses we are not even sure of arriving or what the amount of those surpluses is going to be.

The Budget Committee has not begun to mark up the budget resolution. We still have some time to meet our deadline, so it is premature to be considering a bill such as this. Before we start handing out scarce private resources to public-subsidized private schools for a few families, let's adopt a plan to protect Social Security, protect Medicare. Let's provide prescription drugs for our seniors. Let's make sure we are on a path toward eliminating our publicly held debt.

I also point out there is a technical flaw in this amendment. By eliminating the revenue-raising provisions of the bill, this amendment would trigger an across-the-board cut that we know as a sequester. Such a cut would be required under the Budget Act. The end result is it would force a cut in Medicare, veterans' benefits, farm aid, child support enforcement and foster care, among other programs. I do not think that is the intent of the sponsors. I think the point of this amendment is to spend future projected surpluses. But its actual effect, unless corrected, would be to cut programs such as Medicare and others. Either way, I think it would be a mistake to support this amendment.

I urge my colleagues to reject the amendment. Let's adopt a budget resolution before we start squandering projected budget surpluses. Let's make sure we can protect Social Security and Medicare before we start raising these funds. And let's not adopt an amendment that perhaps would unintentionally require real and immediate cuts in Medicare, veterans' benefits, and other programs.

While I urge defeat for this amendment, I do not want it misunderstood. I do not want it to ensure the passage of the underlying bill, which is to give those tax benefits to people at the upper end of the income scale and help abandon our schools, as opposed to facing up to our problems and working on the public school system; just help people walk away from it. I don't think that is a good way to solve problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. If the Senator will withhold for a second, I think on the pending amendment, the second-degree amendment, we should yield back the time on that?

Mr. ROTH. Yes. We are pleased to yield back the remainder of time on both the first- and second-degree amendments.

The PRESIDING OFFICER. All time is yielded back.

Mr. REID. I also say the two leaders want to schedule a vote at some later time. So with the permission of the majority, we will go to another amendment.

I would say the order of business is to go to the Boxer amendment.

We have submitted to the majority the Boxer amendment. They indicated they want some time to look at it. It deals with a very important subject, and that is the safety of our children in schools.

We hope we can get to that debate as soon as possible. While they are looking at that amendment, the Senator from North Dakota has an amendment he desires to offer at this time.

I ask unanimous consent that the pending amendment be set aside to allow the Senator from North Dakota to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

AMENDMENT NO. 2871

(Purpose: To provide parents, taxpayers, and educators with useful, understandable school report cards)

Mr. DORGAN. Mr. President, I send an amendment to the desk. It is an amendment that has been duly noticed under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2871.

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

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

The amendment is as follows:

On page 2 between lines 2 and 3, add the following:

**TITLE —STANDARDIZED SCHOOL REPORT CARDS**

**SEC. 01. SHORT TITLE.**

This title may be cited as the "Standardized School Report Card Act".

**SEC. 02. FINDINGS.**

Congress makes the following findings:

(1) According to the report "Quality Counts 99", by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of the report cards described in paragraph (1) does not provide parents with the information the parents need to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

**SEC. 03. PURPOSE.**

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

**SEC. 04. REPORT CARDS.**

(a) STATE REPORT CARDS.—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, with respect to elementary and secondary education in the State. The report card shall contain information regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the State;

(5) school safety, including the safety of school facilities, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) to the extent practicable, parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, with respect to elementary or secondary education, as appropriate, in the school. The report card shall contain information regarding—

(1) student performance in the school in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the school;

(5) school safety, including the safety of the school facility, incidents of school violence and drug and alcohol abuse, and the

number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under section 4(a)(1) or 4(b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(I) of the Elementary and Secondary Education Act of 1965.

Mr. DORGAN. Mr. President, the amendment I offer today deals with a standardized school report card. I want to describe that, but first, I will talk generally about this issue of education and about the debates we have had in recent hours and days in this Chamber.

I talked about the schools I have visited recently in North Dakota. I had a meeting yesterday in Washington, DC, with some people from the Ojibwa School on the Turtle Mountain Indian Reservation in North Dakota.

I want to describe it because we are talking today about how to spend money to improve this country's education system. Some say: Let's provide it in the form of tax credits for education savings accounts that will allow parents to accrue money to send their kids to this school or that school.

There is another way to handle it, and that is to make investments in our schools so children are walking into school buildings that are well-equipped and in good condition, repaired and renovated, and they are going into school classrooms where they have quality teachers and the classrooms are not crowded. That is another way to improve our country's schools.

Because I just had a meeting yesterday with the folks from the Turtle Mountain Indian Reservation about the Ojibwa School, a school I have visited many times, I will read a couple of comments from eighth grade students so Members of the Senate, as they discuss these issues, will understand what eighth graders are saying about their school. I can verify everything they say in these letters is true, and in some cases, worse.

This is Cathy Renault. Cathy says:

In the 2 \* \* \* short years I've been at Ojibwa, I have had to go home during the day very often.

This is an eighth grader.

It isn't because of sickness or being checked out or because a teacher or substitute weren't available. No, it's because of very threatening subjects, things you wouldn't find at other schools: Sewer backup, mold growing in buildings, heat that's too hot in the summer and too cold in the winter; harsh weather and having to walk from building to building just to go to lunch.

This is an eighth grade kid. The Ojibwa School is in mobile buildings, small buildings on a hill where young children are moving back and forth. By the way, the fire escapes are made of wood. Figure that one out. There are all kinds of problems with this school.

Does this eighth grade child get the same education as another child where they have less crowding and better facilities? The answer is no.

Leslie Champagne is another eighth grade student. This is what she says:

Last year our seventh grade teacher slipped and broke a part of her foot and at the same time the other seventh grade teacher had a cast on and had to step in all of the mold and dirty water on the floor. There has been a lot of elders—

Again, this is on an Indian reservation—

There has been a lot of elders and children falling down outside and getting seriously hurt walking to another building.

Again, they are mobile buildings, like a double-wide trailer, sitting on the side of a hill on the Indian reservation at Turtle Mountain.

There are even roofs caving in and leaking because of heavy rain or snow. I haven't seen anything new in this school for a long time. The only time I've seen something new is just this year when we got a more decent gymnasium.

From Belcourt, ND, Shelly Selina Davis:

... we don't have shower systems that work properly. After physical education class, we are not able to take a shower and are forced to go through the rest of the school day feeling our hygiene is unhealthy.

Last year and one time this year, the whole school had to eat lunch in their classrooms or office, because there was a sewage problem in the kitchen and it made the whole cafeteria smell very badly.

Each year, during the winter, there are many students who become ill and miss many school days because of their sickness. The students became ill from having to walk from building to building in the very cold winter weather.

These are grade-school students saying kids do not get to make the decision if they want to be poisoned by a poor sewer system or mold. Kids should be worrying about how they are going to do on a big test, not whether the building is going to collapse. A new school is something we need and have wanted for a long time. This is an eighth grade kid imploring that they need help.

Yesterday, I talked about the Cannonball School. It is no different than this school. Part of the Cannonball School is 90 years old and has been condemned as a fire hazard. The second level of the school is unusable because the stairs leading up to it are unsafe and the school cannot afford to replace the steps. The sewer and the water systems are old, and they back up regularly, sending the smell of sewage gas throughout the school. Classes routinely have to be moved because of the smell of sewage gas becoming so bad in classrooms. One wing of the school does not have running water. There are 150, 160 kids and two bathrooms, one water fountain. They are packed in 8-foot-by-12-foot classrooms with desks so close they almost bump each other. They do not have to worry about whether or not they have computers; they would not have a place to put them. Of course, they could not hook them up anyway in a school in that condition because they do not have the capability to wire the computers.

I have said before that when Little Rosy Two Bears asked me the day I visited that school—and I have done it a couple of times—“Mr. Senator, are you going to build me a new school?” the answer is I cannot build her a new school. This is a public school with a public school district and no tax base. We have mice running around, mold growing, sewer gas coming up, kids crowded into classrooms, and that little third grader walking through that classroom door is not getting the same kind of education other kids are getting, and we ought to do something about that.

We know about the value of education. This is not rocket science. The way to solve this is not to give tax breaks to folks. The way to solve this is to decide we are going to renovate, improve, and rebuild these schools that are falling down. The Ojibwa folks need a new school, and they need it now. Cannonball School needs to be replaced and replaced now. If we care about kids all across this country who are going to school under those conditions, we will do something about it. We will not talk about it, we will do something about it.

My father left school at age 9. His mother died giving birth to a younger sibling. His father was institutionalized for tuberculosis. My father quit school in order to go to work and raise money. My father worked all through his youth, so he had almost no education. Then my father, in his fifties, one day came home and announced to us, when all the family was together, with a smile, that he had just passed his GED. He never even told us he was studying for it. He did not tell us he was going to take it, but in his fifties, he decided he wanted to become a high school graduate because he never had the opportunity. He had to quit school

when his mother died, and he had to help provide for his brothers and sisters. Then at age 50, with a smile on his face, he told us he was now a high school graduate.

We understand how much people care about education. I guess it is one of the reasons my father and mother always impressed upon us that education was paramount, you must invest in yourself.

Ben Franklin once said: Anyone who empties their purse in their head will never be without riches.

Thomas Jefferson once said: Anyone who believes a country can be both ignorant and free believes in something that never was and never can be. We understand the value of education. That is why we are debating it now. But we are debating it in circumstances where I fear we will come out with a wrong result.

One piece of a series of steps that makes sense to me is to provide for a standardized school report card so parents will understand what they are getting out of that school system. All parents get a report card on how their child is doing every 6 weeks, every 9 weeks. They get a report card on how their child is doing. But no parents get a report on how their school is doing. How is their school doing in educating children as compared to other schools in other school districts, in other States, in other communities?

It seems to me, there ought to be some standardized way for parents to understand: How is this school doing? We spend \$350 billion a year on elementary and secondary education and have no earthly idea how our individual schools are doing for our children. Could we do that? We could have a basis for a comparison of our schools with other schools—our schools with other schools in the school district, between school districts, between communities, and between States.

Some will say there already is a school report card. Most parents have never seen it. Thirty-some States have some version of a school report card, but most of them provide very little information, if any at all.

I believe there are about eight standard things we ought to require the State education authorities to provide on this school report card. If we did that, every parent in this country—as a taxpayer and a proud parent—would understand what the school is producing for their children.

I say this, if we get to this kind of approach of providing a standardized school report card on how the school is doing—not only how the kids are doing but how the school is doing—we will only be able to say, as parents, this school is doing fine if we are willing to accept our responsibility to schools, such as the Ojibwa School and the Cannonball School, and to rebuild, renovate, and repair schools that we are

sending children to that are not up to standards for educational purposes.

In conclusion, there are two principal issues we have fought for on the floor of this Senate—so far unsuccessfully. One issue is having a smaller class size, because we know that with 15 or 18 kids in a classroom there is a better relationship between teacher and students, and education is much more effective than if a teacher is teaching in a classroom with 30 or 35 students. We need more teachers to reduce class sizes.

The second issue is that we also want to improve and renovate schools that are in the condition I have just described that exist in Cannonball and Ojibwa that ought not to exist. It is not going to be solved by some scheme of giving tax cuts.

For every national ache or pain, we have someone who trots to the floor of the Senate and says: I have a new idea. Let's provide a tax cut. That is not a new idea. That is a substitute for what we ought to do to fix real problems in education. Every time someone suggests anything that describes some kind of national aspiration or goal, someone else pops up and says: Oh, so you want some Federal bureaucrat to run the education system? The answer to that is no, of course not. But let's not brag about having no national goals or no aspirations nationally as a country for our education system. Let's stop bragging about that. That ought to be a source of despair.

We, as a country, ought to have national goals of what we want to produce in our education system. If we develop those goals, then we will also accept our responsibility to improve our schools, invest in our schools, renovate, repair, and rebuild our schools, and reduce class size. We know that works. We know how to do it, if we have enough people who will stand up in the Senate and cast the right votes.

I will not seek a vote at this point. My understanding is that my amendment will be set aside and dealt with at a later time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the managers have been working to try to get some parameters on these amendments. Let me propound a unanimous consent request.

I ask unanimous consent the following amendments be the only remaining first-degree amendments in order, limited to 30 minutes equally divided, except where noted differently, to be equally divided, and all amendments subject to relevant second degrees, under a 20-minute time constraint, and following the disposition of these amendments the bill be immediately advanced to third reading, and passage occur, all without any intervening action or debate.

Those amendments are: a Schumer amendment; a Feinstein amendment on

standards, 1 hour, equally divided; a Kennedy amendment, 90 minutes, equally divided, on teacher quality; a Kerry amendment on quality; a Boxer amendment on safety and protection in schools, 90 minutes, equally divided; a Wellstone amendment regarding school counselors, 90 minutes, equally divided; a Dorgan amendment regarding school report cards—which we have just considered—a Coverdell amendment; a Reid amendment; a Kennedy amendment regarding Pell grants; a managers' amendment; a Gramm amendment regarding the Federal Home Loan Board; a Hatch amendment regarding student loan interest; a Graham of Florida amendment, No. 2848, regarding school construction; and a Graham amendment regarding offsets.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we want to make sure if, in fact, there are relevant second-degree amendments, that will be fine—it is under a 20-minute unanimous consent agreement.

I also note that under the unanimous consent request dealing with the Wellstone amendment, he would have 45 minutes of the hour.

Mr. COVERDELL. We changed it. It is 90 minutes, equally divided.

Mr. REID. Yes. Furthermore, the Harkin amendment has been deleted. Did you note that?

Mr. COVERDELL. I do not have it.

Mr. REID. It was deleted. The only addition would be another Boxer amendment dealing with pesticides. She asks for 20 minutes on that.

Mrs. BOXER. Equally divided.

Mr. REID. Equally divided.

Mr. COVERDELL. Did you add a Harkin amendment?

Mr. REID. No.

Mr. COVERDELL. We have eliminated the Harkin amendment.

Mr. REID. But as a result of a note handed to me, we add a Senator Bingaman amendment dealing with teachers, for 30 minutes.

Mr. COVERDELL. Thirty minutes?

Mr. REID. For him.

Mr. COVERDELL. That would be an hour equally divided.

I assume the one on pesticides is education related?

Mrs. BOXER. Absolutely.

Mr. REID. Yes.

Mr. COVERDELL. All right.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object—and I will not object—I simply want to understand. I have been waiting since last night to offer an amendment on safety in schools related to gun violence. Originally, I was told I would have the first Democratic amendment up today. There was some objection on the other side. I wonder if I could get some idea from the other side of the aisle, if not from my own side—Senator REID has been trying to

give me assurances of time—when I could finally get to offer that amendment.

Mr. REID. I say to the Senator from California, who has been here since yesterday, Senator KENNEDY has been doing many things today. With the permission of the majority—which we have already obtained—Senator KENNEDY is going to offer his amendment next. We would hope, following that, we would be able to go to the Boxer amendment.

Mrs. BOXER. Thank you very much, I say to my friends.

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

Who seeks recognition?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Massachusetts.

Mr. KENNEDY. I send an amendment to the desk.

Mr. REID. Mr. President, if the Senator will withhold.

I ask unanimous consent that the pending amendment be set aside.

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

Will the Senator from Massachusetts renew his amendment request?

Mr. KENNEDY. Yes.

Has the pending amendment been temporarily set aside?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2872

(Purpose: To establish programs to enable States and local educational agencies to place a qualified teacher in every classroom)

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

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2872.

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

The PRESIDING OFFICER. Without objection, it is so ordered. (The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Mr. President, I understand we have a time limitation on this of 45 minutes a side.

The PRESIDING OFFICER. There are 90 minutes equally divided.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

The Teacher Quality amendment would strike the underlying Coverdell K-through-12 tax breaks and authorize \$2 billion for the Qualified Teacher in Every Classroom Act. The amendment would direct the \$1.2 billion from the Coverdell bill to the teacher quality program, and the other would consist of an authorization for appropriations at a later time.

We have had a debate about the Coverdell tax bill over the last few

days. One of the things we are asking the Senate to consider is whether we ought to be putting the \$1.2 billion equally between the public and private schools, even though 90 percent of the children in this country go to public schools, or whether we can use those resources more effectively.

I believe they can be used more effectively. That is what this amendment is about. As an alternative to the Coverdell tax bill, I offer this amendment on behalf of my colleagues to say let us move our Nation forward to insist that we are going to have a well-qualified teacher in every classroom—that the key to enhancing academic achievement and accomplishment is not going to be subject to just any one single or simple solution but certainly among a handful of solutions. I suggest perhaps the most important one is to make sure that a teacher, who is before the 50 million children who are going through K through 12, is going to be well qualified to teach effectively with regard to the academic subject in which the teacher teaches. That is the purpose of this amendment.

It is reasonable to ask, where did you come up with these various proposals that you have in this qualified teacher amendment? I refer my colleagues to a very important study from 1996, the National Commission on Teaching and America's Future in Education. The board itself is made up of some of the most distinguished educators and is bipartisan in nature.

We have effectively incorporated in our amendment the series of recommendations this panel virtually unanimously recommended including: how to recruit individuals who will be the best for the students in this country; how we will maintain them by the development of mentoring programs; how we will ensure professional development and; how to utilize and expand some of the imaginative and creative efforts to develop teachers, including hometown teachers, which are developed within various constituencies, and expanding Troops to Teachers, which currently has 3,600 teachers nationwide.

What did this panel, made up of some of our best educators and most thoughtful teachers in the country, conclude virtually unanimously? This commission starts with three simple premises: First, what teachers know and can do is the most important influence on what students learn; second, recruiting, preparing and retaining good teachers is the central strategy for improving our schools; and, third, school reform cannot succeed unless it focuses on creating the conditions in which teachers can teach—and teach well.

Those are the principles. I wonder how anyone in this body could question those rather basic, common sense principles, a well-qualified teacher in every

classroom. This study has indicated how that best can be done, and we have followed these various recommendations.

First of all, they talk about some problems. They are talking about education generally. Some problems are national in scope and require special attention. Critical areas such as math and science have long had shortages of qualified teachers that were only temporarily solved by Federal recruitment centers during the post-Sputnik years. Currently, more than 40 percent of math teachers and 30 percent of science teachers are not fully qualified. They recognize there has to be a particular focus on math and science teachers, and we incorporate that in our legislation.

Secondly, it talks about, how we distributed the funds, basically the same formula that was used by our Republican colleagues when they had a proposal to try to deal with the teacher shortage. That falls short for many different reasons. We had hoped to be able to get into that if we had continued our markup in our Health, Education, Labor, and Pensions Committee yesterday. Nonetheless, what we are basically doing is saying we will have a program in terms of recruitment, we will have a program in terms of mentoring.

We find there is a very important and significant contrast with the results of maintaining teachers with a mentoring program; we have 23% of teachers leave within their first three years of teaching, and 30-50% leave within the first three to five years. Yet 93% of teachers taking part in mentoring programs stayed on the job—far above the rate for new teachers.

Let's take what we know works. Let's make sure that when we are going out and recruiting the teachers, they are going to be recruited in the areas of most critical need; that is, in math and science. Let's make sure that when they go into the classroom, they are going to be well prepared in their courses.

This amendment will insist that these teachers are going to qualify according to the State requirements in the course they have selected. No other legislation is going to do that. It is going to make sure they have a mentoring program. We will also make sure that there is going to be professional development, that very important third factor this study has pointed out. They mention in this study that most U.S. teachers have no regular time to consult together or learn about new teaching strategies, unlike their peers in many of the European nation countries, which teach at a substantial time plan and at a higher level.

What this amendment is about is very simple and fundamental. We are saying it is a wiser use of taxpayer funds to move us to an effective program in terms of ensuring we will have

a well-trained teacher in every classroom, rather than having the tax credits, only half of which will even be available to parents whose children will be going to public schools, the other half to the parents of children who will be going to the private schools.

Having well-qualified teachers is absolutely essential. Now, we can argue—and we have colleagues on our Health, Education, Labor, and Pensions Committee who say this really isn't a role for the Federal Government. We know we provide only 7 cents out of every dollar that comes from the Federal Government and goes into the local communities. It comes through the States—about 98 cents of the dollars that come through the Federal Government actually go into the classrooms themselves, according to the General Accounting Office.

What we are saying is, with a very limited amount of resources, we ought to target areas where there are very important needs and where there is a very sound and compelling case to be made in support of it. Certainly, I think that of all of the areas we are talking about in terms of classrooms today, we are all reminded by recent tragedies about the importance of safety and security in the classroom—we are reminded constantly about that issue.

Secondly, we are reminded that there is nothing more important than having well-trained teachers. That is why we think this amendment is so important and so compelling.

The PRESIDING OFFICER. The Senator has used 10 minutes.

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that the votes be postponed to occur in a back-to-back series at 2:15 today in the following order: No second-degree amendments in order prior to the vote, and 2 minutes prior to each vote for explanation. They are: Graham, No. 2870; Roth, No. 2869; Dorgan, No. 2871; Kennedy, No. 2872.

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

Mr. COVERDELL. For the information of all Senators, Senator DORGAN's will be a voice vote. Therefore, we expect 3 back-to-back votes at 2:15 today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself an additional 7 minutes.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. KENNEDY. Mr. President, let me review specifically exactly how this amendment works. Our amendment provides the States with \$1.7 billion by a formula—50 percent poverty, 50 percent population—to improve the teacher quality. States can keep up to 10 percent for State activities, including strategies to raise teacher salaries, re-

duce the number of teachers placed out of field, and reduce the number of emergency certified teachers.

Second, this guarantees that 56 percent of the funds that go to the States—\$960 million—is for professional development and mentoring, which provides for 200,000 new teachers a year. We know we need 2 million teachers over the next 10 years, or 200,000 a year. This will provide the mentoring for those 200,000 teachers each year. Funds go by formula to the districts on the basis of 75 percent poverty, 25 percent population. That allocation, in terms of poverty population, is basically noncontroversial. It is basically the formula we have used in the past and is the formula being used even under the current legislation being considered.

This guarantees that 30 percent of the funds that would go to the States for competitive local recruitment programs in high-need districts, to recruit and train highly qualified candidates.

Next, it guarantees that teachers are trained to address the needs of children with disabilities. None of the other teacher programs or teacher training programs ensures that we are going to have teachers who will be able to teach children with disabilities—it is enormously important.

It holds the States accountable for having a qualified teacher in every classroom within 4 years of enactment of the law.

It requires that the first \$300 million of the State grants go toward professional development, the mentoring and recruitment in the math and science area. There is an incredible need there. Ninety-five percent of urban districts report a critical need for math teachers; 98 percent report the need in science; 97 percent report a need for special education teachers. That is what the current reports are. That is why we have given focus in terms of the recruitment in math and science.

It also holds districts accountable for results. They must show progress in: improved student performance; increased participation in sustained professional development and mentoring; reduced beginning teacher attrition rate for the district and; reduced number of teachers who aren't certified or licensed and the number who are out-of-field teachers for the district.

Listen to what the Wall Street Journal reported on February 29:

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 the 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.

A school official in Edinburg, Indiana, says the contract the system signed this month

with Kelly simply acknowledges "they're more proficient than we are" in the temporary help arena. Temp outfits generally charge schools a premium while paying subs at the same rate as before.

That is what is happening in the United States of America. That is what is happening. Last year, 50,000 unqualified teachers were hired across the country and are appearing before classrooms of children today—50,000 hired last year appearing before them today. We ought to be able to say, OK, we only have a limited amount of resources; how are we going to be able to expend those resources effectively?

I believe the case has been made about having a well-qualified teacher in every classroom, having smaller class sizes, having afterschool programs that do so much in terms of helping and assisting children in doing homework and keeping the children out of trouble—a program, I might point out, that still has a broad opportunity to reach hundreds of thousands more children.

It is important to make sure we have the new technology, so children are able to learn with new computers. Various studies show that it takes time for teachers to get up to speed—not just in using the computers, but in training the teachers to use computers in ways that are going to be consistent with the curriculum they are trained to teach. We are not doing that.

And then we know there is obviously the pathway in continuing in higher education. These are the components and the elements that are being offered out here. The bottom line on the issue of accountability has been to make sure the scarce resources that we have are actually going to be utilized in an effective way with effective results.

I recognize that starting in 1965 when we started the ESEA program, we expended a good deal of resources and we didn't have the kind of accountability we should have had. But what we have seen is that over the period, particularly since the last reauthorization, where we are beginning to make some progress—measurable progress—we will hear speeches that, oh, no, we are not making progress, we are falling further behind. Certainly, there are some schools where progress still hasn't been made. But if you are looking across the board, we are making measurable progress. I think we should find out what is happening, and what is best to continue that measured progress.

When we look over the range of different activities that are out there today, how can we measure the activities? One of the important ways we measure it is by the various programs such as Project STAR in the State of Tennessee, where students in smaller class sizes performed better than student in large classes in each grade from kindergarten throughout third grade.

The second one, which I think should be self-evident and obvious, is having

teachers in front of classes who are qualified to teach in the subject matter.

The third is the afterschool programs that assist children with their homework, and offer availability and accessibility of computers to make sure they are going to keep up to speed with technology.

