United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

*Vol. 146* WASHINGTON, MONDAY, MAY 8, 2000 *No. 55*

# *Senate*

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, before us is a brand new week filled with opportunities to serve as servant leaders. We trust You to guide us so that all that we do and say today will be for Your glory.

Since we will pass through this day only once, if there is any kindness we can express, any affirmation we can communicate, any help we can give, free us to do it today. Help us to be sensitive to what is happening to the people around us. We know there are unmet needs beneath the surface of the most successful and the most self-assured people. Today, some are enduring hidden physical or emotional pain; others are fearful of uncertain futures; and still others carry burdens of worry for families or friends. May we take no one for granted but, instead, be communicators of Your love and encouragement.

We pause to ask Your special blessing and healing on the members of the family of Officer Robert Lebron III, who were involved in an automobile accident this morning.

And now, Lord, we express gratitude for all of the people who make this Senate function effectively: Each Senator's staff, the Senate officers and staff, the Official Reporters of Debates, the Capitol Police and Secret Service, the maintenance crews, and the people who work so faithfully in hundreds of other crucial tasks. We also thank You for the outstanding young men and women who serve as Senate pages. We praise You for each one of these future leaders of our Nation. Lord, You have richly blessed this Senate so that You may bless this Nation through its inspired leadership. In Your holy name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, 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 PRESIDENT pro tempore. The able Senator from Arizona is recognized.

Mr. KYL. I thank the Chair.

SCHEDULE

Mr. KYL. On behalf of the leader, let me announce that today the Senate will be in a period of morning business until 3 p.m. with Senators THOMAS and DURBIN in control of the time.

Following morning business, the Senate will resume consideration of the elementary and secondary education bill. The Senate will then begin consideration of the Lott-Gregg amendment regarding teacher quality. By previous consent, Senator LIEBERMAN will offer his alternative to S. 2 on Tuesday morning.

On Thursday, the Senate received the African Trade CBI conference report. It is expected that the Senate will consider that important legislation during this week's session of the Senate.

I thank my colleagues for their attention.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL assumed the chair.

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

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

RESERVATION OF LEADER TIME

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

The Senator from South Carolina is recognized.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 2516 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

Under the previous order, the time until 3 shall be under the control of the distinguished Senator from Wyoming, Mr. THOMAS, or his designee.

EDUCATION

Mr. KYL. Mr. President, let me begin by thanking Senator THOMAS, again, for allowing the time to be devoted to this important subject which we began discussing last week and hopefully will be able to continue this week, namely, the Elementary and Secondary Education Act and specifically the bill the Republican majority in the Senate has put forth called the Educational Opportunities Act, S. 2.

It is my hope that by the end of this week we will have an opportunity to vote on this legislation, to finally conclude our work and move this bill forward so we can present it to the President for his signature and actually achieve a historic reform opportunity this year. As I said, I hope we will have that result. The reason, however, I have some doubt is that we have seen what I fear is a trend, on the part of

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

the Democratic minority, to continue to talk about education but in the end not allow the Senate to vote on any meaningful piece of legislation. I think the debate so far has vividly portrayed two very different views of how the Federal Government should proceed with educational reform in our country.

On the one hand, you have the majority arguing for flexibility combined with accountability: Flexibility, so the local entities, the school districts, the States, the schools, and the parents can have the ability to direct the dollars from the Federal Government to do those things they know work best in their particular area, and to have some accountability for that by ensuring that at the end of the year they demonstrate what they have done with this money has actually produced results. We are talking here about academic achievement, we are talking about meaningful results, not simply more students in a particular program or more teachers hired or more school buildings built. We are talking about some tangible results of those particular actions. So it is flexibility with accountability.

Part of the way we achieve that is through greater competition, which is driven by more parental choice, parents having the ability to decide what is best for their kids; after all, they are the ones we presume care the most about them, know the most about their needs, and understand how best, therefore, to deal with those kids' needs.

On the other hand, you have the minority that has been arguing for the same system of Federal mandates and regulations that, frankly, after 35 years have proven to be a failure. It is the same system with a new layer of mandates and poll-tested, Washington-run spending programs added onto what we have right now. One of our colleagues from the other side put it this way. He said:

> The Senate has a choice. Will it pass the Republican Educational Opportunities Act or, on the other hand, are we going to follow the tried and tested programs that have demonstrated results for children at the local level?

They vote for the tried and tested programs that have demonstrated results. They have demonstrated results, all right. The problem is, not many people I know are very happy about those results. An old farmer friend of mine once said: If you want to get out of a hole, the first thing you do is stop digging. We just want to keep digging the hole deeper and deeper, it appears some of our colleagues are saying. That is not producing the right kind of results, good results: Enhanced achievement on test scores, enhanced ability to compete, and a real achievement-based accountability, which is what the Republican plan is asking for.