When we have limited resources and have an opportunity to focus some of these scarce resources on a needed national problem, we ought to be willing to consider what the overwhelming majority of thoughtful educators, Presidents, practitioners, and individuals who have studied education over the course of a lifetime have virtually unanimously recommended: Increasing teachers' knowledge of academic content and effective teaching skills through sustained, intensive professional development; mentoring programs to keep new teachers in the job; and recruitment programs to draw talented individuals into the teaching profession. That is really what our proposal does.

I see my colleague and friend, the Senator from New Mexico, Mr. BINGAMAN. I have stated many times, with the progress made in the various programs, that Senator BINGAMAN has been the leader in the Senate in making sure that whatever resources are going to be accounted for, are accounted for effectively in every one of these educational programs. He has done that in other programs as well but particularly in the education. We have incorporated his recommendations into this legislation. We know that at the end of the day we are going to have improved school performance, we are going to have teachers who are going to be able to teach and pass the State exams, and we know we are going to hold the States and local communities accountable.

I see him now. I would be glad to yield.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 25 minutes.

Mr. KENNEDY. I yield whatever time the Senator wishes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank Senator KENNEDY for his leadership on this and all of the issues that relate to education that we deal with in the Senate. I commend him particularly for this amendment that deals with teacher quality and recruiting and training the people who go into the teaching profession.

I think it is clear from the experience in my State—that is the experience that I come from and understand a little bit, at least—that we have too few funds available for the training of teachers, people who are already in the

workforce who need additional training, and people who are going into teaching. Clearly the Federal funds made available for that purpose meet a real need. Despite the fact a lot of money is spent on education nationally—I certainly concede a lot is—there are other pressures on local school boards. There are other pressures on States that tend to result in too little of the money going to train the teachers and going to upgrade their skill levels.

This amendment would ensure that at least a portion of the Federal funds we are providing to States for education go to this vital activity.

I think the amendment is absolutely crucial. I hope every Senator will vote for it.

When you look at all the factors that affect education, I think there are many studies which have concluded correctly that the factor, if you have to pick one, that is most significant in determining the quality of a child's education is the quality of the teacher and the training of that teacher to provide that instruction. This amendment goes directly to that. It says we need to keep our priorities straight when we spend public money. We need to be sure the funds go to what is most important in terms of improving the education of the children involved. That means training the teachers.

I compliment Senator KENNEDY very much for this amendment. I am very pleased to speak for it, and am very pleased to support it. I think this goes to the heart of what we are trying to do. It goes to the heart of the concern I hear all over my State from a lot of people about the inadequacies of our educational system.

We have a sad circumstance in my State. I have encountered something which we call a "permanent substitute." I go to school districts and they say: OK, you are trying to ensure that more of the accredited teachers are actually accredited to teach in the subjects they are teaching. That is not our problem. Our problem is we have people teaching on a semipermanent basis in our classrooms, and we call them "permanent substitutes." They not only are not qualified in the subject area they are being asked to teach, but they are not really qualified to be teaching. They haven't been accredited.

This is a sad commentary. You have to go through licensing procedures to be a hairdresser in our State. You have to go through licensing procedures to pursue virtually any career. We need to be sure we impose accountability on the teaching of professionals as well.

Teachers themselves want to see this happen. This is not an antiteacher proposal. This is something teachers themselves want to see more funds available for in training and upgrading their skills.

This is an amendment I strongly support. I commend Senator KENNEDY for proposing this amendment. I hope all Senators will review it carefully and will determine to support the amendment when it comes up for a vote.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from New Mexico for his statement. He has, as I mentioned, enormously contributed in terms of these accountability provisions.

Professional development, mentoring, and the recruitment have been found to be important and significant in communities across the country. Let me mention some of the examples.

Since the late 1980s, New York City's District 2 has invested in sustained, intensive, professional development and made it the central component for improving schools. The district believes student learning will increase as the knowledge of educators grows—and it is working. The investment has contributed to steady increases in student achievement and in 1996, student math scores were second in the city.

According to a recent study, the longer California math teachers engaged in ongoing, curriculum-centered and professional development, that supported a reform-oriented teaching practice, the better their students did on the State math assessments.

This demonstrates what is happening out there. It is happening in too few districts. Let's make sure we are going to do it in other places across the country.

In the area of mentoring and recruitment, in Illinois, the Golden Apple Scholars Program recruits promising young men and women for teaching professions by selecting them during their junior year in high school, then mentoring them through the rest of high school, college, and 5 years of actual teaching. Sixty of the Golden Apple scholars enter the teaching field each year; 90 percent of them are staying in the classroom compared to 50 percent of others dropping out within their first five years.

These are young people, recruited locally, involved through high school, attending various kinds of meetings and conferences on education, furthering their efforts through college, coming back to their communities.

I have visited programs similar to this in Dade County, FL. They have had extraordinary success locally. That is what we are talking about.

Project Promise at Colorado State University recruits prospective teachers from fields such as law, geology, chemistry, stock trading, and medicine. Current teachers mentor these new recruits in the first 2 years of teaching. More than 90 percent of the

recruits enter the field and 80 percent stay in the teaching for at least 5 years.

There are some very creative ways of recruiting. A North Carolina Teaching Fellows Program recruits talented high school students in the teaching profession with a minimum 1,100 SAT score, higher than 3.6 GPA, and in the top 10 percent of the class. The program provides \$5,000 per year for 4 years to 400 outstanding North Carolina high school seniors who agree to teach for 4 years, following graduation in one of the North Carolina public schools or U.S. Government schools. They find they are retaining some 90 percent of these teachers.

There is a similar program called Teach Boston, a collaborative effort between Boston Public Schools, Boston Private Industry Council, and Boston Teachers Union. They created model future teacher academies in two Boston high schools.

There are different ways of doing this. We give local communities the flexibility in the development of the programs. We say to those who want to do this kind of a program in their local community that there will be some resources that will be available to them.

The Hometown Program provides \$25 million to support the efforts of high-poverty school districts to recruit teachers as early as the high school to meet long-term teacher shortages. Currently, 20 districts—including Wichita, Milwaukee, Wayne County, North Carolina, and States, including South Carolina, Ohio, and Washington—have pipeline systems for long-term programs for teacher recruitment.

In South Carolina, between 35 and 40 percent of students who complete the State Teacher Cadet Corps either become or plan to become teachers. Currently, there are approximately 5,000 graduates of the Teacher Cadet Corps serving as teachers in South Carolina. Independent evaluators of the South Carolina program have found one former cadet entered college with a jump-start on the teacher education program, and two reported a higher rating than other teachers. They have raised standards for classmates in college.

In Wichita, KS, 70 participate in the Grow Your Own Teacher projects and completed their college education; 58 are currently employed as teachers in the Wichita public schools.

These programs are around the country but in too few places. We are saying we will provide some \$25 million to support those programs that have worked.

Finally, the success of the Troops to Teachers. They have hired over 3,600 teachers nationwide. These teachers are likely to be in math and science, and more likely to be minorities than the general recruitment of high school teachers. There are more than 85 percent male, compared to 25 percent na-

tionally—from the Troops to Teachers program. They are teaching in over 900 rural counties, 25 percent; 40 percent are in suburban areas; 40 percent in urban. They have an 82-percent retention rate, returning each year to teaching.

We have a significant expansion of that program. The opportunities are out there. California has hired nearly 300 teachers from the Troops to Teachers, including a former Navy pilot who used to hunt submarines and now faces two dozen kindergarten students. He says it does not pay as much but the job satisfaction is incredible. Florida hired 200 Troops to Teachers, including a former Navy instructor who now teaches honors algebra to high school students. The students say he gets excited and he definitely knows what he is talking about. The teacher took a pay cut but he enjoys the kids and enjoys the school.

Today, we are talking about Kelly Girls—or Kelly Men—as substitute teachers advertised in the Wall Street Journal this week. We are talking about limited resources.

We have recommended smaller class sizes, which are key and have demonstrated effectiveness; well-trained teachers, with the support of mentoring; professional development; afterschool programs; computer programs so children will not be left out or left behind; and strong accountability measures. We believe these are the ways we can make important difference in terms of enhancing the academic opportunities for children in this country.

My friend and colleague from the State of Washington has been our leader in moving this Nation toward smaller class sizes. Having visited a number of the schools in my own State of Massachusetts, it is making a major difference. We want to make sure that effort is going to be continued.

I yield such time as the Senator desires.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I am delighted to be on the floor with my colleague, Senator KENNEDY, to talk about an issue that many think is the most important issue facing America today. That is the issue of education. We are finally in the Senate talking about issues that are relevant to families. As they sit at the kitchen table in the evening, they, too, understand education is absolutely critical to the future of this country.

We are finally today with this amendment talking about a measure which will ensure that every teacher in this country is fully qualified and has the tools and the support to help our children reach their full potential. For years, parents and teachers have been asking for support on teacher quality.

Last year, I came to the Senate floor to introduce a bill to help recruit, re-

tain, and reward America's best educators. I am thrilled today to discuss many of the items in that bill. I hope we will have an up-or-down vote on this amendment so families across our country can see whether or not this Senate supports quality teaching.

I thank the Senator from Massachusetts for helping this day become possible and by leading to make education a front and center issue in this Congress, as it is in the classrooms and homes across America.

Before I discuss the specifics of the amendment, I wish to make another point loudly and clearly: Today there are thousands of world-class, high-quality teachers in our schools. They are professionals. They care deeply about the quality of our children's education. Any Member would be lucky to have our children in those classrooms.

However, the current system makes it harder and harder for teachers to do their best. Instead of offering them the support they need to make a difference—smaller classes, classrooms that are safe, afterschool care—this current system puts too many roadblocks in front of too many teachers.

We are here today to discuss teacher quality. I want my colleagues to keep in mind that we are not criticizing teachers. They are overworked and underpaid and not given enough respect. They are, indeed, heroes. We are trying to change the system to allow more teachers to become master teachers.

I hope throughout this debate my colleagues will refrain from attacking the very people who try their hardest day in and day out to help our children and do the right thing for our country. As I said many times before, teachers do one of the most important jobs in America, and we should make it easier, not harder, for them to do their best.

The amendment from the Senator from Massachusetts could not come at a better time because there are so many challenges to quality teaching, and those challenges just keep growing.

Teachers and parents have told me the main challenges are the three Rs: Recruiting great teachers, retaining great teachers, and rewarding great teachers. Statistics today show we need more educators to meet our growing student population. In fact, in the United States, we are expecting to face an unprecedented teacher shortage in the next few years. The National Center for Educational Statistics estimates we will need between 1.7 to 2.7 million new teachers by the year 2008.

One reason not many people want to go into the teaching profession is there are not enough incentives for recent college graduates to become teachers. With the wide range of employment opportunities available to young people today, to our college graduates, teaching is not the most attractive option. The teaching profession, as we all

know, is just not a lucrative place to be. In the USA Today Teacher Survey, 69 percent of teachers said most people do not consider teaching to be an attractive career choice. So we are not attracting enough talented people into the teaching profession.

As I am sure has happened to many of my colleagues, I have gone into a classroom and asked: How many of you young people intend to be a teacher? Very few hands go up. But if you ask those young people: How many of you would become teachers if you knew you would get the training, the support, the money, and the respect that other professionals get? A lot more hands in those classrooms go up. So our first challenge is recruiting young people into the teaching profession. That is what this amendment does.

Next, we need to retain great teachers. When you think about it, there really is nowhere for a great teacher to go. If they move up, they move out of the classroom into administration or into another profession. While we need great administrators, we should do everything we can to keep our really great teachers in the classrooms. We need to give our teachers options such as becoming master teachers, so they can continue to grow while helping our kids in their classrooms.

There are a lot of reasons for this retention problem. Unlike any other profession, teachers do not have adequate access to continuous high-quality professional development, so we need effective, ongoing professional development programs that are aligned with local standards and curricula.

Finally, we need to reward our good teachers.

Mr. President, I have come to the floor to thank Senator KENNEDY for his leadership on the most critical issue we see facing our students today—making sure every teacher in every classroom is a quality teacher. I thank my colleague from Massachusetts, and I urge my colleagues to support this critical amendment.

The PRESIDING OFFICER (Mr. ENZI). Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from Rhode Island.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. KENNEDY. Mr. President, I see the Senator from Minnesota. How much time do we have?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. KENNEDY. I have 5 minutes remaining.

Mr. WELLSTONE. I say to my colleague from Rhode Island, if he will give me 1 minute, I will be pleased for him to have the last 4 minutes.

Mr. REED. Surely. I yield 1 minute, or Senator KENNEDY does.

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank Senator KENNEDY for this amendment. I want to mention the part of this amendment I have had a chance to work on. I thank the Senator for letting me do this with him. It is the Teacher Corps part, where we basically put together a marriage of school districts that need teachers in certain areas along with schools of education. It is actually after students have already graduated, but they may want to go back and get certification, or they may be in their forties or fifties and go into teaching.

During that 2-year certification period, it will be tuition free if they agree to teach in these areas for 3 years. It is allocated to local needs, it puts everything together in a promising way, and it is good for inner-city and suburban schools. It puts the schools together with good teachers. Everybody agrees this is the key.

I yield.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of the Kennedy amendment. Senator KENNEDY has focused on one of the critical aspects of education reform in the United States; that is, improving the quality of teachers in this country. Teachers want this kind of assistance. If you ask them, they are universally disappointed in their opportunities to improve their skills as teachers.

Just a few days ago, in this debate we supported, in large part, Senator COLLINS' amendment to allow increased tax preferences for educational courses teachers might take. But that is just the surface. The way to reinvigorate and reform schools in this country is to improve the professional development in the classroom—not in graduate schools, not in taking correspondence courses, but getting those teachers in classrooms watching other qualified teachers, giving them the opportunity to participate with their principals in developing curricula, developing their own skills and their own attributes.

That is what the Kennedy legislation does. It calls for the incorporation in our schools of professional development that is embedded within the curriculum. It is consistent, sustained, long-term, throughout the academic year—indeed, throughout the entire year.

What is happening today? The reality is, teachers spend between 1 hour and 8 hours during the academic year on professional development. Most times, it is gathering in a big hall listening to a lecturer who the superintendent of the system thinks makes sense, but in some cases the teachers are wondering why they are at that location.

We can change that. Indeed, we must change that. Unless we improve the

quality of teaching—and I agree wholeheartedly with Senator MURRAY; we have excellent teachers in America—we will not respond to the challenges of this new century to prepare, in public schools, the best educated citizens of this country. Indeed, our first obligation has to be this effort to reform and reinvigorate and reignite the quality of excellence in our public education system throughout the country.

The underlying proposal does not do that. It essentially siphons off dollars to those, principally wealthy, Americans who choose to send their children to private schools. Our obligation, I believe very fervently, is to ensure there is a real choice so that, indeed, there are excellent public schools and an American family can choose those excellent public schools or a private, independent or parochial school. But until we have excellent public education throughout this country, we are failing in a fundamental obligation we have to our country and to our citizens.

One of the best ways to assure excellent public education is the way that has been suggested by the amendment of the Senator from Massachusetts, and that is to provide professional development that is sustained, embedded in a classroom, that calls upon mentoring, that calls upon all the things we are learning from the real world.

We are learning from observing places such as district II in New York City, which is committed to this type of professional development. I had a chance to visit with a school in that district and listen and watch the teachers as they discussed among themselves the issues that were critical as they developed new curricula, as they talked about new strategies. This is what is going to improve the quality of our teaching. When we do this, we will improve the quality of education throughout the entire country.

This is also what we heard at hearings during consideration of the ESEA. We heard experts from around the country, teachers from around the country, coming to tell us they need more support for this type of professional development. If we are really, fundamentally asking ourselves how we can improve education in this country, it is not through a tax credit device that will essentially subsidize, on average, wealthy Americans to send their children to private schools; it is investing in teachers in our public schools so they will be able to educate this generation of Americans to continue the leadership role of this Nation in the world in this new century.

I emphatically and fervently support the Kennedy amendment. I urge its adoption.

The PRESIDING OFFICER. All time now is controlled by the Senator from Georgia.

Mr. COVERDELL. Mr. President, I am glad the Senator from Rhode Island

is here. I did not have a chance to respond to his remarks the other day on the education savings account, and we do have a fairly significant disagreement, beyond the philosophy, over some of the data. I think we are making headway on this.

The implication that the education savings account is a vehicle for people who drive around in limousines is inaccurate. The Joint Tax Committee has found the education savings accounts would be used 14 million times over, it would be used by 14 million families, 70 percent of whom have incomes of \$75,000 or less.

More importantly, though, the point I want to make—and I am not going to dwell on this because I know we have our differences—is that several years ago the President and the Congress passed the higher education savings account. It was for \$500. The criteria for the families who could use those accounts are the identical criteria being used for these education savings accounts. There is no difference.

I take some issue with the fact we in Congress and the President are applauding this wonderful account we have set up for higher education for \$500, and yet on an identical scope of use for this savings account, it somehow gets into class warfare.

All that has happened is we have taken a \$500 account we all passed and applauded and said it could be expanded to \$2,000 or four times. If a family chooses to, they can use it in kindergarten through high school. The odds are the majority of them will use it just as the higher education savings account does, for college.

I did want to make that point. It has come up several times.

I am the only one who has time, but I yield a few minutes to my colleague from Rhode Island to respond.

Mr. REED. Mr. President, I respect the Senator's efforts to try to improve education. We may very well disagree on the philosophy.

In specific response to his question about the Joint Tax Committee studies, I think there is a difference between coverage and effect. The coverage might include a broad range of American families, from the very wealthiest to low-income families, but the effects—who gets the benefits—are decisively skewed toward very wealthy Americans.

That same tax analysis in 1998 showed that 7 percent of families who have children in private schools who use this provision will receive 52 percent of the tax benefit and the other 93 percent of the families will receive 48 percent.

Frankly, the way, as we all realize, the tax structure is established, tax credits and tax benefits are more beneficial to the higher income level, unless they are particularly targeted to low-income citizens. These are not.

Essentially, what we have is, yes, low-income families and medium-income families will, in fact, be able to get some benefits. It has been estimated that over 4 years, this benefit to the average family is about \$20. The benefit for very wealthy Americans will be significantly more.

Again, this might be more anecdotal than analytical. If you look at the population of students going to private schools, they generally come from upper-middle-income to upper-income families because of the nature of funding.

I know the Senator wants his time. Let me make a quick point. When we start making these comparisons between higher education and elementary and secondary education, not only do we have a principle difference, i.e., we have a fundamental obligation to elementary and secondary education, do we have the same to higher education? We can disagree about that.

The other thing we have to do is put it in context. The tax benefits in higher education are on top of Pell grants which are specifically directed at low-income parents. They are really, if you will, icing on the cake, and the cake is really Pell grants, Stafford loans—a whole panoply of higher education benefits which we supported for years and years. To make the transfer or analogy of it is just like what we do for higher education, it is not only philosophically questionable but also, in terms of the context, questionable. I thank the Senator for his time.

Mr. COVERDELL. Mr. President, I will respond briefly because the clock is running. The demographics in parochial schools and private schools—and we studied this very closely—are within 10 percent, the same as demographics in public schools. Parochial schools, for example, in New York, have identical demographics as the public schools. Sixty percent in parochial schools make \$50,000 or less. The idea that people in these parochial or private schools are somehow a class of wealth is, I believe, not correct and cannot be substantiated, No. 1.

No. 2, 70 percent of the families who use this education savings account are going to be in public schools; 30 percent in private. The funds the Senator from Rhode Island describes are pretty much evenly divided. I suspect because people in private schools are still paying local property taxes for public schools, they have a higher hurdle, and it does make them save more. This is a debate we can continue at another time. I appreciate the Senator's response. I give him 1 minute.

Mr. REED. Mr. President, I am not familiar with the data about New York parochial schools, but I am very eager to look at it, if the Senator will provide it.

Mr. COVERDELL. I will be glad to.

Mr. REED. Second, it is one of those things: What do you measure? Do you

measure parochial schools in New York City or are you measuring all the private schools, very exclusive schools? All I can speak to with great compulsion and experience is in my home State of Rhode Island, generally speaking, the parochial schools mirror some of the public school systems. But when you go to some of the private schools, that is not quite the case. I suggest if it is not limited to parochial schools, it is going to be taken advantage of.

Mr. COVERDELL. I will show the Senator the data. We all see private schools that stand out. That is what forms the image. I am saying when you look at all the private schools across the country, you come up with a lot of people who do not have many resources.

We will discuss this at a further time. To explain to my good friend from Nevada, I am going to talk for 5 minutes and then yield back our time. It would then be appropriate, in the queue of events, that we move to Senator BOXER.

Mr. President, with regard to the Kennedy amendment, which I have here, this amendment was laid down yesterday in the Health, Education, Labor, and Pensions Committee. It is the first amendment that was offered in the committee, and it is in the process of being discussed.

There are controversies in it. Folks on our side think, once again, it is a story of mandates and regulations and instructions to local schools about how to manage the affairs at the local level. The appropriate place for this amendment to be decided is in the committee of jurisdiction.

The other point I want to make, and I have made it repeatedly, is that this is about the fifth or sixth attempt by the other side to come to the Senate floor with what are very laudable ideas, but they are all constructed in a way that is either/or. If we adopt the Kennedy amendment or any one of these other five amendments we have been dealing with for the last several days, the main effect is to cancel the education savings account.

If we do that, we are saying to 14 million American families: Sorry, we are not going to let you create an education savings account. These happen to be the parents of 20 million children, which is almost half the school population. No deal; we are not interested in letting your families create education savings accounts that will direct money to your specific needs and, most important of all, they blow away, they open the safe and run off with \$12 billion of savings that would occur with these education savings accounts for families to use for educational purposes anywhere from kindergarten through college and beyond college, frankly, if there was a disability incurred.

The amendment, while it may be laudable—maybe it will be adopted in

committee—the way it is designed is to destroy the opportunity to empower 14 million families and parents who are raising 20 million children and their attempts to save money to help them get that job done.

Obviously, we will, once again, when the appropriate time for voting comes, oppose this amendment, not necessarily on its merits—the committee will decide that—but because its main purpose is to destroy the education savings account.

Mr. President, I yield back the remainder of our time on the Kennedy amendment. I believe the other side has chosen to go ahead with the Boxer amendment at this time.

Mr. President, I ask unanimous consent to set the Kennedy amendment aside, which was envisioned in the unanimous consent request we propounded a few minutes ago.

Mr. REID. Mr. President, I ask for the yeas and nays on the Kennedy amendment prior to it being set aside.

The PRESIDING OFFICER (Mr. BUNNING). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The Senator from California.

Mrs. BOXER. Mr. President, I thank the managers for accommodating me. I have been waiting for a while.

AMENDMENT NO. 2873

(Purpose: To express the sense of the Senate on improving the learning environment by ensuring safe schools)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. SCHUMER, Mr. LEVIN, Mr. JOHNSON, and Mr. ROBB, proposes an amendment numbered 2873:

At the appropriate place, add the following:

**SEC. . SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.**

(a) FINDINGS.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) Any education measure passed by Congress is undermined by violence in the schools.

(3) The February 29, 2000 shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that the tragic gun violence in America's schools continues.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) Every day in America, on average, between 12 and 13 children under the age of 18 die of gunshots from homicides, accidental shootings, and suicides.

(6) In the 10½ months since the shooting at Columbine High School in Littleton, Colorado, the United States Congress has failed to pass reasonable, common-sense gun con-

trol measures that would help to make schools safer, improve the learning environment, and stem the tide of gun violence in America.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that before April 20, 2000, Congress shall make schools safe for learning by implementing policies that will reduce the threat of gun violence in schools.

Mrs. BOXER. I thank the clerk for reading the amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, this is a very simple amendment. It is a commonsense amendment. It is an opportunity for the Senate to be heard on the issue of gun violence.

I thought we were making progress after Littleton when we passed—a month after Littleton—a number of very important, commonsense gun control measures. We have yet to see those measures come back to us for final passage. We have yet to see those measures come back to us from conference. We have yet to see an interest on the part of the majority to move these important, commonsense gun control measures.

I am hopeful that this sense of the Senate, which calls on the Congress to act by the year anniversary of Littleton, will have some meaning to people. I trust this will pass 100-0.

Children in schools have a right to be safe. It is very fundamental that they be safe, almost as fundamental as their right to a free public education.

A safe school is essential to ensuring an environment where children can learn. We can stand here, from morning until night, with great ideas on education. Governors can come up with their own proposals on education. Local school districts can do the same. But if there is a shooting in a school, no one learns. The only thing they learn is tragedy, at an age way too young to deal with it.

We have an unacceptable situation in our country. If children sit in a classroom wondering if they are going to hear gunshots in the schoolyard or in the hallway, they cannot concentrate on a math problem in their classroom.

Again, I know the Senator from Georgia believes very strongly in his education savings account legislation. I know that we all have issues we want to put forward: smaller class sizes, rebuilding our broken-down schools. We all have a tremendous interest in improving education. But it means nothing when violence invades our schools and children are hurt or they die—schools are closed; education is disrupted. None of it means much if we cannot at least ensure safety.

As we said in the resolution, in the last 12 months, at least 50 people have

been killed or injured in school shootings. This week it was a little 6-year-old girl who was killed in an elementary school in Michigan. My God, what is it going to take for this Senate to act? A 6-year-old child gets a gun and kills a classmate. He got the gun because an adult left it lying around. There was no trigger lock.

We have a bill dealing with that; it has been tied up. I do not think that is a very radical proposal. I do not think it is a dangerous proposal to put a child safety lock on a gun. That child would have brought the gun to school, it would not have gone off, and a child would not be dead. We would not have to see these children, at a tender age—a tender, tender age—I have a 4½-year-old grandchild, and I just think about the horror of a child at that age, 5½ or 6 or 7 dealing with this kind of violence. It is wrong. It is unacceptable.

Last December, it was four middle school students who were injured by gunfire in a middle school in Oklahoma.

Last November, it was a 13-year-old girl who was shot in the head in a New Mexico school.

Last May, six students were injured at a high school in Georgia.

Of course, last April, 15 people died and 23 more were injured in Columbine High School in Littleton, CO. Anyone who has watched the followup stories in that community knows that the injuries done then are not fading. They have torn that community apart.

What are we waiting for? Sensible gun control legislation was passed by this Senate. The Vice President, AL GORE, cast a tie-breaking vote on closing the gun show loophole so people who should not have a gun would not be able to get a gun. I do not know what it will take for this Senate to act.

I see a couple of my friends who have come to the floor to discuss this issue with me.

Yesterday, there was a multiple shooting outside Pittsburgh.

There was a shooting in September in a Baptist church in Texas.

Last September, there was a shooting in the West Anaheim Medical Center in California.

Last August, there was a shooting at the North Valley Jewish Community Center's day-care center in Los Angeles. Will we ever forget those children, holding the hands of the police officers—babies trying to cope with what was going on.

Last April, there was a shooting at the Mormon Family History Library in Salt Lake City.

These bullets are randomly shot. It does not matter how old you are. If you are there, you are in trouble.

This is chaos, my friends. What did we do after Littleton? We came together. We passed gun control measures that are very sound. They are reasonable, they are moderate, and they

will keep guns out of the hands of children. They will keep guns out of the hands of criminals. They will keep guns out of the hands of people who are mentally ill. They will not take guns out of the hands of people who need to have a gun to protect themselves, who are upstanding citizens.

So what are we waiting for? More and more of these deaths?

I ask my friends from California, Illinois, and Michigan how much time they would like to take on this? I am delighted to yield to them. Why don't they give me that information, and then we will set up an order.

Mrs. FEINSTEIN. If it is convenient, 10 minutes.

Mr. DURBIN. Five minutes.

Mr. LEVIN. Three minutes.

Mrs. BOXER. Done. Why don't we start with Senator LEVIN. I yield him 3 minutes of my time. We will then go to Senator DURBIN and then Senator FEINSTEIN. Then I will take it back and close the debate.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from California for raising the question of the proliferation of guns and gun violence in our schools as we debate education on the Senate floor. We should not be debating education without addressing the question of the gun violence which strikes so many of our schools.

It has now been almost a year since the deadly shooting at Columbine. The images of Columbine's teenagers clinging for life and screaming in terror are forever printed in our minds. Not many of us could forget the horror of those scenes as they unfolded before us on national television. Yet somehow it seems that Congress has forgotten the unforgettable.

Now, in yet another school shooting, the tragic, senseless death of another child—this time in my home State of Michigan—has reminded us of the terror of gun violence and the toll it takes on young people.

According to a press report, the shooting stunned even gun control advocates immersed in the details of school violence. If a 6-year-old can get a gun, they said, the problem is worse than anyone thought. The first grade shooting that occurred this week in Mount Morris Township near Flint, MI, is surely shocking because of the nature of the circumstances: An alleged 6-year-old gunman living in a house with easy accessibility to guns and little comprehension of the consequences of his actions. No one can really any longer claim shock or surprise that another young life was lost to gun violence. No one can any longer claim shock or surprise that another one of our children did not make it home from school.

We have known, long before Columbine, that gun violence claims the

lives of 12 children, on average, each day. We know gun violence results in injury and death, destroys families, and causes lasting psychological and emotional harm. Buell Elementary's counselors will now try to cope with the trauma that comes when schoolchildren shoot schoolchildren. Too many other districts now know that violence and the fear of violence is not only devastating to the children and the families involved, it can also infect the learning environment. We cannot allow ourselves to become desensitized to the tragedies of gun violence. As a Detroit Free Press writer put it:

[At Buell] the first-grade classroom, so vibrant with the piping voices of children early Tuesday morning, had been commandeered by police detectives, searching for the meaning behind the unthinkable.

Congress must pass gun safety legislation before more children's voices are silenced by the sounds of gunfire and sirens.

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

Mr. LEVIN. I thank my good friend from California for her leadership. It is critically important that this issue be raised at this time.

Mrs. BOXER. I thank my friend from Michigan.

My friend from Illinois wanted 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I totally support this resolution.

Could one imagine the Senate today debating education and ignoring the obvious? When the front-page headlines, news story after news story, remind us that mere infants now have access to handguns, that a 6-year-old can take a handgun to school and kill your son, your daughter, grandson, and granddaughter, is this America? Is this the best we can do? I think we can do a lot better.

Senator BOXER challenges this Senate to go on record when it comes to school safety. I support her completely. It is important to talk about how you pay for schools. It is important to talk about the qualifications of teachers and how many kids are in a classroom and whether you have access to the Internet. But the most important question is whether you can send that little child you love to school in the morning and expect them to come home safely at night. That is why this resolution is important. Before we start talking about the finer points of improving education, let us first dedicate ourselves to safety in classrooms across America.

I will support her resolution. It should receive a unanimous vote. Who in the world can stand here and say we should not be on record against the school violence we find taking place more and more every single day? A little later on in this debate, I will offer

a specific grant program through the Department of Education to deal with school violence and gun violence.

Make no mistake about it, that 6-year-old didn't go out and purchase that handgun. Some adult failed in their responsibility. I don't know the circumstances; maybe we will never know the circumstances. But time and again, children are getting access to guns with tragic results. Many times, they take them down from the top shelf in the closet and play with them, either harming themselves or another classmate or another one of their friends who ordinarily visits the home. Then the sad stories when they take them to school. What we saw in Michigan is not an exception; it is happening more and more.

My wife and I decided early on never to have a firearm in the house as long as our kids were small. We just thought it was too dangerous. That was our family decision. But even though we made that decision, it didn't cross my mind until much later to really wonder what the parents of my kids' friends had decided. That happens, too. Your little boy or girl goes to the house next door to play, and you don't know what those kids are doing. How many times do you pick up the newspaper and read about kids playing with guns and one kid being injured? It happens too often.

In this case, we are finding more and more that kids are picking up these guns and carrying them to school, where they find victims in their classmates and teachers. This isn't an isolated situation. Those who want to dismiss it and say, come on, you are just responding to a single headline, ignore the obvious.

The U.S. Department of Education, in the 1997-98 school year, found that 3,930 children in schools across America were expelled for bringing guns to school. Almost 4,000 kids in that school year brought guns to school across America. I am glad to say that very few of them resulted in death, but think about the potential for disaster and tragedy.

I sincerely hope—and I mean this, though I fought the gun lobby and the National Rifle Association every step of the way—that for once they will have a heart and the good sense to support this resolution that says, as a matter of policy, before we talk about education and its future, we will talk about the safety of kids in the classroom.

Take a look at the language in this resolution. In the last 12 months, 50 people killed or injured in school shootings in America. Every day, on average, between 12 and 13 children under the age of 18 die from gunshots, from homicides, drive-by shootings, accidental shootings, and suicides.

America has made a decision. We have decided as a nation that people

can own guns, legally, constitutionally; they have the right to do so. But make no mistake, an obligation comes with the ownership of those guns, not just to buy them, not just to buy the ammunition, not just to own them and use them for sport or hunting, but to store them safely.

I have introduced legislation called the child access prevention law. It says that, as with 17 States across America, the whole Nation should be held to a standard where gun owners keep their guns away from kids. It is not enough to put it on the top shelf in the closet or to put it in a drawer by the night stand because, mark my words, kids are always going to find Christmas gifts and guns no matter where we put them.

And any adult owner who believes they have hidden them and the kids will never find them ignores reality.

Mrs. BOXER. I yield the Senator 1 more minute. I hope he will leave time for me to ask him a question.

Mr. DURBIN. Mr. President, I hope the Senate goes on record unanimously, on a bipartisan basis. If it doesn't, I hope families across America who are worried about the safety of their kids ask each and every Senator how we can vote against a resolution saying we are going to make it a national priority in the sense of the Senate to make schools safe and implement policies that reduce the threat of gun violence.

I yield for a question.

Mrs. BOXER. I just want to share with the Senator two numbers because he had a lot of important statistics. This is from Time magazine: Fifty percent of children ages 9 to 17 are worried about dying young, and 31 percent of children ages 12 to 17 know someone their age who carries a gun. I ask my friend to respond to that, and take as much time as he needs, and then we will yield 10 minutes to Senator FEINSTEIN.

Mr. DURBIN. Mr. President, it is a sad reality that with the proliferation of over 200 million guns in America, more and more children who, in my generation, would be the schoolyard bullies are now the kids bringing guns to school, and other children know it. They know about the easy access to these weapons. The kid who used to go out in the schoolyard and punch somebody in the nose now turns out to be the kid who brings the gun to school. It is a sad reality, one that every family in America faces.

I don't care if you live in California, Illinois, or Michigan; there is not a school district or a child we can be sure is safe today until we take measures to restore sanity to the classrooms across America, to protect not only the kids but the teachers and all of the parents who share, as we do, the love for these children.

I thank the Senator from California for her leadership.

Mrs. BOXER. I thank the Senator from Illinois for his leadership.

I yield to my colleague, the senior Senator from California, who, I think it is important to note, brought us our first victory on commonsense gun control several years ago with her assault weapons ban. She has kept on this issue continuously, and I am very honored that she is here to speak in connection with this sense of the Senate.

I yield to Senator FEINSTEIN for 10 minutes.

The PRESIDING OFFICER. The senior Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank my colleague, Senator BOXER from California, for her leadership and for this sense-of-the-Senate resolution, which I am very happy to support fully.

Today, I received a packet of letters. They are from fourth and fifth grade children. I want to read just a few parts of these letters:

My name is Nikki. \* \* \* I am 11 years old. \* \* \* No one in my household has a gun, not one of them. \* \* \* One day, I saw a neighbor of mine get shot on her way to the candy house. She got shot 4 times. She got shot 3 times in her side and once in her leg. Now she's paralyzed for life. That really hurt me and a lot of other people. She was only 12 years old and she was a nice girl.

Here is another one:

I am Talia and I am 11 years of age. And when I'm coming home from school, I see little 13 year old teenagers playing with guns like it's a thing to do. I walk across the street to go get some ketchup for my cousin's house and I see people dragged into the \* \* \* park.

\* \* \* We're little kids. We need to live in a safer community and this is not safe. So write to all the gun stores and let them know what kids think about guns.

Here is another one:

My opinion is no people should have guns, because one day in the summer that passed this girl was in her house. Then a man dragged her out of her house up the stairs. After he punched her and shot her in the leg, she had a hole in her leg. The police and ambulance had to come and wrapped her leg up.

\* \* \* I want the Senator to make guns no more. No more guns in this world.

Here is another one:

I am a fifth grader. And mainly every year I hear at least 20 gunshots. I am scared at night because I think it's going to be a drive-by. I even sometimes can't go outside to recess because gunshots are heard.

Here is another one:

My name is Justin. I am in the fifth grade. \* \* \* At night in my neighborhood there are gunshots and sometimes it keeps me awake. When I walk home from school, there is gangs in one spot and another gang in another spot.

Could you please help and make guns illegal? All the kids in my class want you to help. If you help, then I thank you very much.

Here is another one:

What I know about guns and gun control is to not let guns get into the wrong hands.

\* \* \* What I want is to not let guns get in the wrong hands. To let it not go to people

that just came out of prison to get payback. That is what I want and I hope you can do something about this and I want support of gun control laws.

Here is another one:

\* \* \* When I was 3 years old, I saw a black and silver gun. When I saw it, I ran in my house and saw the person get shot by it. I was so scared I cried my eyes out. So please support us.

Another one:

\* \* \* I think you should stop people from shooting other people. People should have to get a license and people should have to have a background check for getting guns. Please support gun control laws.

Another one:

\* \* \* My experiences are hearing guns, like one day when it was my Aunt's birthday, we were all in the house looking out the window. We had seen this man on top of the hill. He had a gun. Then he just started to point it and then he started to shoot. We all had to drop to the floor. It was scary.

What I want is only the police to have guns because they're the only ones who's using them right. I want you to vote to have only police have guns, it's just right. And if police are not using them right, please take them away. I want gun control over guns.

Another one:

\* \* \* I am 10 years old. And I have seen people shoot another person. One night I had heard gunshots. I looked out the window and saw a man running, and another man lying on the street. He was shot about fifty times. My uncle was shot on Christmas night on his way home from work.

Ladies and gentlemen of the Senate, this is the real world. This is what is happening out there. How can we stand by and not do anything?

I speak as a member of the Senate Judiciary Committee. I have been on this committee for as long as I have been in the Senate. I am a supporter of the juvenile justice bill. That day when we debated four commonsense, targeted gun measures—all of them, I thought, no-brainers—I was so proud to be a Member of this body. I remember that Senator JOHN ASHCROFT moved an amendment to say that youngsters, children, could not buy assault weapons. That was a no-brainer. It went through this body. The second amendment was on trigger locks. My colleague from California and others in this body have championed that—that is, that guns should have trigger locks. That way, a 6-year-old can't use the gun.

A 5-year-old from Memphis, TN, took a gun to school to kill his kindergarten teacher because the teacher gave him a "time-out" the day before. A simple \$15 gun lock, or trigger lock, would have stopped that from happening. That was the second measure. Plugging the gun show loophole so that children from a school can't go to a gun show and buy a gun, no questions asked, was the third one.

The fourth one was mine, to prohibit the importation of these big clips that are coming in from all over the world by the tens of millions. Some of them are as big as 250 rounds.

Those are four simple, commonsense, targeted gun regulations. And what has happened? Nothing. The children from Columbine came here and they begged for help, as did the children in these letters, and what happens? Nothing. I talk to Members of the Senate and I ask, "Why is nothing happening?" They tell me that the Gun Owners of America are really resolved that they don't want any legislation.

We say the time has come to recognize that the majority of our people have certain basic rights—that our children have the right to go to school without fear, that our children have the right to sleep without hearing gunshots, that you have the right to walk down the street and not fear getting killed by a drive-by shooter.

In Los Angeles, in the last 16 years, over 7,000 people have been killed by drive-by shooters. That is what the plethora, the abundance, the avalanche of guns in this country is doing to the real world outside of this beltway.

I say to those who yield to this special, unrelenting interest that says, "You either vote our way or we will defeat you at the polls," that the American people have had enough, and the time has come to pass some targeted, commonsense regulations.

The resolution of my colleague from California is a beginning. It at least puts us on record. Hopefully, if it should pass, it will send a message to the Judiciary Conference Committee of both these noble Houses. That message is: Pass the juvenile justice bill, and pass these four targeted measures.

I defy any Member of this House or the other House to tell me that the second amendment of the Constitution of the United States prohibits the regulation of firearms.

Let me add one thing. Today in gun shops all around this great country they are selling .50 caliber weapons, a military weapon, a weapon capable of sending a bullet 4 miles, a weapon capable of producing a shot that can go through a concrete wall. Tell me that we need weapons such as this in a civilized society. Tell me that the second amendment of the Constitution prevents us from regulating firearms. Tell me that these children begging to be safe and to not hear gunshots at night, to not get shot in the car, and not to stand in a living room and have a bullet come through their wall are wrong.

I thank the Senator from California for her good work. I add my support.

I yield the floor \*\*\*\*\*

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifteen minutes.

Mrs. BOXER. Thank you, Mr. President.

I say to my friend from California how proud I am to have her support.

She brought to the floor of the Senate today the voices of the children. How can we possibly have a bill dealing with education that doesn't address these voices begging us to act?

I am so pleased she took the time because I know she has another amendment which she has to get ready for. I appreciate the Senator coming over to the floor.

Thirteen children every single day are killed by gun violence—13 innocent lives. There is not one Senator who doesn't agree with the statement that our children are our future. How many times do we put that in our speeches?

I am saddened that I don't see Members from the other side of the aisle on the floor. I don't understand why we don't have unanimity in this. In April, it is going to be a year since the tragedy of Columbine. The vision of that tragedy is on everyone's mind—the young man, not even 18 years old, trying to get out of the window of a school library with his limbs dangling from the injuries he received, the faces of the parents, and the tearing apart of that community, which has been happening ever since that tragedy. If we don't act by that date, we don't deserve to be here.

I agree with Senator FEINSTEIN. This is harsh talk, yes. But what are we here for if we are not protecting our citizens and our children? What could be more important? An education savings account that gives people \$7 a year? That is lovely. Great. But what does it mean if they lose the child for whom they are saving this money?

This is in many ways, yes, an emotional issue. It is frustrating for so many of us.

Senator FEINSTEIN told you about the four commonsense gun control measures that were voted out of the Judiciary Committee and that passed on this floor. There was one more that requires the Federal Trade Commission and the Attorney General to study the gun industry's marketing practices for children. I think the American people would be stunned to know these manufacturers are now producing shocking pink guns and green guns and guns that look like camouflage. They are making real guns now look like toy guns. We used to have a problem with toy guns looking like real guns. Now they are making real guns look like toy guns. That needs to be studied, too.

This is an amazing place. I offered the simplest amendment to an appropriations bill that passed unanimously. All it said was, if you are obviously inebriated—in other words, drunk—you cannot walk into a gun store and buy a weapon. Talk about a no-brainer.

We already have a law that says if the vendor thinks you are high on drugs, you can't buy a gun. So we said: Gee, this must have been an oversight. And after a little bit of debate, the other side said: Oh, OK. That is fine.

They asked if I thought there ought to be a breathalyzer test. No. Of course not; this is just common sense. If you walk in and you are, obviously, inebriated such that it is obvious to the vendor, he or she cannot sell you a gun. It passed unanimously. But something happened on the way out of the conference. When the bill came back—the appropriations bill for Commerce-State-Justice—guess what was missing? This amendment. A simple amendment such as that was dropped because the NRA didn't like it.

Let us not be vague about this. This is what it was.

We have to start thinking about the welfare of the people of this country, the welfare of the children of this country, the well-being of the families of this country, and the well-being of the students of this country ahead of some special interest group that has it in its head that because you would enact a few sensible gun control measures you are threatening the country. No one is threatening the country.

Our European friends look at us; they cannot believe it. Our Japanese friends look at us; they cannot believe it because of these rates of death.

To me it is not even common sense to argue with them that we are right and they are wrong. This is from 1996: New Zealand, 2 people were murdered by guns; in Australia, 13; in Japan, 15; in Great Britain, 30; Canada, 106 in that year; Germany, 213; and, in the United States, in that same year, 9,390 of us died by gunshot wounds.

What are we doing? Nothing is the answer. We are doing nothing because of a special interest that gives a lot of money.

This is a war that is going on in this country. In 11 years of the Vietnam war, which was a tragedy, 58,168 of our citizens were killed. Their families will never be the same and they have never been the same.

Mr. President, 58,168 of our brave men and women were killed in 11 years of the Vietnam war where this country came to its knees. Do you know how many gun deaths there were in America in 11 years? 396,572. Let me say that again: In 11 years of the Vietnam war, roughly 58,000 deaths; in 11 years of gun violence rampant in our country, 396,000-plus deaths.

Does it make any sense that our country would come to its knees over the Vietnam war—as we all did, whatever side one was on—and have the biggest debate we have ever had in the history of our country over a war—many Members got into politics because of that situation—and yet with 396,572 gun deaths in America over the same period of time we cannot get out of the conference committee five commonsense gun control measures?

It is not to be believed.

In 49 days it will be the 1-year anniversary of Columbine. In this sensible

measure before the Senate, we are calling for the President, the Senate, and the House to work together and get these commonsense proposals into law. That must be the finish line. Mr. President, 49 days; that is a long time. It is enough time to do this job. After all, these proposals have gone through rigorous debate and they have passed.

It is the sense of the Senate that before April 20, 2000, Congress shall make schools safe for learning by implementing policies that will reduce the threat of gun violence in the schools.

Pretty simple.

I ask unanimous consent to have printed in the RECORD a listing of the recent school shootings in our Nation

and, in addition, a list of the multiple shootings in general, in public places such as McDonald's.

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

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

#### RECENT SCHOOL SHOOTINGS

Date	Location	Deaths	Injuries
February 2, 1996	Moses Lake, Washington	3 (2 students; 1 faculty)	1 (student)
February 19, 1997	Bethel, Alaska	2 (1 student; 1 faculty)	2 (students)
October 1, 1997	Pearl, Mississippi	2 (students) (also killed mother at home)	7 (students)
December 1, 1997	West Paducah, Kentucky	3 (students)	5 (students)
March 24, 1998	Jonesboro, Arkansas	5 (4 students; 1 faculty)	10 (students)
April 24, 1998	Edinboro, Pennsylvania	1 (faculty)	
April 28, 1998	Pomona, California	2 (students)	1 (student)
May 19, 1998	Fayetteville, Tennessee	1 (student)	
May 21, 1998	Houston, Texas		1 (student)
May 21, 1998	Springfield, Oregon	2 (students) (also killed parents at home)	
June 15, 1998	Richmond, Virginia		2 (faculty)
April 20, 1999	Littleton, Colorado	15 (14 students; 1 faculty) (includes the shooters)	23 (students)
May 20, 1999	Conyers, Georgia		6 (students)
November 19, 1999	Deming, New Mexico	1 (student)	
December 6, 1999	Fort Gibson, Oklahoma		4 (students)
February 29, 2000	Mt. Morris Township, Michigan	1 (student)	

#### 1999 MULTIPLE SHOOTINGS

January 14, office building, Salt Lake City, Utah: *1 dead; 1 injured.*

March 18, law office, Johnson City, Tennessee: *2 dead.*

April 15, Mormon Family History Library, Salt Lake City, Utah: *3 dead, including gunman (who was shot by police); 4 injured.*

April 20, Columbine High School, Littleton, Colorado: *15 dead, including the two teenage gunmen; 23 injured.*

May 20, Heritage High School, Conyers, Georgia: *6 injured.*

June 3, grocery store, Las Vegas, Nevada: *4 dead.*

June 11, psychiatrist's clinic, Southfield, Michigan: *3 dead, including the gunman; 4 injured.*

July 12, private home, Atlanta, Georgia: *7 dead, including the gunman.*

July 29, two brokerage firms, Atlanta, Georgia: *10 dead, including the gunman; 13 injured.*

August 5, two office buildings, Pelham, Alabama: *3 dead.*

August 10, North Valley Jewish Community Center, Los Angeles, California: *5 injured (postal worker killed later).*

September 14, West Anaheim Medical Center, Anaheim, California: *3 dead.*

September 15, Wedgwood Baptist Church, Fort Worth, Texas: *7 dead, including gunman; 7 injured.*

November 2, office building, Honolulu, Hawaii: *7 dead.*

November 3, office building, Seattle, Washington: *2 dead; 2 injured.*

December 6, Fort Gibson Middle School, Fort Gibson, Oklahoma: *4 injured.*

Mr. BOXER. I am very proud that Senators came to the floor, with their very busy schedules, on behalf of this amendment.

Again, I don't know whether the Republican side of the aisle will support this amendment. I hope they will. I cannot imagine why they would fail to support it. I want to have a vote on this. I want everyone to be on record. If they vote for this, they are saying that by April 20 we should have these proposals back before the Senate on the way to the President's desk.

How many more shootings is it going to take? How many more people have to write condolence notes or call parents and families? I trust, my friends, that we will not take any more time. We have done the heavy lifting. We have had the debate. We have had the Vice President in the Chair. He has cast the tie-breaking vote so that we can close the gun show loophole. God bless him for that. Without him in that Chair, that would not have happened. Closing that gun show loophole means people who are mentally imbalanced, people with a criminal record, people who are underage, will not get guns.

I could spend a long time on this floor reading more into the record about these instances that have occurred in our Nation, but I think I have said what I have to say. I trust the other side will not offer a second-degree amendment to this. I trust the other side will reach over and take the hand of those on this side of the aisle who believe it is important to work on this in a bipartisan fashion.

How much time remains of the 45 minutes?

The PRESIDING OFFICER. Two minutes and 40 seconds.

Mrs. BOXER. I reserve the remainder of my time.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum with the time being counted equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, I will use my leader time in discussing the Boxer amendment for a moment.

First, I came to the floor to commend Senator BOXER for her amend-

ment and applaud her for her leadership in drawing attention once again to this very important matter. This amendment simply highlights the fact that students can't learn when they are afraid.