I have to say I am disappointed by this debate. I am disappointed with the direction in which the legislation itself appears to be heading because the American people have told us they want results. They would like to see reform now. Every poll says this is the No. 1 issue of concern of the American people—to improve our educational system.

As our colleague on the other side said, yes, the current system has produced tried and tested results. But over 80 percent of the American people do not like those results. They are not happy with those results. They think we can do better. We can do better. We are spending an awful lot of money, and we ought to get something for that money. But more important than that, more important than the accountability to the taxpayers, is the accountability to our children, our future.

These kids have one opportunity to get their education—right now. We are not talking about 20 years from now. We are talking about the children who are in our educational system today. Each year we delay is another year our children are involved in a school system that is less than adequate by most standards.

The American people who are demanding accountability are going to be very disappointed if we conclude this debate with yet another year failing to enact fundamental reforms. That is what has me concerned because there seems to be a rather cynical strategy developing on the other side to talk this thing to death, to set up a whole lot of amendments on which we have to vote, some of which have nothing to do with education, and then, in effect, put the blame on the Republican majority until, finally, when we have to move on to other business, the majority leader has to say: If you are not going to let us get to a final conclusion on this, if we cannot vote for these reforms, we have to move on. However, the blame would not be on the majority but on the minority for its refusal to let us move on and get this legislation passed.

I do not think it is too late to put politics aside and put our children first, but time is running out. I call upon my colleagues: Let's keep talking about education. Let's put the political gamesmanship aside for just a few hours. Is it just possible, for example, that we can conclude debate on one bill without getting bogged down on gun control?

Yet I predict, before this week is out, we will have colleagues from the other side say: We cannot really deal with S. 2 unless we deal with issues relating to gun control.

Let's talk about what is in this education bill, what is in our proposal. It may be that some of our colleagues on the other side are actually uncomfortable focusing the debate on education because of this notion that the current system is working just fine. I think they are reluctant to talk about reform, but the American people want reform. As I said, they know we can do better.

We heard last week from members of the minority that we cannot trust parents to do what is right for children. One of our colleagues said: Where are the guarantees that the parents will make the right decisions? There are no guarantees that parents will make the right decisions, but I suppose one can ask: Who is more likely to make right decisions for their children, the parents or some bureaucrat in Washington, DC, or some Senator in Washington, DC?

My heart is in the right place when it comes to taking care of the schoolkids in this country, but I certainly would not presume to set all the policies in Washington that would fit the needs of every single schoolchild in this country. We in Washington just do not have that capability. There are no guarantees that every parent will make every decision correctly, but it is a lot more likely that parents making the decisions will result in good decisions for the most number of kids than if those decisions are relegated to Washington, DC.

Another thing we heard was that the leaders in our States and communities cannot be trusted to do what is right for America's young people; again, we need guarantees. By guarantees they mean Federal enforcement that these local officials will do the right thing and, of course, the right thing is defined by the bureaucrats in Washington, DC: You have to do it the way Washington wants to do it or you are not going to get the money.

One of the things we heard was that it would be a better approach to the Republican reform ideas to simply fine-tune the Federal regulations that impose 50 percent of the paperwork requirements on the local schools, and that is in exchange for only 7 percent of their funding. In other words, the 7 percent of funding that primary and secondary education receives from the Federal Government accounts for 50 percent of the paperwork. It is a pretty expensive proposition, in other words, to get the Federal funding. Schools go after that Federal funding even though it is a very inefficient way for them to fund the education of the children.

The point is this: How can you expect to get different results if you keep doing things the same way? The answer is, of course, you cannot. That is where the reforms in S. 2 come into play. One of the things which exemplifies this debate is the issue of class size or class size reduction.

Members of the minority have said we have to use this money for the purpose of hiring more teachers so we can achieve a class size reduction. The majority has said we need to let the local schools decide if that is their top priority. If it is, then they have the ability to use the funds for that purpose. If they have a higher priority, who should make that judgment of how to spend the money? Should it be those of us in Washington or should it be the people who understand what their priorities are?