Why are they afraid? They are afraid because too many communities and too many children live worried that today's playground will be tomorrow's crime scene. This week's tragedy in Michigan is just one more bloody reminder of this phenomena.

As the President stated today, now is the time for us—for the Administration, for the Congress—to do its part to respond. So, I say with as much heartfelt emphasis as I can, now is the time for Congress to stop stalling.

It was on May 20 of 1999 that the Senate passed the juvenile justice bill. That was over 9 months ago. It was on June 17 of 1999 that the House passed the juvenile justice bill. That was over 8 months ago. After waiting weeks, on August 5 of 1999, almost 7 months ago, the juvenile justice conference had its first, and regrettably, only meeting.

We are still stalled, with a phantom conference, today. Stalled in that conference are measures that will help keep guns out of the hands of criminals and children, help keep schools safe, and provide some balance, some degree of confidence that children can go to school more safe and more secure than they are today.

What are we talking about? We are talking about handgun safety locks, something that could have easily helped this week. We are talking about a measure to close the gun show loophole. We are talking about a juvenile Brady bill. And we are talking about the banning of the importation of high-capacity ammunition clips, once and for all. That is what we are talking about.

On virtually every one of these issues, the overwhelming majority of the American people said: Why didn't you do this last year or years before? Why is it now, the year 2000, 9 months after the Senate began this debate, and we still have yet to act? How many more children must die? How much more must we and the American people endure? We need to stop listening to narrow special interests and pass these commonsense gun safety measures now.

The tragedy in Michigan should shock us all into action; although Columbine and Jonesboro, and countless other shootings have not seemed to prompt Congress into action. Just think, a 6-year-old girl lost her life, lost her life, because a young boy, who probably still doesn't understand the consequences of his act, had access to a deadly weapon. The truly sad fact is these tragedies happen every day in this country and do not generate the news attention this particular incident did. If they did, we would all be in the Chamber today. If we had a daily roll-call of those who no longer are living as a result of our inaction, we would all be called to action. Thirteen children under the age of 19 are killed with guns every single day, and other children suffer from witnessing those deaths and fearing for their own lives.

I just listened to the letters by children read by Senator FEINSTEIN. All you have to do is listen to one of them. All you have to do is imagine a child sitting down writing that letter. A child should be writing about baseball and soccer and all the good things that happen in school. But they are writing about fear. They are writing about guns. They are writing about violence. They are writing about death. I do not know how much more tragedy this country has to endure before Congress wakes up.

This amendment simply asks us to recognize we need to act now. This amendment should be more than just a sense-of-the-Senate resolution. It should be a call to action. Today, we lay down a marker that if by April 20, the anniversary of the Columbine tragedy, the Congress has not sent the President a juvenile justice bill that includes commonsense gun safety measures, we have failed. We have failed. That is what this amendment is all about. That is the endeavor in which I hope all my colleagues will join.

This does not have to be, and is not, a partisan issue. This is an education issue. It is a family issue. It is a life or death issue. I hope we all realize its consequences.

I yield the floor.

Mr. KENNEDY. Mr. President, it has been almost a year since the tragic shooting at Columbine High School. In literally dozens of cases since then, youths have brought guns to schools,

and there have been at least four school shootings since Columbine. Yet in spit of wake-up call after wake-up call after wake-up call, Congress has failed to act.

It is time for Congress to finish the job we began last year and pass the gun control provisions in the juvenile justice legislation. Students, parents, and teachers across America are waiting for our answer.

We need to help teachers and school officials recognize the early warning signals and act before violence occurs.

We need to assist law enforcement officers in keeping guns away from criminals and children.

We need to close the gun show loophole.

Above all, we need to require child safety locks on firearms, so that we can do all we can to prevent the senseless shocking first grade shooting that occurred two days ago in an elementary school in Michigan.

The Senate passed such legislation with overwhelming support last year. The House of Representatives also passed its own version of this legislation. It is time for House and Senate conferees to write the final bill and send it to the President, so that effective legislation is in place as soon as possible.

Every day we delay, this critical problem of gun violence affecting schools and children continues to fester. This is not a new problem, but as this week's events have shown, it is an increasingly serious problem, and Congress cannot look the other way and continue to ignore it.

The public overwhelmingly supports more effective steps to keep guns out of the hands of criminals and juveniles. We cannot accept "NO" for an answer from the National Rifle Association. It is long past time for Congress to face up to this challenge. The continuing school shootings are an urgent call to action to every Member of Congress. Will we finally do what it takes to keep children safe? Or will we continue to sleepwalk through this worsening crisis of gun violence in our schools and our society?

The lack of action is appalling and inexcusable. Each new tragedy is a fresh indictment of our failure to act responsibly.

We have a national crisis, and common sense approaches are urgently needed. If we are serious about dealing with youth violence, the time to act is now. There is no reason why this Congress cannot enact this needed legislation now. This month the citizens of this country deserve better than what this do-nothing Congress has given them so far.

Mr. LEAHY. Mr. President, I support Senator BOXER's sense-of-the-senate amendment that Congress pass effective juvenile justice legislation by the one year anniversary of the Columbine

High School tragedy—April 20, 2000. Unfortunately, the Senate-passed Juvenile Justice legislation has been languishing in a House-Senate conference for months.

Sadly, another school shooting is in the news. In Mount Morris Township in the State of Michigan, a six-year-old boy fatally shot a six-year-old girl at an elementary school. As a father and grandfather, it breaks my heart to hear about a first grader shooting one of his fellow classmates. And yesterday a deranged man shot five people in a McDonalds in Pittsburgh, Pennsylvania.

I have owned firearms for many years and often enjoy target shooting with my friends and family in Vermont. I understand that the vast majority of gun owners in Vermont and around the country use and enjoy their firearms in a responsible and safe way.

I am, however, deeply disturbed by the rash of recent incidents of school violence throughout the country. The growing list of schoolyard shootings by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, and Georgia is simply unacceptable and intolerable.

It pains me even more to now add the Michigan elementary school shooting to this growing list of schoolyard shootings. This tragic incident of school violence took the life of a 6-year-old, Kayla Rolland.

What we should be doing is redoubling our efforts to enact the Hatch-Leahy juvenile crime legislation and its sensible public safety provisions that passed the Senate last May with 73 votes. I do not fault Senator HATCH. I know that he is doing what he can on this and that he shares my frustration that the House-Senate conference committee has been stymied in our effort to report that measure back to the House and Senate for final passage.

I again urge the Republican leadership in the House and Senate to pass that bill without further obstruction and delay. Let the Congress act and do what it can to help end this senseless violence. Six-year-olds killing other 6-year-olds is unthinkable but now, tragically, all too real.

For more than two years, I have worked with other Senators to craft responsible and effective juvenile crime legislation to curb this senseless violence. Last May, the Senate passed the Hatch-Leahy juvenile justice bill, S. 254, by a strong bipartisan vote of 73-25.

Our comprehensive legislation provides states and local governments with resources to fund programs to prevent juveniles from committing crimes and to properly handle juvenile offenders if they commit crimes.

Our balanced approach to juvenile justice also includes provisions to keep children who may harm others away from guns. These provisions include:

bans on the transfer to juveniles and the possession by juveniles of assault weapons and high capacity ammunition clips; increased criminal penalties for transfers of handguns, assault weapons, and high capacity ammunition clips to juveniles; bans on prospective gun sales to juveniles with violent crime records; trigger locks to be sold with all handgun sales; background checks on all firearm sales at gun shows; and increased federal resources to enforce firearms laws by \$50 million a year.

But the majority refuses to move ahead with final passage of a juvenile justice conference report. In fact, the majority even refuses to reconvene the House-Senate conference to meet to discuss the bill.

The members of the juvenile justice conference have met only once—on August 5, 1999. That one meeting of the House-Senate juvenile conference was more than six months ago.

It is shameful that the majority refuses to act upon a final juvenile justice bill. A bill that would help keep guns out of the hands of children and criminals, while protecting the rights of law-abiding adults to use and enjoy firearms.

Mr. ASHCROFT. Mr. President, I support the objective of the Senator from California that the Senate should do all it can to implement policies "that will reduce the threat of gun violence in schools."

I would like, however, to note that the amendment contains an erroneous factual finding. This amendment states that "Every day in America, on average, between 12 and 13 children under the age of 18 die of gunshots from homicides, accidental shootings and suicides." That is incorrect.

According to the 1997 statistics collected by the National Center for Health Statistics there were 4,205 firearms-related deaths of persons aged 0 to 19, 85 percent of whom were between the ages of 15 and 19. Thus, the daily average stated in this amendment is young adults and children under the age of 20, not under 18 as this amendment says.

Of course, this number is far too high regardless of whether it is young adults and children under 18 or under 20. It is a national tragedy either way, and the Senate should do all it can to reduce that number. I just want to make the record clear, consistent with my belief that the Senate has an obligation when it makes findings of fact to be accurate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the manager of the bill, the Senator from Georgia, has graciously agreed to allow 5 minutes of the time on this amendment to be yielded to the Senator from Virginia to speak on behalf of the Graham amendment which was a sec-

ond-degree amendment to the Roth amendment.

Mr. ROBB. Mr. President, I thank the distinguished Senator from Georgia. Since I am, in effect, speaking for the other side, I am particularly grateful. I am in wholehearted support of the Boxer amendment. I commend the Senator from California for all she has done to raise our consciousness with regard to school violence, and the very difficult environment that is created for learning if we cannot guarantee our children go to their classrooms with relative safety.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2870 TO AMENDMENT NO. 2869

Mr. ROBB. Mr. President, I would like to spend a moment talking in support of my colleague from Florida, Senator GRAHAM, in his efforts to maintain at least a semblance of fiscal discipline at a time when many of our colleagues are thinking primarily about how to spend the surplus on new programs or major tax cuts. As the baby boomers head toward retirement, we have a responsibility to address their future needs. The current Social Security and Medicare programs simply are not equipped to handle our aging population. We need to strengthen these programs, but we cannot do that with our current national debt. Conventional wisdom has always been, in times of prosperity we save for the bad times. It is hard to fathom more prosperous times than we are currently enjoying. Yet we continue to avoid making tough choices that will prepare us for the future.

Until we muster the political courage to strengthen Social Security and Medicare, we need to focus on paying down the debt. There are three ways to pay for our priorities. We can borrow from our parents by using the Social Security trust fund, we can borrow from our children by adding to our Nation's debt, or we can pay for our priorities ourselves. In my view, the only responsible approach is to pay for our priorities ourselves. How can we even consider tax cut legislation that is not paid for when we have not even determined how much of the budget should be allocated to tax cuts?

We are still several weeks away from the actual debate on the budget resolution and even further away from an agreement. If we are going to vote tax legislation off the floor before the budget resolution is in place, it should be paid for. That is the only responsible thing to do.

Currently, the public debt is more than \$5.75 trillion. In order to maintain this debt, we need to dedicate billions of dollars to making interest payments. Last year alone we paid over \$230 billion in interest payments on the publicly held debt. Can you imagine what we could do if we were able to use even one-tenth of this money on our Nation's schools?

We can argue all day about the proper role of the Federal Government in public schools, but I assume we all agree something needs to be done. We owe it to our children to give them the best head start possible. Mr. President, \$230 billion would go a long way toward solving this problem.

We need to remember that the surplus is what we have left over once we have met all our obligations. We have not yet decided what our obligations are, so how can we know how much our surplus is going to be and how much extra money we are going to have?

I urge our colleagues to support the Graham amendment when it comes up for a vote. I yield any time that may be allotted to me.

I thank the Senator from Georgia for his courtesy.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. AKAKA. Mr. President, I rise to associate my remarks with those of my colleagues over the past few days while we have discussed S. 1134, the education savings accounts bill. I am pleased that education has been raised as a priority by this body. Education will continue to be a high-profile issue as we continue to work on the Elementary and Secondary Education Act, which the Health, Education, Labor, and Pensions Committee has started to markup. At this time, I would like to talk about a number of related issues that need to be addressed from the Federal level.

I began my career as an educator. I taught music, social studies, math, and other subjects in Hawaii's classrooms. I ran schools as a vice principal and principal. In my current position, I still come in direct contact with students who travel thousands of miles from my great State of Hawaii to tell me what is good and what is bad about their education. It is no surprise that the bulk of these students are in public school, since 90 percent of American students are served by the public school system. When I ask students what makes the biggest difference in how they learn, they talk about teachers who motivate and the commitment they put into subjects. When asked about how their education can improve, students lament the poor conditions of playgrounds and classrooms, overcrowding in classrooms, the lack of proper textbooks, and the need for more and better computers.

My colleagues have touched on these, and many other problems, as they debated amendments to S. 1134. I supported the amendment offered by my

colleague from Virginia, Senator ROBB, which sought to authorize \$24.8 billion in school modernization bonds and a \$1.3 billion grant and zero-interest loan program for urgent school repairs. The modernization bonds would build or modernize 6,000 schools and the grant/loan program would finance about 8,300 urgent repair projects. Although states have addressed some of these needs, students are still learning in substandard conditions.

The Federal Government can assist with these projects. This has been acknowledged through the inclusion of a school construction provision in S. 1134. Unfortunately, this provision will only help a handful of schools in need, as opposed to the comprehensive assistance that would have been made available if the Robb amendment were adopted.

Regarding the conditions in Hawaii's schools, 73 percent need to upgrade or repair buildings to good overall condition, 57 percent have at least one inadequate building feature—such as a condition related to plumbing or electricity—and 78 percent report at least one unsatisfactory environmental factor such as poor air quality or ventilation. Because of Hawaii's temperate climate, we do not have to worry about having to heat our classrooms in the winter. However, we face other challenges such as corrosion due to the amount of salt in the air from the ocean. Funding in the Robb amendment would take into account the differences across states and provide assistance for the myriad of problems facing our schools.

The Campaign to Rebuild America's Schools tells me that Hawaii faces a \$955 million cost for school modernization—nearly 80 percent for infrastructure and more than 20 percent of that for technology needs. The school modernization initiative would provide Hawaii's schools with \$63 million to meet some of these needs. I will continue to work with my colleagues to pass this legislation.

I have also been a long-time supporter of class size reduction efforts. I voted for the Murray amendment, which would continue the help to communities to hire 100,000 quality teachers to reduce class size in lower grades. I was pleased to see the second installment of this initiative funded through last year's appropriations process, which will provide Hawaii with more than \$6 million in fiscal year 2000. The President's budget request for fiscal year 2001 would increase this funding to Hawaii to more than \$8 million.

Our students deserve the best possible learning environment. Larger classes of 30 or 35 students tend to be noisier, have greater potential to be disruptive, and provide less teacher time to each student, compared to classes with fewer students. Many students are struggling through courses,

and some of this can be attributed to their presence in larger classes. Impending teacher shortages will compound this problem, as well as will record school enrollments that will only increase, into the new millennium. The class size reduction initiative would help mitigate these problems facing our school-age generations.

I support other amendments that were taken up and are anticipated to S. 1134, and I commend my colleagues for their work on this bill. These include Senator ABRAHAM for working to provide more computers and increased technology in classrooms and Senators GRAHAM and HUTCHISON for encouraging individuals to transition their careers into teaching. I also support Senator WELLSTONE in his ongoing effort to look at the levels and effects of child poverty.

Mr. President, I would like to make a final point about worthy legislation in this area. I have a bill, S. 1487, the Excellence in Economic Education Act, that would work to boost economic literacy in the country. I will not offer my bill as an amendment to S. 1134 at this time, but I intend to do so when the Elementary and Secondary Education Act comes before the Senate. In this debate about education, I must highlight the need for us to educate Americans, starting from a young age, about the importance of many aspects of economic education: personal finance, consumer education, entrepreneurship, career and retirement planning. It is important for our students to have a practical understanding of economics to help them in their daily lives, and my bill would help. It provides funding directly to the State and local level by giving grants to economic education councils and centers nationwide through the National Council on Economic Education. It also provides assistance on the national level to boost resources developed by the National Council that help states and schools teach economics to teachers and students. I hope that my colleagues will support my effort to pass this legislation during ESEA debate.

Mr. President, I am glad to have this opportunity to talk about the importance of education. We must continue to make significant investments in the future of this country, and we can accomplish this by magnifying the resources that we provide to education.

To finish my remarks, I would like to comment on one more thing that I hear from Hawaii's students. I am frequently impressed by the thoughtful ideas and expressions of concern voiced by the young men and women I meet. Students talk about issues that are surprisingly values-based: the need to treat one another with kindness and respect. Or, as we say in Hawaiian, "malama": to take care of, to care for, or to support. With all of the tragic incidents at our schools, I hope that our

students can achieve a better understanding of the value of human life so that these incidents can be reduced. America's youth should strive to understand why we must treat others as we would like to be treated. Some of this helpful dialogue is occurring naturally, initiated by the students themselves, in our schools. We must do what we can to support our young people as they tangle with these often overwhelming and disturbing issues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COVERDELL. Mr. President, under the previous unanimous consent agreement, I believe a voting order has been established to begin at 2:15.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2870

The PRESIDING OFFICER. According to the understanding, there will be 2 minutes evenly divided before we vote on the amendment. The first vote is on the amendment of the Senator from Florida.

Who yields time?

Mr. COVERDELL. Mr. President, I ask unanimous consent that the prescribed time for debate before this vote be vitiated and we proceed with the vote.

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

The question is on agreeing to amendment No. 2870. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 25, nays 73, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—25

Akaka	Dodd	Lieberman
Baucus	Graham	Mikulski
Biden	Hollings	Robb
Boxer	Inouye	Rockefeller
Breaux	Kerrey	Torricelli
Bryan	Kohl	Voinovich
Byrd	Lautenberg	Wyden
Cleland	Leahy	
Daschle	Levin	

NAYS—73

Abraham	Burns	DeWine
Allard	Campbell	Domenici
Ashcroft	Chafee, L.	Dorgan
Bayh	Cochran	Durbin
Bennett	Collins	Edwards
Bingaman	Conrad	Enzi
Bond	Coverdell	Feingold
Brownback	Craig	Feinstein
Bunning	Crapo	Fitzgerald

Frist	Kerry	Sarbanes
Gorton	Kyl	Schumer
Gramm	Landrieu	Sessions
Grams	Lincoln	Shelby
Grassley	Lott	Smith (NH)
Gregg	Lugar	Smith (OR)
Hagel	Mack	Snowe
Harkin	McConnell	Specter
Hatch	Murkowski	Stevens
Helms	Murray	Thomas
Hutchinson	Nickles	Thompson
Hutchison	Reed	Thurmond
Inhofe	Reid	Warner
Jeffords	Roberts	Wellstone
Johnson	Roth	
Kennedy	Santorum	

Domenici	Hutchison	Sessions
Enzi	Inhofe	Shelby
Feinstein	Jeffords	Smith (NH)
Fitzgerald	Kyl	Smith (OR)
Frist	Lieberman	Snowe
Gorton	Lott	Specter
Gramm	Lugar	Stevens
Grams	Mack	Thomas
Grassley	McConnell	Thompson
Gregg	Murkowski	Thurmond
Hagel	Nickles	Torricelli
Hatch	Roberts	Voinovich
Helms	Roth	Warner
Hutchinson	Santorum	

Sessions	Shelby
Smith (NH)	Smith (OR)
Snowe	Specter
Stevens	Thomas
Thompson	Thurmond
Torricelli	Voinovich
Warner	

This amendment is basic and fundamental. It says we need a well-trained, qualified teacher in front of every classroom in America. That is what this amendment provides. We know we need 2 million teachers over the next 10 years. We are training 200,000. This last year, we employed 50,000 unqualified teachers.

The situation has become so desperate that the Wall Street Journal now shows the ad of Kelly Services which unveiled for the first time nationwide substitute teachers.

This amendment is simple. It provides assistance to local communities to recruit qualified teachers, provides current teachers with professional development, and it provides 200,000 new teachers a year with trained mentors. My amendment also holds States and schools accountable for the results.

This seems to be a wiser way to expend scarce resources than the underlying bill, and I hope it will be accepted.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELLE. Mr. President, I have several points to make. This amendment was laid down in the Health, Education, Labor, and Pensions Committee today. There are controversies. It embraces the idea of Federal intervention, but that will be settled in committee, A.

B, this is about the fifth time we have had to deal with an amendment that makes moot the entire debate we have had for the last week and a half because it removes the funding from the education savings account, sweeping away 14 million people, 20 million students who will benefit, and, more importantly, \$12 billion in new resources that will be volunteered by these families for education.

We ought to do the same thing we have done with all these amendments that make moot the proposal for which we have been fighting. I will vote against it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2872.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll. Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

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

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—39

Akaka	Boxer	Daschle
Baucus	Bryan	Dodd
Bayh	Cleland	Dorgan
Bingaman	Conrad	Durbin

NOT VOTING—2

McCain	Moynihan
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The amendment (No. 2870) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I ask unanimous consent that the votes on the Roth amendment, which will be next, and the Kennedy amendment be limited to 10 minutes.

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

Who yields time on the amendment?

AMENDMENT NO. 2869

Mr. ROTH. My amendment increases from \$500 to \$2,000 the annual ESA contribution. It makes the educational savings account permanent. It would make employer provided educational assistance permanent. It removes all tax increases and makes this a pure education tax cut bill.

America has waited for this education savings plan for 3 long years. This legislation brings it home today. My amendment makes sure it stays there for families, not just for today but for tomorrow and all the days that follow.

I yield the remaining time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2869. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—59

Abraham	Breaux	Cochran
Allard	Brownback	Collins
Ashcroft	Bunning	Coverdell
Bennett	Burns	Craig
Biden	Campbell	Crapo
Bond	Chafee, L.	DeWine

NAYS—40

Akaka	Feingold
Baucus	Graham
Bayh	Harkin
Bingaman	Hollings
Boxer	Inouye
Bryan	Johnson
Byrd	Kennedy
Cleland	Kerrey
Conrad	Kerry
Daschle	Kohl
Dodd	Landrieu
Dorgan	Lautenberg
Durbin	Leahy
Edwards	Levin

Lincoln	Mikulski
Moynihan	Reed
Reid	Robb
Rockefeller	Sarbanes
Schumer	Wellstone
Wyden	

NOT VOTING—1

McCain

The amendment (No. 2869) was agreed to.

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

Mr. COVERDELLE. 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 Georgia.

AMENDMENT NO. 2871

Mr. COVERDELLE. Mr. President, I believe under the unanimous consent agreement, the next order of business is the Dorgan amendment. I have conferred with Senator DORGAN. He has agreed to a voice vote. I yield back the proponents' and opponents' time. I, of course, oppose the amendment.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 2871.

The amendment (No. 2871) was rejected.

Mr. WELLSTONE. Mr. President, may I ask one question? What happened to our 10-minute votes? Can we try to do these in 10 minutes?

AMENDMENT NO. 2872

The PRESIDING OFFICER. Under the previous order, the next amendment is the Kennedy amendment No. 2872.

Who yields time on the Kennedy amendment?

Mr. FITZGERALD. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, are there 2 minutes to a side or 1 minute to a side?

The PRESIDING OFFICER. One minute per side.

Mr. KENNEDY. Mr. President, as we all know, there are scarce education resources. The Federal Government only provides 7 cents out of every dollar. The question is: How are we going to use those scarce resources?

Edwards	Kerrey	Murray
Feingold	Kerry	Reed
Feinstein	Landrieu	Reid
Graham	Lautenberg	Robb
Harkin	Leahy	Rockefeller
Hollings	Levin	Sarbanes
Inouye	Lincoln	Schumer
Johnson	Mikulski	Wellstone
Kennedy	Moynihan	Wyden

NAYS—60

Abraham	Enzi	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Biden	Gramm	Roberts
Bond	Grams	Roth
Breaux	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Byrd	Helms	Smith (OR)
Campbell	Hutchinson	Snowe
Chafee, L.	Hutchison	Specter
Cochran	Inhofe	Stevens
Collins	Jeffords	Thomas
Coverdell	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Lieberman	Torricelli
DeWine	Lott	Voivovich
Domenici	Lugar	Warner

NOT VOTING—1

McCain

The amendment (No. 2872) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. COVERDELL. Mr. President, there probably will not be any other votes until 6 or after. It has taken us an hour and 15 minutes to cast one 20-minute vote and two 10-minute votes. Both sides are really suffering from this. If it is a 10-minute vote, let's vote in 10 minutes.

If there is any remaining time on our side on the Boxer amendment, I yield it back.

The PRESIDING OFFICER. Time is yielded back.

AMENDMENT NO. 2874 TO AMENDMENT NO. 2873  
(Purpose: To express the sense of the Senate on improving the learning environment by ensuring safe schools)

Mr. COVERDELL. Mr. President, I offer a second-degree amendment to the Boxer amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 2874 to amendment No. 2873.

Mr. COVERDELL. 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:

Strike all after the first word and insert the following:

**SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.**

(a) FINDINGS.—Congress finds that—

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, state and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for federal firearms prosecutions fell 44%, which resulted in a 40% drop in prosecutions and a 31% decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162%, 86%, and 50%, respectively, according to the respected Monitoring the Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

AMENDMENT NO. 2874, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending second-degree amendment be modified to reflect a first-degree status and that the time restraints be limited to 10 minutes equally divided on both amendments, and following the use or yielding back of time the amendments be laid aside with votes occurring at a time to be determined by the two leaders and no second-degree amendments be in order to either amendment.

I further ask unanimous consent that the votes occur in relation to the Coverdell amendment to be followed immediately by a vote in relation to the Boxer amendment and that no other amendments relative to guns be in order other than the Durbin amendment which replaces the Reed amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I apologize to my friend, but I was preoccupied speaking to another Senator. We will have to go over the unanimous consent request again.

Mr. COVERDELL. Would my colleague like me to read the request again?

Mr. REID. Please.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pend-

ing second-degree amendment be modified to reflect a first-degree status and that the time restraints be limited to 10 minutes total, equally divided, on both amendments. That means we would each have 5 minutes before our amendment. And following the use or yielding back of time, the amendments be laid aside with votes occurring at a time to be determined by the two leaders and no second-degree amendments be in order to either amendment.

I further ask unanimous consent that the votes occur in relation to the Coverdell amendment to be followed immediately by a vote in relation to the Boxer amendment and that no other amendments relative to guns be in order other than the Durbin amendment which replaces the Reed amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask that the unanimous consent agreement be amended. What the Senator from Georgia has read is just fine, but due to the grace of the Senator from California, she has agreed to allow Senator BINGAMAN to offer the Kennedy amendment next. That would be the next amendment that would be offered. Senator BINGAMAN has asked for 8 minutes on his side.

After that, for the information of other Senators, following that will be, of course, the Feinstein amendment. Senator FEINSTEIN has been here all day waiting to offer her amendment. After that, Senator LANDRIEU; Senator LANDRIEU is going to make a statement for approximately a half an hour. She will not require a vote, she has indicated to us. Following that, there would be an amendment by Senator JOHN KERRY, and he has asked for 7 minutes on his side. Following that, would be Senators SCHUMER, BOXER, DURBIN, and WELLSTONE.

Mr. COVERDELL. I have no objection. That is basically just embracing the order of amendments on the other side.

Mr. WELLSTONE. Mr. President, reserving the right to object, I want to be clear that I will have a second-degree amendment to the Feinstein amendment.

Mr. REID. You have a right to do that.

Mr. COVERDELL. Mr. President, I suggest that the unanimous consent request be so modified.

The PRESIDING OFFICER. Is there objection to the request being so modified? Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.**

(a) FINDINGS.—Congress finds that—

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, state and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for federal firearms prosecutions fell 44%, which resulted in a 40% drop in prosecutions and a 31% decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162%, 86%, and 50%, respectively, according to the respected Monitoring and Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

Mr. COVERDELL. Mr. President, I suggest to anybody trying to figure out their schedule that we are not likely to see any votes until 6 or after. We would begin with the Coverdell-Boxer amendments and then follow down the amendments as enumerated by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2875

(Purpose: To increase funding for Federal Pell Grants)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator KENNEDY, Senator REED, and Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. KENNEDY, for himself, Mr. BINGAMAN, Mr. REED, Mr. FEINGOLD, and Mr. WELLSTONE, proposes an amendment numbered 2875.

Mr. BINGAMAN. 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:

Strike section 101 and insert the following:

**SEC. 101. FEDERAL PELL GRANTS.**

There are appropriated to carry out subpart 1 of part A of title IV of the Higher Edu-

cation Act of 1965 (20 U.S.C. 1070a) \$1,200,000,000, which amount is equal to the projected revenue increase resulting from striking the amendments made to the Internal Revenue Code of 1986 by section 101 of this Act as reported by the Committee on Finance of the Senate.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator WELLSTONE be added as a cosponsor of the amendment.

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

Mr. BINGAMAN. Mr. President, I yield myself 4 minutes of the 8 minutes allocated for advocating this amendment. Then I will defer to Senator FEINGOLD.

This amendment is very straightforward. It would provide an additional \$1.2 billion for the Pell Grant Program. I think all of us who have paid any attention to Federal support for education know that the one program that is most helpful to those trying to go to college in our States is the Pell grant. We have a great many young people in this country—and some of them not so young—who are taking advantage of this program. In fact, we have nearly 4 million people in this country who receive Pell grants every year. The average size of those Pell grants this year will be a little over \$2,000. This amendment says, let's take the funds that were otherwise provided as a \$5-per-student tax benefit in this pending bill and increase by \$400 the maximum grant for Pell grants. The current limit on what can be provided in the Pell grant is \$3,300 per year. We say, let's raise that to \$3,700 per year.

Now, most students don't get that maximum amount, but we want to have the opportunity there for them to get the maximum amount, if possible. The estimate we have is that, today, the maximum grant permitted under the Pell Grant Program is 86 percent of the 1980 value of the Pell grant in constant dollars. The simple fact is that we are not keeping up with the increase in the cost of higher education. We used to provide substantial support by providing grants and much less in the way of loans. In the time I have been in the Senate, we have seen that change dramatically. Now we provide loans but little in the way of grants. This amendment would help to correct that to some small degree. This is very meaningful for my State. Over \$64 million, this year, goes to Pell grants, and that amount would increase if the amendment I have offered on behalf of Senator KENNEDY and the other Senators is accepted.

The average family income for families whose children are taking advantage of the Pell Grant Program is \$14,500 a year. So if a Senator is concerned about getting the money to where it is most needed—to the families who most need that money for education—this amendment will do that. It takes money that otherwise is being

spread to many people who are much better off than that and concentrates it where the families need it the most—in this case, the families who are eligible for Pell grants.

This \$400 increase will translate into 96,000 new recipients of Pell grants this next year. In May of 1999, the Health and Education Committee that Senator JEFFORDS heads and of which Senator KENNEDY is the ranking member passed a bipartisan resolution to increase the basic Pell grant by \$400, which is exactly what this amendment does.

We have a chance with this amendment to make good on that promise with real money for a change and not just a resolution. I urge my colleagues to vote to put aid to needy college kids ahead of the tax breaks that are provided in this bill for families or individuals who are much better off.

Mr. President, I yield the remainder of my time to Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise in strong support of the amendment of Senator BINGAMAN and Senator KENNEDY to raise the maximum individual Pell grant to \$3,700, an increase of \$400.

Higher education is one of the most vital keys to open the door to success in this country. Without a college degree, or significant postsecondary education, it is a lot harder to find a successful path through today's labor market. Without Pell grants, many individuals simply can't consider college. Without a college degree or serious postsecondary training, some employers won't consider hiring these individuals.

In general, workers with a bachelor's degree are much better off financially compared to less-educated workers. In 1998, the average male college graduate earned about 92 percent more than the average high school graduate.

While I commend the supporters of this legislation for their desire to promote increased access to an affordable higher education, I think their approach is seriously flawed. Specifically, I take exception with those who believe that the education IRA component of this legislation is the best way to help increase accessibility to affordable education. Instead of helping those truly in need, as Senator BINGAMAN has said, this provision would disproportionately help the most affluent families and provide little or no assistance to low- and middle-income families.

A Treasury analysis concluded that 70 percent of the tax benefits from this provision would go to the top 20 percent of all taxpayers. Now, in sharp contrast to these targeted tax breaks, Pell grants provide essential financial assistance to those who are truly in need. Unfortunately, the individual Pell grant award has not kept pace with the rising cost of a postsecondary education. In fact, I have been told

that the maximum Pell grant has declined in constant dollars by 14 percent over the last 20 years.

This decline is even more significant when we look at the rising cost of a college education. Over the past 10 years, tuition alone has increased by 41 percent at 4-year private colleges, and 53 percent at 4-year public colleges and universities. What is even more troubling about the trends of increasing tuition and decreasing grant value is how students, especially low-income students, make up the difference between aid and tuition. Because of a decreasing real value of assistance, such as the Pell grant, more and more students are relying on debt to finance their college education. Last year alone, the number of students who took out non-Federal loans increased by 25 percent. These loans inevitably are, in large part, the reason students are leaving college with more and more debt every year.

One of the other concerning trends is the emergence of a widening educational gap between the rich and poor. Statistic after statistic illustrates that students from low-income families are pursuing a postsecondary education at a much lower rate than individuals from upper- and middle-income families. By supporting an increase for the Pell Grant Program, Congress has a chance to address this growing disparity. After all, Congress created need-based student financial aid programs to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it.

The Pell Grant Program is vital to paving the way to an affordable higher education. I look forward to working with my colleagues to support a real increase in the individual Pell grant award. I thank my friend from New Mexico for his leadership on this issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Your side had 8 minutes?

Mr. BINGAMAN. Yes.

Mr. COVERDELL. I will keep my remarks within that same constraint.

Let me say that every year since the Republicans gained the majority we have worked to increase the maximum Pell grant. For more than 7 years, the Pell grant maximum fluctuated between \$2,300 and \$2,400. Last year, the President's budget cut the Pell grant. But we have been dedicated on this side.

This is about the seventh time I have lost track of an amendment that has come from the other side. They may have a laudable goal, but the underlying goal is to make moot the central premise of the legislation we are discussing, which is to allow families to set up education savings accounts.

If you take the amendment the way it is constructed, it obliterates the pos-

sibility to set up these education savings accounts, which means 14 million people will not set up an account who otherwise would. Of the 20 million children in school, almost half the population will not be beneficiaries of the account that otherwise would. But, more importantly, \$12 billion that would be accumulated voluntarily in these accounts to help education at every level—kindergarten through college—would go away similar to snuffing out a candle. It makes no sense to do that.

The Senator from Wisconsin cited statistics from the Treasury Department that we can't get but the Joint Tax Committee finds incorrect, which is that 70 percent of all benefits from these savings accounts will go to families making \$75,000 or less.

I will tell you why that is undoubtedly the correct analysis—because the people who would open these savings accounts are identical by criteria to those who can open up the college savings account the President and the Congress passed several years ago. It is identical. The same families who can use those accounts are the ones to whom these accounts would apply. I don't think the President or the Congress passed an education savings account for people driving around in black limousines. It was means tested to help the middle class or less, and the identical means testing applies to this amendment that this amendment would obviate.

I yield the floor. I believe the next order of business is Senator FEINSTEIN.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays on the amendment that was just offered.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the pending amendment is a set-aside.

Mr. REID. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

The Senator from California.

#### AMENDMENT NO. 2876

(Purpose: To provide for achievement standards and assessment of student performance in meeting the standards)

Mrs. FEINSTEIN. Mr. President, on behalf of Senators SESSIONS, BYRD, and LIEBERMAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN) for herself, and Mr. SESSIONS, Mr. BYRD, and Mr. LIEBERMAN, proposes an amendment numbered 2876.

Mrs. FEINSTEIN. 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 appropriate place, insert the following:

#### SEC. \_\_\_\_ . ACHIEVEMENT STANDARDS AND ASSESSMENT OF STUDENT PERFORMANCE.

In order to receive Federal funds under the Elementary and Secondary Education Act of 1965 each local educational agency and State educational agency shall—

(1) require that students served by the agency be subject to State achievement standards in the core curriculum, to be determined by the State, for all elementary through secondary students; and

(2) assess student performance in meeting the State achievement standards at key transition points, such as grades 4, 8, and 12, before promotion to the next grade level.

#### SEC. \_\_\_\_ . POLICY PROHIBITING SOCIAL PROMOTION.

(a) POLICY.—No education funds appropriated under the Elementary and Secondary Education Act of 1965 shall be made available to a local educational agency in a State unless the State demonstrates to the Secretary of Education that the State has adopted a policy prohibiting the practice of social promotion.

(b) DEFINITION.—In this section, the term "practice of social promotion" means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to achieve a minimum level of achievement and proficiency in the core curriculum for the grade for which the determination is made.

(c) WAIVER PROHIBITED.—Notwithstanding any other provision of law, the Secretary of Education may not waive the provisions of this section.

Mrs. FEINSTEIN. Mr. President, today Senators SESSIONS, BYRD, LIEBERMAN, and I are offering an amendment to address one of the most significant detriments to good education in our public schools. That is the practice of passing children on to the next grade regardless of whether they make passing grades. It is called social promotion. While this practice may be politically correct, it has, I believe, become the single most important factor leading to the decline in quality of public education in America.

Under our amendment, in order to receive Federal funds, States would be required to prohibit the practice of social promotion and adopt achievement standards in the core academic subjects. Decisions about how to implement a nonsocial promotions policy would be left to the States and localities.

Implicit in the amendment is that remedial education is necessary and can be provided through a number of different Federal, State, and local sources.

This amendment is carefully written so that implementation is left with State and local governments. For example, State and local officials would decide all specifics of promotion policy and the criteria for passing and holding back students, achievement standards,

subjects that constitute the core curriculum, grades when students would be tested, grading methods, testing methods, and remedial education.

The amendment defines social promotion as a formal or informal practice of promoting a student from the grade for which the determination is made to promote or not to promote to the next grade when the student fails to achieve a minimum level of achievement and proficiency in the core curriculum for the grade for which the determination is made.

The amendment covers elementary through secondary grades—grades 1 through 12. It is carefully crafted so that reform changes could be made incrementally, grade by grade, or in any fashion the State or local school districts see fit.

Social promotion misleads our students, their parents, and the public. Even educators have concluded that it doesn't work.

Let me give you the conclusion of a study conducted by the American Federation of Teachers. I quote:

Social promotion is an insidious practice that hides school failure and creates problems for everyone: For kids who are deluded into thinking they have learned the skills to be successful, or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation; and for society that must deal with the growing proportion of uneducated citizens unprepared to contribute productively to the economic and civic life of the nation.

The American Federation of Teachers has said that social promotion is rampant and that only 22 States have standards in the four core disciplines of English, math, social studies, and science that are well grounded in content and that are clear and specific enough to be used.

They surveyed 85 of the Nation's 820 largest school districts in 32 States representing one-third of the Nation's public school enrollment.

None of the districts in the AFT national survey has an explicit policy of social promotion. But almost every district has an implicit practice. According to the U.S. Department of Education, a third of students across the United States perform below the basic level of proficiency; 15 percent who graduate from high school cannot balance a checkbook or write a letter to a credit card company to explain an error on a bill.

Mike Wright, a San Diegan, told the San Diego Tribune he continued to get promoted from grade to grade and even graduated from high school even though he failed subjects. At the age of 29, he enrolled in a community college to learn to read.

Let me talk for a moment about social promotion in Los Angeles.

School officials decided they would end the practice. That is the good news. The bad news was that if it were done all at once, they found that one-half of the entire student population—350 students—would have to be held back. More than two-thirds of eighth graders would be flunked if social promotion were fully ended.

The problem was so massive that they have had to scale back their plans and implement the new policy more slowly. They have taken a multistep, phased-in plan, and this legislation is structured to give school officials the flexibility to do just that.

I would like to read a letter sent to me yesterday from the superintendent of that school district, a man who was superintendent of public instruction when I was mayor of San Francisco and whom I respect greatly. He points out:

One of the solutions is to institute an intensive program of standards-based promotion, eliminating the dastardly practice of social promotion that has advanced the student from one grade to the next without having learned what was required in his current grade. In its initial phase, we are targeting the second and eighth grade and focusing on reading, because that is the foundation of all learning. Our program is very practical in design, and is based on classroom space, materials, professional development, and the availability of staff.

It would be my proudest hope that we can and will provide the education for our children of poverty that they deserve. These are the disadvantaged, who in this district are predominantly children of color. I see the end of social promotion as a way to ensure that all children will have the basic skills to become contributing Members of their community.

The Governor of California, Gov. Gray Davis, has endorsed our amendment. In a February 29 letter to me he wrote:

I write to express my support for your amendment that provides for achievement standards, assessment of student performance in meeting those standards, and an end to the practice of social promotion. As you know, improving education in California is my first, second, and third priority. Last year, I sponsored the California Public Schools Accountability Act which established a comprehensive high stakes school accountability system, the various components of which will be phased in over the next several years. Your amendment will provide an added impetus to reinforce our State's commitment to ensuring the achievement of all students.

Mr. President, at least half of my State's 5.6 million students perform below their grade level. California ranks 36th out of 39 States in fourth grade reading proficiency, 32nd out of 36 States in eighth grade reading proficiency, 41st out of 43 States in fourth grade math performance.

Let me speak about Chicago, the major city of the Presiding Officer. On June 1, I took a group of top-level California educators and experts to Chicago and spent the day discussing what was being done. In Chicago, they have

abolished social promotion. They have established content standards. They test student performance in meeting the standards. They have adopted a core curriculum, teacher lesson plans. They evaluate schools on a regular cycle. They intervene with failing schools. They have performance criteria for teachers and principals and they put in place extensive remedial and afterschool programs providing the very necessary help for struggling students. The Chicago school district is 90 percent minority and 90 percent poverty.

If it can be done in Chicago, it can be done everywhere else. The results are there: Reading, up 12 percent; math, up 14 percent. Scores are improving.

Chicago stands as an example, but it takes political will and courage to make these changes. Our legislation provides the incentive.

I yield 10 minutes to my cosponsor, the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from California and appreciate being able to work together with the Senator on this important piece of legislation and with the others who are cosponsoring it.

I think this Senate will come together, both sides of the aisle. The time has come. We know social promotion, the concept of moving kids along when we have failed to make sure they have learned the basics of the course level in which they should be operating, is the wrong thing to do. I believe that very strongly. I think the American people understand it and care about it.

We need to identify, at the earliest possible time, children who are falling behind. If we do not have a core curriculum, if we do not have standards, and we cover up or we deny what is happening when we know students are not getting the required amount of knowledge in school, it is time to confront this.

In some ways we are utilizing that psychiatric principle called "enabling." We are enabling bad behavior to successfully continue unacceptable behavior, unacceptable performance by a school system, unacceptable performance by students.

It is time to confront that, not because we want to be mean or harsh but because we love these children. We care about the children. If we love them and if we care about them, we will set reasonable and tough standards; we will insist they adhere to them. When we find out they are not consistently adhering to them, we find ways to get them to the level they need.

Maybe their parents need to be more involved. Some say: I didn't know Billy was that far behind.

If we end social promotion, they will know; if there is testing, they will

know. Maybe they need a member of the family to help with the homework. Maybe a tutor would be appropriate. Something has to be done. The school systems are going to have to participate better, also.

We had an incident in Alabama not long ago where a former all-pro football player could not pay his child support and could not get a job. He said the reason he couldn't get a job was because he couldn't read and write.

Such a sad statement. Too often in America we are passing kids along who have not learned how to read and write effectively. They are not going to be able to perform effectively in the commercial sector, and they are not going to be able to care for their families effectively.

Alabama has adopted one of the toughest programs in the Nation. The Fordham Foundation says it is the toughest. They have tested the 4th, 8th and 11th grades. We will do that this year. We want to know at what level the children are operating. A 60-person commission is undertaking right now a detailed study on how to implement the end of social promotion. It is something that ought to be done around this country. We want our education system in Alabama to be better. I want it to be better all over America. I know we can do that.

There are a number of things we have to recognize when we ask: Is this really a problem; do we need to confront this?

American 12th graders rank 19th out of 21 industrial nations in mathematics achievement and 16th out of 21 nations in science. Our advanced physics students rank dead last.

Since 1983, 10 million Americans have reached the 12th grade without having learned to read at a basic level. Over 20 million have reached their senior year unable to do basic math. Almost 25 million have reached the 12th grade not knowing the essentials of U.S. history.

In 1992, a Department of Education survey found between 21 and 23 percent—more than 1 out of 5—or 40 million of the 191 million adults in this country were in the bottom 5th of literacy assessment proficiency categories.

We are saying we do care about education. That is not always reflected in how much money we spend. I hope we can continue to spend more. We increased the budget this year substantially over last year, and we will increase the education budget next year.

Kansas City brought their per pupil spending up to \$11,700 and brought down the student teacher ratio to 13-1 without seeing any increase in test scores.

What is it that we are about? I think children respond to challenges. I think children reach up to the level they are asked to reach, that they are expected to reach. If we set reasonable standards and we challenge students to meet

them, and the teachers are motivated to make sure the children reach certain standards, and parents get engaged because they know what the tests are going to be like and they want to be sure their children meet those standards, this will increase learning more in this country than any other thing we can do.

I am pleased to support this legislation with the Senator from California. I think it will have broad support in this body.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GORTON). Who seeks recognition? The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do my colleagues have?

The PRESIDING OFFICER. The Senator from California controls 13 minutes. The opposition has 30 minutes.

Mr. WELLSTONE. Mr. President, I shall not take all my time. I will be interested in hearing from my colleagues. Then I will have a second-degree amendment after this debate is over.

I hope Senators will look at the empirical evidence. I appreciate the sentiment behind this amendment, but I think it is profoundly mistaken. Part of the language reads:

No education funds appropriated under the Elementary and Secondary Education Act of 1965 shall be made available to a local educational agency in a State unless the State demonstrates to the Secretary of Education that the State has adopted a policy prohibiting the practice of social promotion.

Then it goes on to be a definition.

I want my colleagues to carefully examine the evidence. I want to offer a second-degree amendment which says these provisions would apply as long as we make sure every child has the same opportunity to learn.

We had testimony in the HELP Committee from Dr. Hauser, who is a professor of sociology at the University of Wisconsin at Madison. He has received numerous awards. He also serves on the Board of Test and Assessment for the National Research Council. He is a prolific writer, a very key researcher in the field.

Can I summarize his findings? His findings related to social promotion:

Students who have been held back typically do not catch up. Low-performing students learn more if they are promoted even without remedial help than if they are held back. Students who have been held back are much more likely to drop out before completing high school. The long-term costs of holding students back are high to students and to school systems. The negative effect of holding students back are often invisible to those who make retention decisions because they occur many years later.

I now wish to move on to some of the critical findings. There is abundant evidence which shows that this practice of high stakes testing and holding kids back as young as age 8 has not only been unsuccessful but it is also

harmful. It is ethically questionable, basically, to experiment with our children. I am going to cite evidence. Maybe my colleagues can refute it. I am not sure they can.

First of all, low-achieving students do better academically if they move forward with their peers rather than if they are held back. Dozens of studies over the past two decades have found that retaining students contributes to academic failure and behavioral difficulties rather than success in school. That is the evidence.

I quote from "Using Standards and Assessments To Support Student Learning," Linda Darling-Hammond and Beverly Falk. Linda Darling-Hammond addressed our caucus. She is a distinguished professor at Stanford University. This piece was in the Phi Delta Kappan, November 1997. A scientific review of 63 controlled studies of grade retention through the mid-1980's revealed that 54 of the 63 yielded overall negative effects of retention.

The best of these studies have shown the negative effects of retention. The authors concluded that "[o]n average, retained children are worse off than their promoted counterparts on both personal adjustment and academic outcomes."

I am just giving my colleagues the evidence.

Ignoring educational research, too many of us and too many school districts have continued to hold out retention as educational reform instead of the failed approach that it is.

In Chicago, they tried to do this in the 1970s and 1980s, and it failed. Then they decided to do it again. Here is some of the data that is now forthcoming:

In 1998, researchers Ann McCoy and Arthur Reynolds at the University of Wisconsin-Madison completed longitudinal studies on the population of the Chicago students retained in grade. Their report, cited above, found "[f]or all achievement comparisons, retained children consistently underperformed their promoted [low-achieving] peers, and usually significantly. No positive effects of grade retention were detected."

There is no evidence that this works.

They concluded that grade retention is, at best, an insufficient intervention strategy for promoting student achievement and, at worst, it impeded children's academic success and should be substantially modified or replaced by programs and policies which demonstrate effectiveness . . .

On January 21, 1999, the New York Times reported that a whopping 5,500 Chicago students are repeating the third grade and 964 are repeating the third grade for a second time.

The Washington Post reported on August 1, 1999, that 1,300 15-year-old Chicago students were sent to "academic halfway houses between the eighth and ninth grades" because of failing scores.

The evidence from all of the studies is that retention leads to increased school dropouts. "Researchers at the University of Wisconsin also found that

30 percent of those who were retained dropped out of school compared to 21 percent of those students who were not," controlling for academic ability; thus, there was a 42-percent increase in dropping out. That is from a piece titled "Grade Retention Doesn't Work," Arthur Reynolds, Judy Temple, Ann McCoy, Educational Week, September 17, 1997.

The August 21, 1999, New York Times reported preliminary results showing that 35 to 40 percent of the third, sixth, and eighth graders who took standardized tests at the end of mandatory summer school in New York City had failed to make the required score . . . Predictions are that many other students will be held back.

Chicago showed similar results following mandatory summer school during its first 2 years. Summer school has not moved a large extent of these low-achieving students to acceptable levels of performance. They are held back, and when they are held back, they do not do better; they do worse.

Research does show that there are preventive measures that do work, that if you put the emphasis—are we surprised?—into early childhood development, it makes a huge difference.

Researchers found preschool participation was associated with a 24-percent reduction in the rate of school dropout and that participation for 5 or 6 years was associated with a 27-percent reduction in the rate of early school dropout . . .