Almost everyone would like to see smaller class sizes. We intuitively believe that would be better for education, but with every other area of this debate, we do have to look at the track record. The fact is that class sizes have fallen over the period that the Elementary and Secondary Education Act has been in existence, but performance has not tracked. George Will, with his wonderful characteristic dry wit, looked at the data, and this is what he said:

Pupil-teacher ratios have been shrinking for a century. In 1955 pupil-teacher ratios in the public elementary and secondary schools were 30.2-to-one and 20.9-to-one respectively. In 1998 they were 18.9-to-one and 14.7-to-one. We now know it is possible to have, simultaneously, declining pupil-teacher ratios and declining scores on tests measuring schools' cognitive results.

The truth is, we have declining class sizes and with it declining test scores. We still think it would be a good idea to reduce the size of classes; that there are other reasons why those test scores have not improved. But under the proposal from the President, they have to spend the money strictly on hiring teachers. They cannot use it for anything else, as I will get to in a moment.

One of the things this money can be used for is to create more charter schools, something that has improved the education in my own State of Arizona. Our State superintendent of education, Lisa Graham Keegan, has pointed out under the President's proposal, the $17 million Arizona would receive to hire new teachers could actually start 425 new charter schools across the State, more than enough schools to keep class sizes relatively small, but they would not have that flexibility under the President's plan, under the Democrats' plan. No, they have to do it their way or no way. The only way they get the money is if they follow precisely their guidelines. That is the way it has been all these years. We can see the results. Again, the American people are asking for something different.

One of the ideas embodied in our legislation is something we call the Straight A's approach. The idea behind it is to actually look at where the Federal Government has been successful in making major reforms and applying that same technique to education.

There are few successes more dramatic than our success in welfare reform. It cannot be done, we were told, but we did it, and the results have been dramatic. The idea was pretty simple. The Federal Government said: We will repeal the regulations that have historically defined this program, and we will give unprecedented flexibility to the reformers in State government, as well as unprecedented accountability for them. Go out and pursue reforms, we said, and if you are successful, you will be rewarded. If you fail, then you will lose some of your latitude.

As with welfare reform, we need to put aside the certainty that Washington knows best and all wisdom that is formulated comes from Washington.

I know there is no such monopoly because I have the good fortune of coming from a State where education policy is made by people who really have been innovative, people such as our State superintendent of education, Lisa Graham Keegan.

I want to present some of the things she has had to say. When we consider how to provide this flexibility to education just as we did with welfare reform, I think we will see the same results. This is some of what Ms. Keegan had to say:

Federal programs have tied dollars to bureaucracies and institutions, not to students.

What that illustrates is the disorientation from Washington. We believe if you send the money to the institution, to the organization, automatically good things will happen. The fact is, we ought to be focused on what some call child-centered education. We ought to figure out how to get the money we want to educate these children as close to those children as possible because the sad fact is, when we send it to an institution or a bureaucracy, a significant amount of that money gets stuck at that bureaucracy.

As with many Federal programs, it costs a lot of money to administer the program, to comply with all of the Federal redtape and paperwork. That is why we say that, while the Federal Government only supplies 7 percent of the primary and secondary education dollars the States spend, the States have to spend 50 percent of their administration costs just administering that 7 percent at the Federal level. That is why if we can get over this business of tying dollars to the bureaucracies and the institutions and tie it more to the students, it will be a much more efficient expenditure of the money.

Ms. Keegan also says:

But before we ask Washington to get involved with the education of our children, we need to think about exactly what we're asking for. Sometimes, when we ask Washington for help, we run a very real risk of getting it. . . . More often than not, the government's preferred method for alleviating a perceived problem is to create a federally funded program with federally authored strings and federally enforced regulations. This approach may work fine when it comes to matters that have clearly defined federal responsibilities, such as highways or post offices. When it comes to education, which has always been largely a state and local matter with no clear federal role, such an approach tends not to work so well. . . .

. . . we still let Washington drive state and local decision making through the lure of federal dollars tied to programs with hazily-defined goals and well-defined regulations.

Then here is how she concludes this point:

The problem with this approach is that the federal government has tied its dollar to a program rather than to a student. An at-risk student who succeeds will, more often than not, find him or herself ineligible for more at-risk services. When the student moves on, the federal dollar dries up—and it won't come back until that child again slips into the at-risk group and becomes eligible for the federal program once more. These kinds of programs thrive on student stagnation, even failure.

We had that same situation with the welfare program. We tended to measure the success of the welfare program by how many people we had on the welfare rolls, by how much money we were spending on that. Then one day it dawned on someone that we ought to be measuring the success of the welfare program by how few people were on the welfare rolls and by how little we had to spend.

As a result, by giving flexibility to the local governments with regard to welfare, we have cut the welfare rolls in half. We are not spending near as much money on welfare. We have only half as many people involved in the welfare program. Is that failure? No. It is a success. And so it is with education.