My second-degree amendment, which we will get to, says that the provisions of this section will not apply to any child who was not afforded by the State educational agency or the local educational agency an opportunity to learn the material necessary to meet the achievement standards. I do not know how colleagues can be opposed to it. I hope we will put the two amendments together.

When I offer the second-degree amendment, I will list specifically what I have in mind. Again, I have cited study after study which shows retention has not worked. I have cited study after study which show it leads to increased dropout. I have cited study after study by the best people in the country, including those who testified before our committee and addressed our own Democratic caucus, that this is a mistake. Then what I said is, at least let's make sure these children have the same opportunity to achieve these results, to pass these tests, before we make this operational.

I will yield the floor and listen to my colleagues, but when we look at what is going on with these tests and the assessments, I hardly think retention has been a successful strategy.

I ask unanimous consent that a letter from the NAACP Legal Defense and Educational Fund, which is adamantly opposed to the direction of this amendment, be printed in the RECORD.

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

SEPTEMBER 1999.

NAACP LEGAL DEFENSE & EDUCATIONAL FUND OPPOSES "QUICK FIX" REPEAT-A-GRADE POLICIES FOR LOW-ACHIEVING STUDENTS BECAUSE ABUNDANT EMPIRICAL RESEARCH SHOWS GRADE RETENTION TO BE UNSUCCESSFUL AND EDUCATIONALLY HARMFUL, LDF CALLS FOR HIGH QUALITY, EARLY AND COMPREHENSIVE EDUCATIONAL INTERVENTIONS

So-called "end social promotion" proposals to require schools to hold low-achieving students back in grade until they meet certain standards—often an arbitrarily set score on a standardized test unrelated to instruction provided in the classroom—have been gaining popularity recently as a viable instrument of school reform. Chicago leads the list of school districts that have recently adopted retention-in-grade policies. This approach unquestionably is targeted primarily for disadvantaged youth in failing schools. But retention in grade is not new. Despite its apparent drawing power, districts that have recently embraced, such as Chicago and New York City, often have a record as recent as the 1980's of trying it and abandoning it—for good reason. They learned that holding children back in grade decreased achievement and increased drop outs.

Numerous empirical studies establish that in the vast majority of cases, retention causes serious harm to those who are retained. Thus, current efforts to promote retention-in-grade as a sound and useful educational practice warrant strong opposition. Where abundant evidence shows that an educational practice is not only unsuccessful but also harmful, it is at best ethically questionable to continue to experiment with it on children.

For students who are facing learning difficulties, LDF calls instead for interventions that have shown promise such as high quality early childhood education, increased instructional time, high quality teaching, standards and corresponding curricular materials, smaller classrooms, parental involvement programs, and adequate resources.

Large numbers of children, especially minorities and the poor, are retained in grade now. While there are no national statistics on the numbers of children retained in grade, available data show that "among children who entered school in the late 1980's, 21 percent were enrolled below the usual grade at ages 6 to 8; 28 percent were below the usual grade at ages 9 to 11; 31 percent at ages 12 to 14; and this rose to 36 percent at ages 15 to 17 . . . [M]inorities and poor children are the most likely to be held back . . . by ages 15 to 17, 45 percent to 50 percent of black and Hispanic youth are below the expected grade levels for their ages." ("What if We Ended Social Promotion?" Robert M. Hauser, *Education Week*, April 7, 1999.) General estimates are that by the time children reach the third grade, one in five has been retained. ("Grade Retention and School Performance: An Extended Investigation," Ann McCoy and Arthur Reynolds, Institute for Research on Poverty, University of Wisconsin-Madison, 1998). In large, urban districts upwards of 50 percent of the students who enter kindergarten are likely to be retained at least once before they graduate or drop out. ("Retention Policy," Nancy R. Karweit, *Encyclopedia of Educational Research*, Vol. 3, 6th Edition, 1992.)

Low-achieving students do better academically if they move forward with their peers than if they are held back. "Dozens of studies over the past two decades have found that retaining students contributes to aca-

demic failure and behavioral difficulties rather than success in school." ("Using Standards and Assessments to Support Student Learning," Linda Darling-Hammond and Beverly Falk, *Phi Delta Kappan*, November 1997.) A scientific review of 63 controlled studies of grade retention through the mid-1980's revealed that 54 of the 63 yielded overall negative effects of retention, and the best studies showed the largest negative effects of retention. The author concluded that "[o]n average, retained children are worse off than their promoted counterparts on both personal adjustment and academic outcomes." ("Grade Level Retention Effects: A Meta-Analysis of Research Studies," C.T. Holmes, in *Flunking Grades; Research and Policies on Retention*, eds, L.A. Shephard and M.L. Smith, 1989).

Ignoring educational research, politicians and school districts continue to hold out retention as a promising educational reform, instead of the failed approach that it is. Ironically, despite research showing that retention failed to improve academic achievement in the Chicago Public Schools in the 1970's and 1980's, in 1996, Chicago again adopted a strict retention in grade program for students in the third, sixth, eighth and ninth grades. Those who fail to make a set score on a norm-referenced, standardized test, the Iowa Test of Basic Skills, are held back.

In 1998, researchers Ann McCoy and Arthur Reynolds at the University of Wisconsin-Madison completed longitudinal studies on populations of Chicago students retained in grade. Their report, cited above, found, "[f]or all achievement comparisons, retained children consistently underperformed their promoted [low-achieving] peers, and usually significantly. No positive effects of grade retention were detected." They concluded that grade retention is at best an insufficient intervention strategy for promoting student achievement . . . [and] [a]t worst, grade retention impeded children's academic success and should be substantially modified or replaced by programs and policies with demonstrated effectiveness." Chicago presses ahead nonetheless. On January 21, 1999, *The New York Times* reported that a whopping 5,500 Chicago students are repeating the third grade and 964 are repeating the third grade for the second time. *The Washington Post* reported on August 1, 1999, that 1,300 15 year old Chicago students were sent to "academic halfway houses between the eighth and ninth grades" because of failing scores.

Retention leads to increased school drop outs. Researchers at the University of Wisconsin also found that 30 percent of those who were retained dropped out of school compared with 21 percent of those students who were not. Thus, retention was associated with a 42 percent increase in dropping out. ("Grade Retention Doesn't Work," Arthur Reynolds, Judy Temple, and Ann McCoy, *Education Week*, September 17, 1997.) A 1996 study found that only 24 percent of retained students in their study graduated compared to 52 percent of their low-achieving peers. ("Is Grade Retention an Appropriate Academic Intervention? Longitudinal Data Provide Further Insights," S.R. Jimerson and M.R. Schuder, June 1996.) In 1994, a large-scale, longitudinal study with extensive statistical controls, including test scores, examined the effect of grade retention on 5,500 students whose school attendance was followed from 1978-79 to 1985-86. That study found that students who were currently repeating a grade were 70 percent more likely to drop out of high school than students who

were not (Douglas Anderson study, cited in Hauser above.) A similar study conducted in 1998 using longitudinal data for almost 12,000 students and controlling for academic achievement, including test scores and grades, found that being held back before the 8th grade increase the relative odds of dropping out by the 12th grade by a factor of 2.56. (R.W. Rumberger and K.A. Larson, *American Journal of Education*, 1998).

LDF urges comprehensive approaches to improve the academic performance of low-achieving students. LDF recognizes that the problem policy makers attempt to address with retention is a difficult one. What can we do to improve the academic achievement of students who are performing at low levels? Simply moving them on the next grade is not the answer. LDF supports an approach that keeps students in age-appropriate settings while providing immediate and intensive interventions to help them master the necessary skills.

Some lessons are evident from recent experience, such as the fact that summer school alone is insufficient. The August 21, 1999, *New York Times* reported preliminary results showing that approximately 35-40 percent of the third, sixth and eighth graders who took standardized test at the end of mandatory summer school in New York City had failed to make the required score. School Chancellor Rudy Crew is quoted as saying, "It's that absolute. I am not letting kids go forward if they did not pass the tests." Predictions are that many thousands of students will be held back. Chicago showed similar results following mandatory summer school during its first two years. Clearly, summer school alone is not effective in moving a large percentage of low-achieving students to acceptable levels of performance.

Research does show that preventative measures are critically important. A recently completed longitudinal study of the Chicago Child-Parent Center program showed very positive results. The program provides child education and family support services from preschool through second or third grade in 20 sites in Chicago's poorest neighborhoods. Researchers found that preschool participation was associated with a 24 percent reduction in the rate of school dropout and that participation for 5 or 6 years was associated with a 27 percent reduction in the rate of early school dropout, relative to less extensive participation. ("Can Early Intervention Prevent High School Dropout? Evidence from the Chicago Child-Parent Centers," Judy Temple, Arthur Reynolds, Wendy Miedel, August 1999.) Other studies have shown the benefits of quality teacher preparation and smaller class size. ("What Matters Most: Teaching for America's Future," Report of the National Commission on Teaching and America's Future, New York, 1996; Ronald F. Ferguson, "Paying for Public Education: New Evidence on How and Why Money Matters," *Harvard Journal on Legislation*, Vol. 28, Summer 1991).

Stifling educational opportunities for thousands of low-achieving students by making them repeat a grade is not only unfair, it is unwise. LDF opposes punitive schemes that try to flunk our way out of the effects of failing schools instead of providing children with the means to experience the positive and continuous educational progress necessary to become productive citizens interested in life-long learning and self-improvement.

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

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I think Members can now see the Catch-22. Of course, retention without remedial education is not going to work, but there is not one who can say that our public education system is working with the policy of promoting youngsters even when they are failures, of never coming to grips with failure and then promoting them and graduating them when they cannot read or write, multiply, divide, add, recognize China on a map, or count change in their pocket. How do they get a job in the workplace of this new millennium? They do not.

That is why we have had employers come in to us and say: You have to raise the H-1B quota. We need more foreign nationals from other countries because we cannot hire public school graduates who can think, who can do what they need to do, and more and more employers have to provide remedial education which should be the job of the public school system.

I went to public school for all of my elementary school. There was a policy of no social promotion, and youngsters learned. There was remedial education. Districts are putting that back into play now.

We have different statistics. My staff yesterday talked with the superintendent of the Chicago school district, and these are the figures we were given:

No. 1, in 1996, 20.5 percent of students performed at or above national norms in 9th and 11th grade reading. In May of 1999, 32.5 percent of students performed at that level. That is a 12-percent increase in performance.

No. 2, he told us elementary reading scores are at their highest since 1990. In 1996, 26.5 percent of students were at or above national norms. In 1999, 36 percent were. That is up 10 percent.

No. 3, math scores are up, too. In 1996, 30 percent of children scored at or above national norms in elementary math. In May of 1999, they had risen to 44 percent. That is up 14 percent.

During this time, the very mayor who put this system into effect was up for reelection, and the people of Chicago reelected him. The day I was there, there was no question in my mind what parents thought about this program. They liked it. They wanted their children to learn, particularly parents of students of color. They know this is the only way their children are going to get the kind of education they need.

The President of the United States has called for ending social promotion. The Secretary of Education has prepared guidelines for educators on ending social promotion and guidelines for using Federal funds to adopt sound promotion policies.

In 1998, the California Legislature ended social promotion. Districts are now implementing it. For example,

San Diego school officials will now require all students to earn a C overall average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades for high school graduation.

I have a hard time understanding how people can speak against having accountability and excellence as a goal in public education, how they can rationalize this to say that the system that has brought us to be the 39th among 41 industrialized nations in education is one that we should not change.

Studies show that title I moneys are not producing the dividends we had hoped they should. Better those funds be spent on remedial education for poor children, better they be spent in teaching youngsters the basic fundamentals than spent diffusely throughout school districts and not achieving any change.

Public education, as we know it today, is in deep trouble. The Achilles' heel of education is this path of least resistance: Simply promoting a youngster regardless of whether they are in school, whether they are a truant, whether they are getting Ds or Fs, and not worrying about it because next year the light may go on and they might learn. I think the facts are clear, the light does not go on.

I tell you, I do not buy this business about increasing dropouts because you work with them in remedial education. I do not buy that at all. I think that unless our schools have basic standards, hold teachers and students accountable for performance, public education, as we know it today, will simply continue to sink below the waves.

I am proud that the largest State in the Union has taken some steps. I think if we were to target and provide the incentive that title I moneys from the Elementary and Secondary Education Act would only go to schools that were willing to observe accountability, and were willing to put in remedial education, and were willing to see the grades mean something, and that students are able to master basic core fundamentals, we would have the enlightened workforce of the future, which would mean that we would not have to continue to increase H-1B quotas to bring foreign nationals into this country to carry out some of the finest occupations we have that should be going to our own students.

Mr. President, I reserve the remainder of my time.

Mr. WELLSTONE. Mr. President, how much time does my colleague from California have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. There is 15 minutes more in opposition under the control of Senator COVERDELL.

Mr. WELLSTONE. I think that is my time. I am the one opposing the amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I heard the Chair say that 15 minutes was controlled by Senator COVERDELL, but that is not the case. I think if you check with the Parliamentarian the time is controlled by whoever is in opposition to the amendment. At this time, that would be Senator WELLSTONE.

Mrs. FEINSTEIN. May I make a point of inquiry, Mr. President?

The PRESIDING OFFICER. The Senator from Minnesota is correct. He has 15 minutes more.

Mr. WELLSTONE. I thank the Chair.

Mrs. FEINSTEIN. Point of inquiry: How much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mrs. FEINSTEIN. Six minutes. I thank the Chair.

Mr. WELLSTONE. Mr. President, first of all, it would seem to me that if we are talking about children doing well—and we want to look at the evidence about what makes for a good education and equal opportunity for every one of our children—then the second-degree amendment that I have to this amendment would be agreed to.

What I am simply saying with the second-degree amendment is: Let's make sure, in fact, every child has had the opportunity to learn the material that is necessary to meet the achievement standards. Don't we want to make sure that every child has had that opportunity?

I talk about how a child has to be taught by fully certified or qualified teachers as defined by the State; that the child's parents have multiple opportunities for parental involvement; that the child has access to high instructional materials; that the child has the opportunity to reach the highest performance level, regardless of income or disability; that the child receives the services for which the child is eligible under title I of the Elementary and Secondary Education Act; that the child receives proper bilingual education and special education services; and that the child has good early childhood development. Let's get real. If you do not do that, then we already know which children are going to fail. I am saying, before you start failing third graders and holding them back, let's make sure every third grader has the same opportunity to do well.

Does anybody on the floor of the Senate want to argue that you do not need to do that first? When Secretary Riley testified, he said: Yes. Let's have standards, but let's also make sure every child has the same opportunity to meet those standards.

This is incredible. We do not make the investment in early childhood development. We do not have the title I money. We do not put the money into bilingual education. We do not make

sure these children have the same support services. We do not do enough to help children who are in some schools where they do not have the good teachers and they do not have adequate resources.

Without doing that, and without making that commitment to every child having the same opportunity to learn—it is called equity; it is called equality of opportunity—then what we do is we fail these students. And then we pound our chests and say: We're being rigorous, and we have done something good for these children. That is my first point.

My second point is, in all due respect, the superintendent from the Chicago schools can say one thing, but I say to the Senator from California and other Senators, I have come out on the floor and I have combined the best evidence of studies around the country.

Again, I go to Robert Hauser, who is an acknowledged expert. He testified before our HELP Committee. Here are what his findings were related to retention: Students who have been held back, they don't catch up. You are not doing them any favor. Low-performing students learn more even if they are promoted, even without remedial help, than if they are held back. Students who have been held back are much more likely to drop out of school.

In all due respect—we talk about Chicago—there was an independent study done, the 4-year Evaluation Report of the Chicago Public Schools Leadership by Parents United For Responsible Education and the Chicago Association of Local School Councils. This is what they found on retention: rising dropout rates, declining enrollment citywide, increased instructional time devoted to testing for the tests. That is another thing the teachers are ending up doing, testing for the test. Just rote drills, memorization.

Then, drawing from the NAACP Legal Defense and Educational Fund letter, which pulled together such important research, the fact is, there is abundant evidence that—frankly, I have not heard any of my colleagues refute any of it—not only has retention been unsuccessful but it has been harmful.

I cited a number of different studies. I cited the work of Linda Darling Hammon, who addressed us Democrats. In fact, I asked her about this. She said that as we look at dozens of studies that have been done over the past two decades, they have found that retaining students contributes to academic failure and behavioral difficulties rather than success in school.

Then I went on and talked about work that the professor had also done with Beverly Falk. Then, I went on and quoted from another study: "Grade Level Retention Effects: A Meta-Analysis of Research Studies," C.T. Holmes, in *Flunking Grades: Research and Poli-*

*cies on Retention*, that concluded that on average retained children are worse off because of retention.

Then I went on and quoted about four or five different studies of what has been going on in Chicago and New York and quoted from the Washington Post and the New York Times and pointed out that the summer school remedial program didn't even help these kids.

We don't have the evidence that retention has helped these kids because there isn't the evidence. The evidence is the retention has had a harmful effect on these kids. These kids don't do better; they do worse. They drop out of school. It has a devastating impact. If you keep them in age-appropriate settings, you move them on, but you give them the additional help. We should do that. If you want to make sure by the time they graduate they are, indeed, qualified, do that, but don't do something that is harmful.

Given the evidence, I don't know how we can support this amendment unless my second-degree amendment is accepted, which says, again, the provisions of this section shall not apply to any child who was not afforded by the State educational agency or the local educational agency an opportunity to learn the material necessary to meet the State achievement standards.

Do my colleagues mean to tell me they are going to vote for retention when the evidence shows it is harmful and they won't even vote for an amendment that says, let's make sure that at least every child has the same opportunity to pass these tests before we fail them and hurt them? That is unbelievable.

I would be interested, if my colleagues have a lot of evidence from across the country that retention has been a great reform that has helped these children who have been retained, who have been flunked as young as age 8. I see no evidence.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I just read statistics given to me by the superintendent of public instruction of Chicago which showed a 12- to 14-percent improvement in core curriculum grade scores since Chicago ended the policy of social promotion and put in motion remedial education and decreased class size and also set some standards holding students accountable for performance and teachers accountable for performance as well.

I have a very difficult time with what the Senator from Minnesota is saying because he is essentially calling this a policy, in a sense, of guaranteed retention. It is not that at all. It is a policy that says there should be standards; that there should be achievement levels set in each of the grades; that there should be a minimum pass requirement

for promotion; and that schools should mean something in terms of learning.

The problem with the amendment is it obfuscates our amendment. It prevents a clean vote on our amendment, and in effect it would destroy our amendment because it sets up a series of seven conditions which would make it virtually impossible to enact our amendment.

For example, the child was taught by fully certified or qualified teachers as defined by the State. In my State, we probably have 30,000 teachers who are not certificated. This would mean under this provision, California should not go ahead and abolish social promotion, put forward standards of accountability for teachers and for students, which, of course, California is now in the process, by the Governor's statement, by the legislature's action, and by individual school districts, of beginning to do.

Secondly, that the child's parents had multiple opportunities for parental involvement. I don't know what multiple opportunities for parental involvement are, but it is not just opportunities for parental involvement. It is multiple opportunities for parental involvement, which gives a basis, again, to essentially poison what we are trying to achieve.

In addition, that the child has access to high-quality instructional materials and instructional resources to ensure that the child had the opportunity to achieve the highest performance level, regardless of disability, income, and background, that is something we would all subscribe to, but when it is put in this form, it becomes a way of avoiding accountability and avoiding performance.

We do not tell a State or a local jurisdiction how to do this. This is up to them. As I have tried to point out, Los Angeles is now doing it in an incremental fashion, in a grade-by-grade fashion. I suspect that schools throughout this country would implement accountability and standards in a different way. That is fine with me. But what this amendment says is, we are not going to waste taxpayers' money by providing money when there is no evidence it is going to provide the remedial education or the kind of opportunity for students that the framers intended in the first place.

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

The PRESIDING OFFICER. Two minutes.

Mrs. FEINSTEIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my colleague says: What the Senator has said is that the child has to be taught by fully certified or qualified teachers.

You don't have that. You don't have the certified or qualified teachers, but

you are willing to go ahead and flunk these kids.

I am saying the children who are in classes as young as age 8, who don't have fully certified and qualified teachers, probably ought not to be flunked and held back because other kids in other schools who had highly qualified and certified teachers were able to pass those tests. Don't Senators think we should include an amendment which would say every child is going to have the same opportunity to pass these tests? That is an incredible argument to make. To make an argument to Senators, wait a minute, Senators, you can't vote for the Wellstone second-degree amendment because he is saying there have to be qualified and certified teachers before we flunk these third graders, that is unbelievable. That is exactly the point of my amendment.

Let us have the standards, but let's make sure all the children have the same opportunity to achieve those standards. If the second-degree amendment is accepted, if passed, then we have an amendment that talks about standards, but we also have an amendment that makes sure these children have the same chance to reach those standards.

I hate to say this but, one more time, I have presented about 10 different studies. I have presented the best testimony we have had in the Senate. I have presented the best testimony we had in our Senate Democratic conference about retention. Again, we had what the superintendent of the Chicago schools said.

Well, I gave the Senate a different report, a 4-year independent evaluation: rising dropout rates, declining enrollment citywide. Then I have drawn on the best research from around the country, and the Senator from California and the Senator from Alabama have not refuted any of it.

I don't want to repeat it again, but please vote on the facts. What did they show? Students who have been held back typically don't catch up. Actually, low-performing students learn more if they are promoted even without remedial help than if they are held back. Students who have been held back are much more likely to drop out.

With all due respect, there is not a shred of evidence that my colleagues have presented which shows retention works.

Again, I have a second-degree amendment which says, let's at least make sure every child has the same opportunity to pass these tests, determining whether or not they will pass a grade. That seems to me to be reasonable. Let's make sure they have certified teachers. Let's make sure we fund it properly, fund title I. Let's make sure we have the bilingual education fund so the kids who come from homes where English is a second language, such as the Hmong children in St. Paul, have a

chance. Why would that not be accepted?

And the second point I made is, right now, what we have out here is an amendment that says retention is really good, it is all about rigor but there is not a shred of evidence that it works for these children. In addition, it is an amendment which doesn't recognize that these children aren't going to do well unless we get it right on the prevention piece.

I have a second-degree amendment that talks about what we should do. I ask unanimous consent that I may send my second-degree amendment to the desk.

Mr. SESSIONS. I object. I don't believe it is time.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, if I may inquire of my friend from Alabama, we have approximately 4 minutes left. We would like to say that he can offer that amendment when that time has expired, but is there any reason he can't offer it now?

Mr. SESSIONS. He has the floor. He can use his time or not. I believe the Senator from Minnesota can use his time or not.

Mr. WELLSTONE. Will the Chair notify me when the time has expired—when the other side's time has expired?

The PRESIDING OFFICER. Yes.

Mrs. FEINSTEIN. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I yield the remainder of my time.

AMENDMENT NO. 2878 TO AMENDMENT NO. 2876

(Purpose: To provide a limitation regarding the policy prohibiting social promotion)

Mr. WELLSTONE. 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 Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2878 to amendment No. 2876.

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

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

The amendment is as follows:

On page 2, after line 23, add the following:

(d) LIMITATION.—

(1) IN GENERAL.—The provisions of this section shall not apply to any child who was not afforded, by the State educational agency or the local educational agency, an opportunity to learn the material necessary to meet the State achievement standards.

(2) OPPORTUNITY.—A child shall not be considered to have been afforded an opportunity to learn under paragraph (1) unless—

(A) the child was taught by fully certified or qualified teachers as defined by the State;

(B) the child's parents had multiple opportunities for parental involvement;

(C) the child had access to high quality instructional materials and instructional resources to ensure that the child had the opportunity to achieve to the highest performance levels, regardless of disability, income, and background;

(D) the child received the services for which the child is eligible under title I of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act;

(E) if necessary, the child received proper bilingual education and special education services; and

(F) the child had the opportunity to receive high quality early childhood education.

Mr. WELLSTONE. Mr. President, this is an amendment I think Senators can vote for and I think feel comfortable about because, on the one hand, you can vote for the first-degree amendment, but you can also vote for the first-degree amendment with the understanding that the provisions of this section shall not apply to any child who was not afforded, by the State educational agency or the local educational agency, an opportunity to learn the material necessary to meet the State achievement standards.

I am simply saying, let's make sure every child is afforded the opportunity to do well on these achievement standards. This says: "the child has been taught by fully certified or qualified teachers as defined by the State; the child's parents had multiple opportunities for parental involvement."

My colleague asked what that meant. That means to understand what homework is about, make sure you know when you can come in, understand what the standardized tests are about, understand how the child's performance is being measured. We are all for parent involvement.

Next is: "the child had access to high quality instructional materials and instructional resources"—how can anybody be opposed to that?—"to ensure that the child had the opportunity to achieve the highest performance levels, regardless of disability, income, and background; the child received the services for which the child is eligible under title I of the Elementary and Secondary Education Act . . . and if necessary, the child received proper bilingual education and special education services, and that the child had the opportunity to receive high quality early childhood education [developmental child care]."