If we are going to devote Federal dollars to the education of the students, then we ought to provide those dollars to the students so that wherever they think they can get their best education, whatever their needs are in terms of priorities, the money will be spent for that, not because the Federal Government makes a judgment that a particular expenditure is necessarily the right thing.

I think it is important to reiterate our responsibility to those who will pay the highest price if we fail to take advantage of the opportunities that are here presented. As I said, it is not necessarily the American taxpayer, even though we have, as stewards of those taxpayer dollars, an obligation to see that they are efficiently spent.

No. Those that will pay the highest price, if we fail, are the schoolchildren, the children who, this year, will not receive an improved education because, perhaps, we will not get these reforms passed this year. They will have to go yet one more year stuck with the kind of bureaucratic redtape and regulations that have failed them thus far in their careers.

Last week, we also learned that there are those on the other side who do not agree that choice should be available to children in failing or unsafe schools. I always find this interesting because very frequently people who make this argument have sent their kids to private schools.

I am a product of the public schools. That is where I received my education, including my college and law school education. It was from the public schools. Both of my parents were public school graduates and public school teachers. And others in my family are or have been teachers in public schools. So I fully appreciate the need to improve our public schools.

I think one does that by enabling some competition between these schools, and also with the private schools. What we find is that when that competition is allowed to work, everyone benefits. To use a crude example, it

is similar to the automobile manufacturers. If one of them finds a new way to improve the way a car operates, it isn't long before the others find a way to incorporate that same technique or technology into their cars. If they do not, they are going to lose sales.

By the same token, when a school finds that something really works well—if we give parents a choice to send their kids to that school—the other schools are soon going to find that they will want to incorporate that same kind of technique to keep the kids there.

That is especially the case because so much of our Federal and State funding goes to the institutions, as we have said. If they want to continue to get that funding, under the Republican proposal, they would have to be able to continue to attract the kids.

In my State of Arizona, we have, in effect, open enrollment so there can be some degree of competition among the public schools. We also have more charter schools—almost 350 at last count—than any other State. I think it is a third of the charter schools in the country. These charter schools promote a lot of competition. A lot of them have learned to attract students by doing things a little differently. Some of the larger public schools have picked up on these techniques and have incorporated them into their curricula, into their procedures. As a result, they can be quite competitive with those charter schools. It does not hurt one at the expense of another.

It is not a zero sum game. Competition is like invention. What it does is lift all of the boats. When one begins to do something better, the others soon follow behind and copy it in order to keep up with the first one. When you have that kind of competition, therefore you can have innovation. If you have flexibility, you have the ability to experiment, and the net result is a better opportunity for more kids. That is what we want to promote in this Federal legislation.

As I say, in my own State of Arizona we already have a significant element of this in our public schools. But what we found last week from those on the other side of the debate was that there is a real desire to keep students and parents from having this additional flexibility, this additional choice. It seems to me there is a fear of it. There is a fear that not everyone will be able to do as well as those who do the innovation, and somebody might actually fail or fall behind, which would be bad.

Who is the somebody they are talking about? They are not focused on the student. They are talking about the school, that it would not be fair if a particular school failed. Why wouldn't it be fair if a particular school failed if the students all had the opportunity to go to the successful school? What is not fair is that failing schools keep ahold of failing students. We are failing in the education of these kids, and they will never be able to go back and get it.

Yes, we have some remedial education. But that is a very hard way to reeducate people in our society. So it is not the schools that we ought to be concerned about; it is the students in those schools. I remain convinced that no American child should be trapped in a school that cannot guarantee a good education. We have an obligation to those students.

So whatever happens with this bill, I believe we will continue to pursue this idea of choice, of competition, of flexibility, because it will work. Sooner or later, this approach will provide the basis for reform that will characterize the Federal program that provides the Federal funding to primary and secondary education. I still believe we can make a difference in this area.

So while it may become a disappointment that we are not able to conclude work this year on this important bill, that we may not be able to pass a bill that we can send to the President for his signature, I think, in the end, the power of this idea of flexibility and accountability and more choice—the power of that idea—will end up defining the Federal program.

It would be better if we could do it this year because that would mean we would not allow another year to pass with the same devastating results for the kids who are in school right now where far too many of them are failing. That is my hope.

I urge my colleagues this week to take this debate seriously, to try to move on beyond extraneous issues, and in the end, to bring it to a close so we can actually have a vote on S. 2 and get this important reform measure to the American people where it can begin to work.