Colleagues, even if you don't believe me, all I have to tell you in this debate is, I presented all kinds of evidence suggesting that retention has been harmful and hasn't worked. I never was refuted at all. Now what I am saying is that even if you want to go in that direction, at least let's make sure that every child has the opportunity to do well in these tests and to achieve, that there are highly qualified instructors and certified teachers, that we have followed through on title I commitment, that we make sure they are the same resources.

Don't you think we want to make sure children in our schools have the lab facilities and the textbooks and the good teachers, that there has been good pre-K education? Let's make sure every one of our children has had the same opportunity to achieve. That is what this amendment says. I hope there will be 100 votes for it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will speak in opposition to the second-degree amendment proposed by the Senator from Minnesota.

First and foremost, as everybody knows who has been participating in this debate and can understand how the system works, the second-degree amendment, as proposed, would gut Senator FEINSTEIN's and my first-degree amendment. It would simply make it impossible to enforce. Of course, that is what the Senator from Minnesota desires. He is not for testing or accountability or the end of social promotion.

I respect that position. But his President, the President of the United States, in his State of the Union Address, to a cheer from the audience, called for an end of social promotion. It is something whose time has come and gone. It is time to care about children and to care about the billions of dollars we are spending on education. And we are going to spend more next year than we did this year. But if we care about what is happening with it, we have to ask if there is some accountability. We can't simply allow children to go on and on, be promoted, and end up being an all-pro football player who can't read and write. That is happening in America, to a lesser degree mostly, but to a sad degree too often throughout this country. We are not making sure children are meeting minimum standards. When we do so, problems arise. They have to be confronted.

Right now, we are denying the problem. We are enabling an inefficient system to continue. We refuse to do what is required to point out to everybody who is not meeting minimum standards. Once we find that out, then we can all get together and do something to fix it. There is plenty of money in the Elementary and Secondary Education Act—soon to be passed. I hope—that will provide a continual flow of money for disadvantaged schools throughout America, so we can improve that system.

This amendment is nothing more than a gutting and an elimination and a wiping out of the total intent of the Feinstein-Sessions amendment. It will not allow an end to social promotion in America. Our amendment will. But it will allow the States to decide how to do it. If the States decide to have different standards for children who have difficulties, or disadvantaged or special

education kids, they can do so. We are not saying how they ought to do it. But if we care about those children, we have to know, ourselves, whether or not they are learning. If they are not learning, we have to confront that fact. We can't enable this unacceptable behavior to continue. Some of it is on the part of the kids, some of it is on the part of their parents, and some of it may be a poor school. We have to end that.

We care about our children. I think Senator FEINSTEIN has made it clear that she cares about them. I do. I want to see the system improved. I am convinced that we must move to eliminate the passing along of kids who are not meeting the most basic of standards. That is why I will oppose the Senator's second-degree amendment.

Mr. WELLSTONE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. WELLSTONE. Mr. President, all this amendment says is let's have the standards, though I presented a lot of irrefutable evidence about retention not working and even being harmful. I understand the politics of some of these votes. It is not a pretty picture if anybody cares about the evidence.

This second-degree amendment requires that if you are going to have these tests and these standards which determine whether or not a child as young as age 8 passes or not, or is held back, especially if retention is so harmful, and there is no evidence it is helping children—I thought we were trying to help the children—at least let's ensure we have met the standards that all these children have had the opportunity to pass these tests and do well.

My colleague from Alabama says I am trying to gut the amendment because by this amendment we want to ensure these children are taught by fully certified and qualified teachers. If that guts his amendment, his amendment should be gutted.

To make sure the child has had access to high-quality instructional material, to make sure the child has received the services for which the child was eligible under title II, to make sure the child has received adequate bilingual education, to make sure the child has had the opportunity to receive high-quality early childhood education, this is a no-brainer, colleagues.

We all know this is critical to making sure the children do well in school. My colleague was referred to those who graduate and have a third-grade reading level. What I am talking about is critical to that. Let's make sure that before we fail all of these children and act as if that is doing something great for them, why don't we make sure those children also have the same opportunity to do well and to pass our achievement tests.

Is it too much to ask other Senators to vote in favor of certified and qualified teachers, making sure there is parental involvement, making sure there are good instructional materials, making sure we live up to our title I commitments, and making sure there is adequate bilingual education?

Colleagues, you know this is critically important. Let's vote for "standards." That is the way you view it. But let's also vote for equality of opportunity for all of our children.

I especially thank the NAACP Legal Defense and Education Fund for all of the research they have pulled together that I have been able to present today about why it is so important that we pass the second-degree amendment and meet the test of decency. This is true equality of opportunity for our children. If you do not do that, then what you have done is very harmful. It is brutal.

I reserve the remainder of my time.

Are my colleagues prepared to yield the remainder of time?

I am prepared to yield the remainder of my time.

Mr. SESSIONS. Mr. President, I will use 2 minutes and then yield.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the second-degree amendment provision of this section—that is, the end of social promotion—shall not apply to any child who is not afforded by the State educational agency an opportunity to learn the material necessary. I don't know what that means. That can mean almost anything to anyone.

One of the requirement that has to be in the amendment or this bill does not apply is that a child has the opportunity to receive high-quality early childhood education. What does that mean? It means anything anybody says it does.

The President of the United States says it is time to end social promotion. The overwhelming majority of American people believe so. Certainly the people on this side of the aisle believe so. I believe a majority on that side of the aisle believe so.

Let's not go with some meddling second-degree amendment that will, in effect, undermine the import of the amendment Senator FEINSTEIN has offered. Let's not do that. Let's send a clear message that we care about children and we want to confront them at an early age and find out whether or not they are meeting basic standards. If they are not, let's start helping them. We are not going to put them in jail if they are not meeting standards. We ought to set about to find out who is not meeting those standards and start helping them. That is what it is all about. That is what we need to do.

I yield the floor.

Mr. WELLSTONE. Mr. President, let me conclude this way.

I think there is a bitter irony here. There is no evidence the retention works, and there is a certain amount of evidence that it is harmful. We should let the States decide, for those colleagues who worry about States and States making decisions. This amendment requires States to do retention, and if they do not do retention, then they are not going to get education funds.

That is flaw No. 1. I think some of my colleagues would be troubled by that. Frankly, I think my colleague from Alabama would be troubled by that.

If the States decide, on the basis of what they know, not to do the retention because of all of the evidence, we are now saying: You have to do it, States, or we will cut off Federal money.

That is unbelievable. This amendment should be defeated for that reason. The Federal Government ought not to be doing that to States, especially given the evidence.

The second point my colleagues are bothered by is my second-degree amendment which says let's make sure every child has the same opportunity to do well in these achievement tests. Let's make sure these children are taught by fully qualified teachers, that there is parental involvement, that they have good instructional material, that we live up to our commitment on title I, that we make sure the child has had the opportunity to receive good early childhood development, that there is bilingual education available.

My colleagues are telling Members to vote against this? We are all for that.

The evidence says retention doesn't work and can be harmful. If your State decides it doesn't want to do that, it doesn't matter because now if Members vote for this amendment, they are telling States they have to have retention of students, even if it is harmful. If they don't do what they think is right, we will cut off Federal funds.

Do Members want to vote for that?

I have a second-degree amendment I think colleagues should vote for because it makes elementary sense. Let's make sure these children have the same opportunity for achievement on these tests. If we don't do what I suggest in this amendment and don't make that commitment, what we will have done to children will be very harmful, brutal, and unconscionable.

I yield back the remainder.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I conclude by explaining why this amendment is so impractical. It says children have to have multiple opportunities for parental involvement.

I don't know what that means.

Mr. WELLSTONE. I defined that twice. I didn't know the Senator would

speak against the amendment. I talked about the amendment three times.

Mr. SESSIONS. The Senator does not define it in the statute. They won't know what the Senator said on the floor.

Mr. WELLSTONE. We want to make sure parents know what the homework requirements are, know what the standards are.

Mr. SESSIONS. I reclaim my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. What is the balance of my time?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. SESSIONS. I appreciate the concern of the Senator from Minnesota, but I say to the Senator, parents would get a lawyer and sue: You can't hold my child back; you didn't call me enough times.

The amendment doesn't say how many times.

Or my child didn't have an opportunity to receive a high-quality early childhood education.

Well, you had kindergarten; that was not enough.

This amendment does not say what it is. It will turn it into a conglomeration of things that are not healthy.

I note, as Senator FEINSTEIN from California so eloquently said, we are not saying what the standards are. The States can set standards that require parental involvement. I hope they do. I hope they do a lot of things that are not mentioned by the Senator from Minnesota in setting a fair, objective standard for testing.

However, we do need some objective standards for testing. If we do so—as Chicago has found, as California will be moving toward, as Alabama will move very soon to accountability and the end of social promotion—we will find that students are learning more because they are challenged. There is an incentive there. Parents are going to know certain standards must be met. Teachers and principals will know it. The children will know it. They will respond and meet the challenges.

We will end this slide in which we spend more and more money and get less and less productivity.

From 1960 to 1990, we tripled the amount of money spent on education in America. It went up every single year. But SAT scores declined 73 points.

In Kansas City, they spent \$11,700 per pupil. They raised education figures consistently to reach this very high level; they had a teacher-pupil ratio of 13-1, without raising test scores for the kids.

We have to challenge children because we care about them. We care about America. We cannot continue to move children through the system when they do not know how to read and write and perform effectively in this society of which we are a part. I

wish we could do it kindly, without having to tell people: Sorry, you didn't meet the standards; you have to take this course over again.

Oftentimes that is what we have to do. It is the way life is on the football field or in a military unit. You have to meet certain standards. We are in a world that demands first rate competition. If we are not prepared, we will lose out. I am concerned about it. All of America is concerned. I think we can make progress toward that goal.

I believe we should reject this amendment to the underlying amendment proposed by Senator FEINSTEIN and myself. With that, we can send a message to America that we will have some accountability, that we will encourage children to improve. When we recognize that large numbers of students are not meeting those standards, we can redirect resources to find out exactly what that problem is and rectify it.

I yield back the remainder of my time.

THE PRESIDING OFFICER. All time is yielded back.

Mr. BINGAMAN. Mr. President, I would like to take a moment to state that I agree with the position of my distinguished colleague from California on the issue of social promotion. We must end this practice. Far too many of our young people are graduating without the skills that they need to secure good jobs because they are being passed from grade to grade without accountability for what they have learned. Many young people are also dropping out of school because they find themselves in high schools without the knowledge that they need to succeed in that forum. I am a strong supporter of efforts to end this practice.

I have voted for legislation in the past that would have given States and local districts incentives to eliminate social promotion policies. I currently am cosponsoring legislation, based on a proposal from the President, which seeks to end social promotion in all our schools. I must vote against Senator FEINSTEIN's amendment, however, because it would cut all federal funding for education to a State based on this sole issue and provides no flexibility on the State or local level. If this amendment were to become law, we would be imposing a strict requirement without providing adequate resources to achieve the goal. As the Elementary and Secondary Education Act moves to the floor, however, I will work with my distinguished colleague from California to develop legislation that addresses this critical issue.

AMENDMENTS NOS. 2859 AND 2824, EN BLOC

Mr. COVERDELL. Mr. President, I ask unanimous consent the following two amendments be considered en bloc: The amendment introduced by Senator KERRY of Massachusetts, No. 2859, re-

lating to AmeriCorps; the Hatch amendment, No. 2824, relating to the marriage penalty and student loan interest deduction.

These amendments have been cleared on both sides. I ask unanimous consent the amendments be agreed to, any statement relating to these amendments be printed, and that the motions to reconsider to be laid upon the table.

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

Mr. HATCH. Mr. President, my amendment addresses a specific and serious problem for Americans repaying student loans. Many of our colleagues may not be aware of it, Mr. President, but there is a severe marriage penalty lurking in the deduction for student loan interest expense that Congress enacted in 1997.

This marriage penalty arises because, when Congress established the deduction for student loan interest, we targeted it so that only taxpayers with incomes below a certain amount could use it. For single taxpayers, that income threshold is \$40,000. For taxpayers with Adjusted Gross Income above \$40,000 the deduction begins to phase out. The deduction is fully phased out over the next \$15,000 of income, so that when a single taxpayer's income reaches \$55,000, there is no deduction allowed.

For married taxpayers filing a joint return, there is a different threshold—\$60,000. This is where the deduction begins to phase out, and it is gone at an income level of \$75,000. This is the heart of the problem, Mr. President. Because the threshold for married taxpayers filing a joint return is less than twice as high as the threshold for singles, there is a marriage penalty.

Let me illustrate the problem with an example. Let's consider a couple from my home state. Dave and Joann met at Utah State University and married right after graduation last year. Dave is the assistant manager of a grocery store and earns \$38,000 per year. Joann is a computer programmer making \$40,000 annually. These are not high income people, Mr. President, although their income puts them in the 28 percent marginal tax bracket.

Dave and Joann each borrowed to finance their education, and each has \$2,000 in interest expense from their student loans. The full \$2,000 interest expense would be fully deductible if they were single, saving them each \$560 in taxes. However, simply because Dave and Joann are married, and their combined income exceeds \$75,000, they lose the full \$4,000 student loan interest deduction.

Unfortunately, the \$1,120 marriage penalty inherent in the student loan interest deduction is only the tip of the marriage penalty iceberg for Dave and Joann. This is only one of at least 66 marriage penalties that resides in the Internal Revenue Code. Not every one

of these 66 marriage penalties affect every married couple in America, but many couples are hit with at least one, and often more than one, marriage penalty. In our example here, Dave and Joann are hit with two other marriage penalties.

As you can see, the total amount of marriage penalty affecting Dave and Joann is a whopping \$2,650. This means their tax burden is 27 percent higher than it would be if they were single, Mr. President! This is simply not fair. It is poor tax policy, it is poor education policy, and it is poor family policy. Taxpayers should not pay more in taxes just because they are married.

The other marriage penalties affecting Dave and Joann stem from the fact that the standard deduction for married couples is less than twice the amount of the standard deduction of singles, and from a similar problem that exists in the tax rate schedules. These two marriage penalties are not the subject of this amendment.

I will note, however, that H.R. 6, the marriage penalty alleviation bill passed by the House in early February, would correct most of this marriage penalty for Dave and Joann. I know that Chairman Roth plans to take up marriage penalty legislation in the Finance Committee in the next few weeks. I look forward to working with him to solve these other problems.

The marriage penalty problem the House bill would not correct, however, is the one inherent in the student loan interest deduction. The solution to this marriage penalty is simple. This amendment merely increases the income threshold for joint returns to \$80,000, twice the level of the single taxpayer threshold.

The marriage tax penalty problem is a complex one. We are not going to solve it all at once. I am gratified to see the Congress focusing on this important family issue, and I hope we can see real progress on alleviating the problem this year.

This amendment is a good place to start. Some might argue that this is relatively minor marriage penalty. And, compared with some of the other ones, maybe it is. However, it is not small to Dave and Joann and to the millions of young Americans who pay more in taxes simply because they have formed the basic unit of society—a family.

This small step today will eliminate the marriage penalty that hurts married taxpayers who are repaying educational loans. Then, in a few weeks when the Finance Committee takes up broader marriage penalty legislation, we can address some of the other problems.

The amendments (Nos. 2859 and 2824) were agreed to en bloc, as follows:

AMENDMENT NO. 2859

(Purpose: To exclude national service educational awards from the recipient's gross income)

On page 21, between lines 3 and 4, insert:

**SEC. 204. EXCLUSION OF NATIONAL SERVICE EDUCATIONAL AWARDS.**

(a) IN GENERAL.—Section 117 (relating to qualified scholarships) is amended by adding at the end the following:

“(e) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARDS.—

“(1) IN GENERAL.—Gross income for any taxable year shall not include any qualified national service educational award.

“(2) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARD.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified national service educational award’ means any amount received by an individual in a taxable year as a national service educational award or other amount under section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) to the extent such amount does not exceed the qualified tuition and related expenses (as defined in subsection (b)(2)) of the individual for such taxable year.

“(B) LIMITATION.—The total amount of the qualified tuition and related expenses (as so defined) which may be taken into account under subparagraph (A) with respect to an individual for the taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 1999.

AMENDMENT NO. 2824

(Purpose: To amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the phaseout of the education loan interest deduction)

At the end of title II, insert:

**SEC. . ELIMINATION OF MARRIAGE PENALTY IN PHASEOUT OF EDUCATION LOAN INTEREST DEDUCTION.**

(a) IN GENERAL.—Subparagraph (B) of section 221(b)(2) (relating to limitation based on modified adjusted gross income) is amended—

(1) by striking “\$60,000” in clause (i)(II) and inserting “\$80,000”, and

(2) by inserting “(\$30,000 in the case of a joint return)” after “\$15,000” in clause (i).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the Feinstein-Sessions amendment, No. 2876.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the Wellstone amendment No. 2878.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, before the Senator from Illinois takes the floor, I

alert my colleagues that following Senator DURBIN, Senator LANDRIEU is expected to be here to make her presentation, Senator BOXER, Senator JOHN KERRY, and Senator SCHUMER. That will complete the work for today except for the final vote on the bill. We would hope everyone would be here as quickly as possible.

The two leaders have told Members we will complete all amendments and final passage tonight, so the quicker we get to these amendments, the quicker we get out of here.

Mr. COVERDELL. Mr. President, I move that the pending amendment and the Feinstein amendment be laid aside for sequential voting later this evening.

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

AMENDMENT NO. 2879

(Purpose: To reduce violence in schools)

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. 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 Illinois [Mr. DURBIN] proposes an amendment numbered 2879.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

**SEC. . REDUCTION IN SCHOOL VIOLENCE.**

(a) SHORT TITLE.—This section may be cited as the “School Violence Reduction Act”.

(b) FINDINGS.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) The U.S. Department of Education report on the Implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–98 school year.

(3) Nationwide, 57 percent of the expulsions were high school students, 33 percent were in junior high and 10 percent were in elementary school.

(c) GRANTS.—The Secretary of Education shall award grants to elementary and secondary schools (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to enable such schools to:

(1) develop and disseminate model programs to reduce violence in schools,

(2) educate students about the dangers associated with guns, and

(3) provide violence prevention information (including information about safe gun storage) to children and their parents.

(d) APPLICATION.—To be eligible to receive a grant under subsection (b), an elementary or secondary school shall prepare and submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may require.

(e) PUBLIC SERVICE ANNOUNCEMENTS.—The Secretary of Education shall provide for the development and dissemination of public service announcements and other information on ways to reduce violence in our Nation's schools, including safe gun storage and other measures.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this Act, there are authorized to be appropriated funds of up to \$7,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

Mr. DURBIN. Mr. President, the headlines in our morning papers are a sad reminder: America Faces a National Gun Crisis.

USA Today is published across America. This morning's paper, on its front page, speaks of the shooting of a little 6-year-old girl in Mount Morris Township, MI. Her name was Kayla Rolland. Her parents sent her to the first grade. She never came home.

Turn the page and find on page 3:

Pa. Gunman Flies into a Fatal Rage.

Firearms are easy to come by—for 6-year-olds and psychotics. That is the state of affairs in America today. The violence in America is not confined to mean streets. It is in our homes, it is in our fast food restaurants, and, yes, it is even in our schools. We passed legislation several years ago to make certain that Congress and the American people would know, on an annual basis, about the evidence of gun violence in our schools. From the school year 1997 and 1998, the Department of Education reports to us grim statistics about what we face as a nation. Let me recount for you what they have told us.

The U.S. Department of Education's recent report on the implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–1998 school year, almost 4,000 children. Nationwide, 57 percent of the expulsions were high school students, 33 percent were junior high, 10 percent were elementary school. That means almost 400 elementary students were expelled for bringing firearms to school. These children were as young as 6 years old.

In this situation in Mount Morris, MI, Kayla Rolland, this beautiful little girl, was gunned down by a 6-year-old killer. In my home State of Illinois, 86 students were expelled during the year in question for bringing a gun to school: 49 high school students, 31 junior high school students, and 6 elementary school students.

In Illinois, firearms are the leading cause of injury and death to children. The next most common cause is car crashes. On average, 364 children die every single year in Illinois from guns, almost 1 child every single day. Do not believe for a moment this is a story unique to Illinois. The tragedy of Kayla Rolland was in Michigan. Another tragedy yesterday occurred in Pennsylvania.

If you follow the headlines in the paper, you will see a sad reminder on a

regular basis of infants and children who have access to guns: "Eighth Grader Takes Principal Hostage"; "5-Year-Old Girl Shoots Herself In The Head," in New Orleans; in Chicago, "Girl Killed In An Accidental Shooting"; Kansas City, "6-Year-Old Accidentally Shoots 1-Year-Old Cousin To Death"; Memphis, "Angry 5-Year-Old Takes A Gun To School"; Miami, "15-Year-Old Takes Gun To School, Injures Himself In Horseplay"; in Cleveland, "4-Year-Old Caught Again For A Second Time With A Gun At Day Care."

Did he say 4 years old? Yes, a 4-year-old with a gun at day care; a 5-year-old accidentally shoots to death a 10-year-old boy in Grand View, MO; a child brings guns to school in Topeka, KS—on and on and on. What I am addressing today is not an exception. It is becoming a rule. It is becoming a sad reality in America.

We talk a lot about education on the floor of the Senate, as we should. It may be America's highest priority. But before we start talking about funding education and paying and training teachers, before we talk about smaller class sizes, before we talk about modern buildings and new technology, for goodness' sake, should not we first talk about the safety of our children in the schools themselves?

It is unfortunate that this Congress is in virtual denial about the crisis which I have described. We have had an opportunity ever since Columbine High School, and even before, to pass sensible gun control legislation. We have failed to do it. America faces a national epidemic of gun violence. Guns are a deadly social virus. The same USA Today in its editorial page spells this out so well:

Guns are a deadly social virus that can strike down children like the horrible diseases of old.

And yet this Congress refuses to acknowledge it. We refuse to consider even the most basic commonsense gun control. Because this Congress refuses to seriously consider any efforts under law to keep deadly firearms out of the hands of children and convicts, I urge my colleagues to, at the very least, consider as an alternative the amendment which I offer today. It is an amendment which tries to give families across America fair warning of the scourge of gun violence and what it can do to so many families. Guns kill 34,000 Americans every year; between 12 and 13 children every day. They kill more teenagers than any natural cause. The American people, especially mothers in suburban areas who are sending their children to school, want some assurance that their children will come home at the end of the day.

That is why I am offering this amendment. It creates the School Violence Reduction Act. What will it do? It is simple. It establishes a grant program for the U.S. Department of Edu-

cation to develop and disseminate model programs to reduce violence in schools. I would much rather these dollars, the \$7 million part of this amendment, be used for other purposes—to buy computers, to train teachers, to reduce class size, to modernize school buildings. But I say to those who follow this debate, we have to deal with the basics, the safety of our schools, before we can consider even the process of education. We need to educate students about the dangers associated with guns. I am sad to report we have to start at the earliest ages to educate them.

We need to provide information about safe gun storage to children and their parents. The amendment provides funds for public service announcements and other information to reduce violence in our schools. Six-year-olds do not go out and buy guns, not in the ordinary course of events. The guns are left lying around the house.

I read some about this child's situation in Mount Morris, MI. It is clear this child lived in a terrible situation, exposed to things with which no adult could cope. This tiny little boy, for whatever reason, faced the life of a dysfunctional family, of drugs, God knows what kind of abuse, and exposure to guns on a regular basis. But that is not the only way kids come by guns. Kids come by guns when parents are neglectful, when they are negligent, when they do not meet their obligation to store guns safely.

The President, after this situation in Michigan, renewed his call for a national standard for trigger locks to make sure if a child gets his hands on a handgun he can't shoot it and kill someone, some other innocent victim or himself. But we can't do that in Congress. That is beyond us. The gun lobby will not stand for it.

The idea of putting safety devices on guns is something the National Rifle Association will not buy. So let us at least try, through our schools, to create public information and education efforts so families across America at least know that there is a right way to store guns safely, out of the hands and out of the reach of children.

We passed legislation last year, when Vice President Gore came to the floor of the Senate and broke a tie, which dealt with some of the problems we have in our country involving guns: for background checks at gun shows, the amendment of Senator FEINSTEIN of California to reduce the importation of these high-capacity magazine clips from overseas into the United States, things that move us down the road toward protecting Americans from the abuse of guns. Trigger locks: Senator KOHL of Wisconsin has been a leader on that as well.

What happened to this legislation? Dead on arrival in the House of Representatives. There has not even been a

conference committee on this bill. Yet day in and day out we read these terrible headlines.

I looked in the face of this little girl, Kayla Rolland, and saw so many thousands of little kids I have seen across my State of Illinois, kids I have seen in the day-care classes with my 3 1/2-year-old grandson. This beautiful little girl is no longer with us because of someone who was negligent in handling a gun and because of a 6-year-old who took a gun to school.

There are so many who do this across America on a regular basis that we have to come to grips with this challenging national situation. I urge my colleagues, whatever their opinion of gun control, to at least, at the very least, join me in this effort to create a program so schools across America, on their own, with a voluntary application, can receive assistance from the Federal Government to deal with this gun violence. I believe this is a step in the right direction. I believe it will give to many schools the resources they need to educate the children and the parents and all who will listen to the public service announcements about the reality of reducing gun violence in our schools.

I pray to God this is the last story we will read in the year 2000 of another infant, another child who lost her little life because of this kind of gun violence, because of the negligence of a gun owner or someone who possessed a gun so a child could come in contact with it.

History tells me it will not be the only story of the year. It will be one of many.

To those parents who think it is not their problem, I am sorry to report it is. If you do not have a firearm in your house, can you ever be sure your little child's playmate does not have a firearm in his house? Can you ever be certain the child sitting behind your son or daughter at school does not have a handgun in his backpack?

That is the reality of America today. That is the national gun crisis we face. There have been a lot of suggestions about improving education in America. This bill suggests one of the ways to do it is to save families on average \$7 in this tax benefit package if they will send their children to public schools. Before we start saving less than \$10 when it comes to education, let's talk about saving the lives of our priceless children in our schools.

Mrs. BOXER. Will the Senator yield?  
Mr. DURBIN. I sincerely hope my colleagues will join me in this effort.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DURBIN. Yes.

Mrs. BOXER. Mr. President, I commend my friend from Illinois. A long time ago, he and I talked about the importance of having a school safety fund where if schools felt they needed assistance, whether it was to purchase equipment—a metal detector—whether it

was to teach the children about how to resolve their differences without violence, that we should set this up in a way that local schools could put together their own programs.

I want to ask my friend this: There is a lot of talk around here of local control. Isn't this what my friend is doing, he is designing a grant program so if school districts decide they want to partake, if they have this problem, they have an opportunity to do so?

Mr. DURBIN. The Senator from California is absolutely right. It is totally voluntary. There is no Federal mandate involved. If a school district says they are concerned enough about this problem that they want to put together a program that is going to try to educate children about the danger of guns, that is going to try to educate parents about the safe storage of guns, public service announcements to encourage trigger locks, then they can apply for these funds. It is only \$7 million, which by Federal standards is a very small amount of money.

I hope it will give some school districts the resources they need to step forward and protect children from needless tragedies which we read about every day.

Mrs. BOXER. I ask my friend another question. As I read these hair-raising accounts of what happened in Michigan with this little baby of 6 years old bringing a gun to school, shooting a child, and then actually after it was done, coloring something, drawing some pictures, having no concept he committed this murder, if you will, I think this points out to us that kids do not understand what gun violence can really do.

I commend my friend and ask him if he has read those accounts and how chilling it is and how appropriate it is to have a vote on this. As my friend said, the underlying bill gives \$7 a year. Now they want to give help to people even in higher incomes while our kids are losing their lives. I am very pleased my friend has offered this amendment, and I am proud to join him.

Mr. DURBIN. I thank the Senator from California who earlier offered a sense-of-the-Senate amendment as to whether we are going to make a concerted and dedicated effort to reduce violence in the schools. Her leadership on this issue in her State and across the Nation has been a model for all of us. This program I am suggesting is a very modest approach as well. It is a \$7 million grant that is available, and when you consider these headlines which I went through earlier about children coming to day care with a gun, a 4-year-old caught a second time bringing a loaded handgun to day care in Cleveland, OH.

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

Mr. DURBIN. Mr. President, I ask unanimous consent for 30 additional seconds.

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

Mr. DURBIN. Mr. President, I say to those in the Senate, regardless of your position on gun control, I hope we all concede we need to get the resources to schools, parents, and families so they can do their best to protect their kids and try to eliminate a senseless tragedy such as we saw in Michigan this week and, sadly, we have seen repeated across America.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Durbin amendment be set aside and the Senator from Massachusetts, Mr. KERRY, be allowed to offer his amendment with a 14-minute time agreement equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KERRY. What was the agreement on time? I am sorry, I could not hear you.

The PRESIDING OFFICER. Fourteen minutes.

Mr. KERRY. Fourteen minutes equally divided.

AMENDMENT NO. 2866

(Purpose: To amend the Higher Education Act of 1965 to provide scholarships for future teachers and loan forgiveness and cancellation)

Mr. KERRY. Mr. President, I ask unanimous consent that amendment No. 2866 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2866.

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

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

The amendment is as follows:

At the appropriate place, add the following:

**TITLE —AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965**

**SEC. 01. SCHOLARSHIPS FOR FUTURE TEACHERS.**

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

**“SUBPART 9—SCHOLARSHIPS FOR FUTURE TEACHERS**

**“SEC. 420L. STATEMENT OF PURPOSE.**

“It is the purpose of this subpart to establish a scholarship program to promote student excellence and achievement and to encourage students to make a commitment to teaching.

**“SEC. 420M. SCHOLARSHIPS AUTHORIZED.**

“(a) PROGRAM AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to

States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who make a commitment to become State certified teachers in elementary schools or secondary schools that are served by local educational agencies.

“(b) PERIOD OF AWARD.—Scholarships under this section shall be awarded for a period of not less than 1 and not more than 4 years during the first 4 years of study at any institution of higher education eligible to participate in any program assisted under this title. The State educational agency administering the scholarship program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence).

“(c) USE AT ANY INSTITUTION PERMITTED.—A student awarded a scholarship under this subpart may attend any institution of higher education.

**“SEC. 420N. ALLOCATION AMONG STATES.**

“(a) ALLOCATION FORMULA.—From the sums appropriated under section 420U for any fiscal year, the Secretary shall allocate to each State that has an agreement under section 420O an amount that bears the same relation to the sums as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 bears to the amount received under such part A by all States.

“(b) AMOUNT OF SCHOLARSHIPS.—The Secretary shall promulgate regulations setting forth the amount of scholarships awarded under this subpart.

**“SEC. 420O. AGREEMENTS.**

“The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program authorized by this subpart. Each such agreement shall include provisions designed to ensure that—

“(1) the State educational agency will administer the scholarship program authorized by this subpart in the State;

“(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

“(3) the State educational agency will conduct outreach activities to publicize the availability of scholarships under this subpart to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the scholarship program authorized by this subpart; and

“(4) the State educational agency will pay to each individual in the State who is awarded a scholarship under this subpart an amount determined in accordance with regulations promulgated under section 420N(b).

**“SEC. 420P. ELIGIBILITY OF SCHOLARS.**

“(a) SECONDARY SCHOOL GRADUATION OR EQUIVALENT AND ADMISSION TO INSTITUTION REQUIRED.—Each student awarded a scholarship under this subpart shall—

“(1) have a secondary school diploma or its recognized equivalent;

“(2) have a score on a nationally recognized college entrance exam, such as the Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT), that is in the top 20 percent of all scores achieved by individuals in the secondary school graduating class of the student, or have a grade point average that is in the top 20 percent of all students in the secondary school graduating class of the student;

“(3) have been admitted for enrollment at an institution of higher education; and

“(4) make a commitment to become a State certified elementary school or secondary school teacher for a period of 5 years.

“(b) SELECTION BASED ON COMMITMENT TO TEACHING.—Each student awarded a scholarship under this subpart shall demonstrate outstanding academic achievement and show promise of continued academic achievement.

**“SEC. 420Q. SELECTION OF SCHOLARS.**

“(a) ESTABLISHMENT OF CRITERIA.—The State educational agency is authorized to establish the criteria for the selection of scholars under this subpart.

“(b) ADOPTION OF PROCEDURES.—The State educational agency shall adopt selection procedures designed to ensure an equitable geographic distribution of scholarship awards within the State.

“(c) CONSULTATION REQUIREMENT.—In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, local educational agencies, teachers, counselors, and parents.

“(d) TIMING OF SELECTION.—The selection process shall be completed, and the awards made, prior to the end of each secondary school academic year.

**“SEC. 420R. SCHOLARSHIP CONDITION.**

“The State educational agency shall establish procedures to assure that a scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education that is related to a career in teaching.

**“SEC. 420S. RECRUITMENT.**

“In carrying out a scholarship program under this section, a State may use not less than 5 percent of the amount awarded to the State under this subpart to carry out recruitment programs through local educational agencies. Such programs shall target liberal arts, education and technical institutions of higher education in the State.

**“SEC. 420T. INFORMATION.**

“The Secretary shall develop additional programs or strengthen existing programs to publicize information regarding the programs assisted under this title and teaching careers in general.

**“SEC. 420U. APPROPRIATIONS.**

“There are authorized to be appropriated, and there are appropriated, to carry out this subpart \$10,000,000 for each of the fiscal years 2001 through 2005, of which not more than 0.5 percent shall be used by the Secretary in any fiscal year to carry out section 420T.”

**SEC. 02. LOAN FORGIVENESS AND CANCELLATION FOR TEACHERS.**

(a) FEDERAL STAFFORD LOANS.—Section 428J of Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(1) in the matter preceding subparagraph (A) of subsection (b)(1), by striking “for 5 consecutive complete school years”;

(2) by amending paragraph (1) of subsection (c) to read as follows:

“(1) AMOUNT.—

“(A) IN GENERAL.—The Secretary shall repay—

“(i) not more than \$5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1); and

“(ii) not more than \$5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1).

“(B) SPECIAL RULE.—No borrower may receive a reduction of loan obligations under both this section and section 460.”; and

(3) by adding at the end the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section \$50,000,000 for each of the fiscal years 2001 through 2005.”

(b) DIRECT LOANS.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in the matter preceding clause (i) of subsection (b)(1)(A), by striking “for 5 consecutive complete school years”;

(2) by amending paragraph (1) of subsection (c) to read as follows:

“(1) IN GENERAL.—The Secretary shall repay—

“(A) not more than \$5,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1)(A); and

“(B) not more than \$5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1)(A).”;

(3) by adding at the end the following:

“(i) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section \$50,000,000 for each of the fiscal years 2001 through 2005.”

Mr. KERRY. Mr. President, I thank the Senator from Georgia, and I thank the Senator from Nevada for their assistance in moving things along. I will try not to take very long. In fact, I want to say a few words about the schoolchild my friend from Illinois was talking about. Let me try to get through the substance and see where I am timewise before I do that.

Whatever the dynamic we are locked into in the Senate, it is clearly not promising or anything substantive to pass. Our friends on the other side of the aisle have decided that nothing substantive with respect to education will fundamentally pass. Yesterday we passed a study on welfare offered by Senator WELLSTONE, but every other effort to deal with education is pre-ordained.

I understand in standing up here the fate of this amendment. Notwithstanding that, I want to make it clear, and I think my colleagues who preceded me have made it clear, that these are the real issues that face the country and these are the choices the Senate ought to be making. If our colleagues simply choose to dismiss them out of hand, then that is a reality the American people, I hope, will begin to digest at the appropriate time, which is obviously election time in this country. There may be another chance when we will deal with some of these issues. We certainly hope there will be. But not being guaranteed that opportunity, we have to take this opportunity now.

Everyone in this country knows we have a teacher shortage of remarkable proportions. We are supposed to hire some 5 million teachers over the course of the next 10 years, 2 million of them in the next 5 years. If one looks at an

article that appeared in the Washington Post at the beginning of this school year, it tells us the story of some of that hiring. A principal in Northern Virginia was so desperate for teachers to begin the school year that she was wooing shoppers at Wal-Mart in an effort to find people to teach in her school.

The last thing the parents of our children and our school administrators want is an unprepared, unqualified, uncertified adult simply there supposedly to fill a quota and “teach,” and I put quotes around that.

If we continue on our present course, we are going to face many similar stories. But we know because of the pressures of attrition, the pressures of the classroom itself, the lack of pay, and other problems attendant to teaching today, we are losing many more people than are coming into the profession. Thirty to 40 percent of the people who teach leave within the first 3 to 5 years. We have a remarkable rate of loss and a remarkable rate of turnover.

We also know we have an incredible shortage of teachers who teach in the field for which they may have gone to school or in which they have a degree. Again, I am not going to take up all the time, but the statistics with respect to teachers who are qualified to teach math or science is extraordinarily distressing, not to mention other subjects that people also come to teach.

The amendment I offer today addresses this by seeking to address the question of how do we create an incentive to draw people into teaching.

I met with young people this morning, interns in my office, about 15, 16 of them. Not one of them is planning to be a teacher or is even thinking about it.

When I speak at colleges and universities there may be whatever number of people in the room, and I ask them: How many of you are planning to be teachers? You are lucky if you get one or two or three hands going up because most people cannot afford to do it based on the loans they have at the end of their schooling. Also, many of them find the opportunities of the private sector simply too great, too alluring, so they are drawn away from teaching. Thirdly, our school systems today, because of the lack of adequate resources, structures, support, curriculum, reform standards, and other things, are not particularly enticing to many young people in terms of a career option.

We have to offer greater incentives to attract people, particularly measured against the marketplace. Therefore, the current law already forgives \$5,000 in student loans after 5 years in teaching.

My amendment seeks to recognize the reality of that principle, which we have already adopted, that an incentive works. But recognizing that, the

second reality is that because of the marketplace, the incentive isn't strong enough. So we need to find a way to add an additional incentive. My amendment would provide an additional \$5,000 in forgiveness for teachers after 2 years of teaching, providing additional relief for those who are faced with leaving teaching in order to make more money.

In addition, we would offer a grant for States to be able to establish a program to provide college scholarships to students with SAT scores or grade point averages in the top 20 percent of each State's high school graduating class. That would be in return for a commitment by the individual to become a State-certified teacher for a period of 5 years.

We have always tried to attract people into our military service by offering them, either through the Service academies or through ROTC or through the GI bill, the opportunity to be able to have payment in exchange for a service that we value greatly: Service to country.

Here we are trying to apply the same principle, and we are trying to draw some of the top students. Those who have performed the best in high school will have an opportunity to have college scholarships so they can go to college, not come out with the burden of debt and, indeed, dedicate 5 years of their life to teaching in return.

In a sense, it is a GI bill for teaching. I hope my colleagues will recognize this principle and the value of it.

The teacher shortage our schools are facing now will pale in comparison to what we're looking at over the next 10 years as large numbers of teachers are expected to retire and enrollments are expected to increase. The pressures of attrition, of retirements, will only be compounded by the impact of hundreds of other important education improvement efforts taking root all over the country, whether it's class-size reduction or higher standards for teachers, and that too will exacerbate the teacher shortage.

So what do we do about it? We must pass legislation that helps increase the supply, and the quality, of teachers in this country. And to do that, we must make the teaching profession more attractive to our young people and to those many thousands of people who are certified teachers but have left the profession because of financial constraints.

The amendment I offer today addresses the teaching crisis plaguing our Nation's schools and impairing our children's ability to learn and succeed. My amendment will provide full-time state certified public school teachers who teach in low-income areas or who teach in areas with teacher shortages such as math, science, and special needs with loan forgiveness of up to \$5,000 after 2 years of teaching and an

additional \$5,000 after 5 years of teaching.

I know the Congress believes loan forgiveness is an important way to attract and retain qualified teachers, because current law already forgives \$5,000 in student loans after five years of teaching. My amendment would provide an additional \$5,000 in forgiveness for teachers after 2 years of teaching, providing relief for teachers who are faced with leaving teaching to make more money, and providing an incentive for them to continue in the field. Coupled with increased ongoing education opportunities that are the focus of so many Senators, particularly my colleague from Massachusetts, who has contributed so much to the education debate over the years, Senator KENNEDY, coupled with increased professional development opportunities that I hope we will enact, we have the capability of recruiting and retaining thousands of highly qualified teachers around the country.

My amendment would also provide grants for states to establish a program to provide college scholarships to students with SAT scores or grade point averages in the top 20 percent of each state's high school graduating class in return for a commitment to become a state certified teacher for 5 years. States would contribute 20 percent of the funds for the scholarships. This amendment would also establish a national hotline for potential teachers to receive information on a career in teaching.

Demand for teachers is so great that it is projected that 50,000 unqualified teachers have been hired annually on emergency or substandard licenses. And the situation is most severe in poor urban and rural areas. According to the National Center for Education Statistics, these districts have such a hard time recruiting and retaining qualified teachers that 39 percent of their teachers have neither a college major or minor in their primary field of course work.

What does this mean for our children's education? In urban schools where children are already crippled by an unfair playing field, a lack of adequate resources, too often the teachers they do have are unqualified. And over the next 10 years the situation will get even worse, virtually guaranteeing that the percentage of unqualified teachers in these schools will increase.

I ask you this: How are our young people supposed to get engaged in the learning process if they only have warm bodies in their classrooms? Who will answer the questions that children have about their lessons if the teachers themselves are not sure of the answers? I have heard from people all over my state, deans of engineering schools in my state, high school administrators, parents, about a decrease in the number of young people interested in pur-

suing math, science, and engineering degrees after they graduate from high school. Is it any coincidence then that the greatest shortage of teachers in this country is in the areas of math and science? No wonder our young people are seeking math and science degrees in lower numbers. They aren't excited about these subjects because the teachers weren't there to get them excited, to provide them with good instruction, to encourage them on. And I won't even get into the shortage of hi-tech workers before us now and that we are in dire need of greater numbers, not fewer, of graduates in math, science, and engineering.

I can guarantee you that this additional loan forgiveness and a scholarship program are necessary, that the existing laws will not recruit the numbers and quality of students we need. Thirty to fifty percent of all new urban teachers leave the teaching profession within the first 3 to 5 years of teaching. And while we can't be sure that all of these young teachers leave because of inadequate salaries and blossoming student loans, when you look at the data you can be sure looming students loans and low paying comprise a great deal of the incentive for these teachers to leave.

We need to attract the best and the brightest teachers into our public schools to cultivate the minds of our children. But can we realistically expect those students graduating from 4-year institutions and saddled with thousands of dollars in student loans—the average private college students graduates with \$14,000 of loans that must be repaid—to enter career where they can expect a starting salary that barely reaches the mid-twenties? How can we expect our young people to turn their backs, particularly in this booming economy, on higher-paying jobs as analysts, in technology companies.

Consider the case of Bridgewater State College, which was the first college in Massachusetts to obtain accreditation under the new National Council for the Accreditation of Teacher Education standards. One-fifth of Bridgewater State students go on to become teachers in Massachusetts and throughout the country. But these students graduate with an average of \$8,693 in student loans that must be repaid. And that is from a public school, where in-state tuition is just \$8,000. A student graduating from a private college, of which there are many in my state, faces a average of \$14,000 in loans to be repaid.

Now, we all know that first-year teachers are poorly paid. The average starting salary is in the mid-twenties. It is simply too difficult for young teachers to make ends meet when, in addition to paying rent, buying groceries, maybe saving for graduate school, or for a car, they must also pay back these loans.

We must act on this legislation now. If not because we are facing an imminent teacher shortage, then because of the rising cost of tuition. From 1990 to 1996, average tuition for a full-time resident undergraduate student rose 43.8 percent, but during that same period, the consumer price index rose only 15.4 percent. And at the same time, Mr. President loans are comprising a greater percentage of student's tuition than grants or income. In the early 1980s, loans covered about 40 percent of total aid. Now, loans cover 58 percent of total aid and during that period, grants went from covering 55 percent of total aid to just 40 percent of total aid. Mr. President, we must address this issue. We must provide assistance to aspiring teachers. We must act now.

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

Mr. KERRY. I ask my colleague from Georgia if he would mind if I took a moment, maybe 3 or 4 minutes, to say something about the shooting in Michigan. May I ask for 4 minutes?

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. I yield 4 minutes to the Senator from our time.

Mr. KERRY. The Senator is very generous. Knowing the outcome of this vote, I know the Senator does not have to expend a lot of eloquence to defeat me. I am very appreciative for his consideration.

Thank you very much, Mr. President.

#### YOUNG LIVES IN CHAOS

Mr. KERRY. Mr. President, today there was an article on the front page of the Washington Post. I thought the words captured in the caption really summarize the situation that the Senate needs to stop and think about much more seriously as we come into the budget deliberations for this year.

The title of the story is: "A 'Life in Chaos' Shaped Young Shooter." The description in the story talks about the life: Living in a place where drugs are rampant, where a gun is under a pillow, where parents are not paying attention. Literally, they define this as a life in chaos.

I have come to the floor many times over the course of the last few years to talk to my colleagues about exactly that: the difference for children between a life in chaos and a life lived in order, in structure.

The fact is, this child in Michigan, who saw fit to pick up a gun and shoot another student of the same age in their classroom, is tragically not an aberration in the context of life in America today. There are countless numbers of children living lives in chaos.

One-third of all of our children in this Nation begin life in a deficit because they are born into a parenting

situation where there is only one parent, born out of wedlock. With the failure rate of marriages, when you add to the one-third that begin life that way, maybe as many as 45 to 50 percent of America's children are being raised in a single-parent structure.

Too many kids who are raised with even two parents are often the victims of lives in chaos, where the parents are not paying attention, where there are not afterschool programs, there are not early start programs, there are not child-care programs.

Children, 5 million strong a day, are let out of school to go back to apartments and homes where there is no adult until 6 or 7 in the evening. We know that 5 million children are let out of school and returned to apartments and homes in that situation.

I know of cities in Massachusetts where, tragically, because of the situation in a housing project or the situation of a single parent who is struggling with two jobs, working to make ends meet, and they do not have a proper child care situation, children are also being raised in a kind of chaos.

Talk to any child psychologist anywhere in the world, and they will tell you the negative impact that kind of chaos or disorder or lack of structure has on children.

My prayer is that in the course of the next weeks, when we have the opportunity in this budget, in a year of surplus, in a year where we are talking about huge sums of money in tax rebate, and too much of it going back to people who already have more than most people in America, I hope that in that context the Senate is going to do the business of this Nation in helping parents to be able to parent and helping children to be able to live lives in order, not lives of chaos. There is no greater mission for this country.

Mr. President, I ask unanimous consent that this article from the Washington Post be printed in the RECORD.

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

#### A 'LIFE IN CHAOS' SHAPED YOUNG SHOOTER

(By William Claiborne)

MOUNT MORRIS TOWNSHIP, MICH., March 1—The 6-year-old boy who shot and killed a first-grade classmate in an elementary school here Tuesday was living in a rundown crack house just blocks from the school—without even a bed to sleep on—and leading a "life in chaos," authorities said today.

Two men living in the house were arrested last summer on charges of breaking into and burglarizing a house down the street in this gritty, unincorporated neighborhood just north of Flint in central Michigan, neighbors said.

Another man, who police said kept a .32-caliber revolver under a blanket in his bedroom—the weapon that authorities say the boy stole and used in shooting 6-year-old Kayla Rolland once in the chest—was a fugitive being sought on drug charges and for possible indictment for involuntary negligent homicide before he surrendered to po-

lice late this afternoon. The 19-year-old man, who has not been identified by police, was held on outstanding warrants.

When police raided the house Tuesday night and seized drugs and a stolen 12-gauge shotgun, they arrested a third man, identified as the boy's uncle, on an outstanding felony warrant for concealing stolen property. The uncle, identified as Sirmarcus B. Winfrey, was also held in connection with the seized drug cache and the shotgun. He is the brother of the boy's mother.

Genesee County Prosecutor Arthur A. Busch said the boy, whose name has been withheld because of this age, "comes from a very troubled home. . . . It is obvious to me he is the victim of the drug culture and a home that is in chaos."

Nonetheless the boy's mother Tamara Owens who police say has a criminal record, and his father, Detric Owens, who is in jail on a parole violation, appeared briefly in Genesee County Probate Court today asking for custody of the boy and his 8-year-old brother. The father, appearing in court in handcuffs, said he was sorry for what happened but added, "I miss him and I can't wait to see him." He said he was seeking custody for when he is eventually released from jail.

Speaking briefly in court, Owens said, "I'm very sorry for what happened to the child and the family. I wish it would never had happened. There's nothing I can do about it."

Probate referee Peggy Odette denied the custody requests, saying that there was evidence the mother had a background of drug use. But she said Owens, who sat quietly in court and wept occasionally during the brief proceedings, would be allowed supervised visits with the boy while he is in state custody. The boy and his brother are living with an aunt.

The parents' custody requests were made after state children's services officials filed a petition for state custody on the basis of alleged parental neglect. Busch said the petition would go to Family Court for a hearing.

Busch said the boy, who along with his brother apparently had been passed from house to house after their father was sent to prison on a home invasion conviction, was incapable of forming an intent to shoot his classmate and should not be prosecuted for that reason.

"Especially after the detectives say that he has not appreciated what has happened, that he takes this as, well this is something that happens like on television," Busch said at a news briefing at County Court in Flint.

After police questioned him, the boy "just sat there drawing pictures," said Township Police Chief Eric King.

The prosecutor said there is ample case law, supported by a recent U.S. Supreme Court decision, that youths under 7 years old cannot be prosecuted on felony charges. "He is a victim in many ways and we need to put our arms around him and love him," Busch said.

Genesee County Sheriff Robert J. Picknell said today that he interviewed the boy's 29-year-old father Tuesday night at the county jail. The father was paroled on Dec. 20 from a home invasion sentence but two months later was back in custody for the parole violation.

Picknell, in a telephone interview, said the father told him that, after being evicted from her house, the boy's mother dropped off the youngster at the crack house about 10 days ago to live with his uncle. The move followed a series of behavior problems at the