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

Mr. THOMAS. I thank the Senator from Arizona. He obviously believes very strongly in this issue and has defined very clearly where we are with two very definite points of view. One is that the Federal Government ought to make the rules, ought to set up the redtape, ought to make the decisions here to be implemented in the country; the other is to send the assistance from here to local schools so they can make the kinds of decisions that are necessary to make their schools successful.

So I say to the Senator, thank you very much.

I yield to the Senator from Alabama.

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

Mr. SESSIONS. Mr. President, I want to share some additional thoughts with the Members of the Senate and those watching what we can do to improve education in America.

I believe in public education. I have taught and my wife has taught in public schools. I say that to express how deeply I care about it. We have been active in PTA as our kids have gone forward. We want to improve the system. We want to make learning occur more regularly. We want to help teachers. I believe in American teachers. They are some of the finest in the world. They are well trained. They give their hearts and souls to it, only to be frustrated by regulations, paperwork, and discipline problems resulting from mandated rules passed by this Congress.

I am going to share some thoughts today, and those in education in any State of America will know what I am saying is true. They will have heard these kinds of examples time and time again. But the vast majority of Americans will not believe it; they will not believe these things occur.

Over 25 years ago, for example, we passed a federal disabilities act. It was designed to mandate to school systems and require that they not shut out disabled kids from the classroom and that they be involved in the classroom. If they have a hearing loss, or a sight loss, or if they have difficulty moving around, in a wheelchair, or whatever, the school system must make accommodations for them. They would be mainstreamed. They would not be treated separately.

That was a good goal, a goal from which we should not retreat. I hope no one interprets what I say today as a retreat from that goal. But in the course of that time, we have created a complex system of Federal regulations and laws that have created lawsuit after lawsuit, special treatment for certain children, and that are a big factor in accelerating the decline in civility and discipline in classrooms all over America. I say that very sincerely.

Teachers I have been talking to have shared stories with me. I have been in 15 schools around Alabama this year. I have talked to them about a lot of subjects. I ask them about this subject in every school I go to, and I am told in every school that this is a major problem for them. In fact, it may be the single most irritating problem for teachers throughout America today.

It was really brought to my attention a little over a year ago when a longtime friend, District Attorney David Whetstone, in Baldwin County, AL, called me about a youngster in the school system classified as having a disability. It is called ''emotional conflict.'' He was emotionally conflicted. He could not, or would not, behave. An aide would meet him in the morning at his home, get on the bus with him, and go to school, sit through the class all day, and ride home on the school bus with him. This student was known to curse principals and teachers openly in the classroom. Because he was a disabled student, he could not be disciplined in the normal way. The maximum 10-day suspension rule—and 45 days is the maximum a child can be disciplined under this Federal law and then they are back in the classroom. One day, he attacked the school bus driver on the way home. The aide tried to restrain him. He then attacked the

aide. District Attorney Whetstone told me, ''I was never more stunned when I talked to school officials and they told me this is common in our county.''

We have children we cannot control because of this Federal law. He came to Washington, and we sat up in the gallery and talked about it. I respect David Whetstone and his views. He said this cannot be. I began to ask around, is this true? As a matter of fact, this very incident was focused on in Time magazine. There was a full-page story about it called ''The Meanest Kid in Alabama,'' and ''60 Minutes'' did a story about it because it is, unfortunately, so common around the country.

What can we do about it? I began to ask leaders in education around the State. The State superintendent: ''Absolutely, it is one of the biggest problems we have.'' I talked to Paul Hubbard, head of the teachers union in Alabama: ''Absolutely, it is a big problem.'' ''I am tired,'' he said in the newspaper recently, ''of children cursing my teachers in the classroom and nothing being done about it.''

Then we began to talk to teachers, principals, and school board superintendents. They talked about the lawyers and the complicated regulations with which they deal. It is really unacceptable. Teachers who have been trained with masters' degrees in special education to deal with these children have also overwhelmingly told me this is not a healthy thing, that we are telling special children with physical disabilities, or disabilities as defined by the Federal law, that they don't have to adhere to the same standards other children do. Right in the classroom, we create, by Federal law, two separate standards for American citizens. You can say to one child: You can't do this, you are out of school. But we can say to another children: You can do it, and you are only out 10 days, or maybe 45 days, and then you are back in the classroom. That is not defensible.

I want to share some of the letters I began to receive from teachers who care about this problem and want me and you and the Members of this Congress to do something about it. I believe we can. I hope it will be part of the debate this year in our political arena. Maybe we can make some progress with it.

First, I want to mention that when Congress passed the IDEA—Individuals with Disabilities Education Act—in 1975, we committed to pay the States, whom we were requiring to do it—we require these States to meet these standards. We agreed to pay 40 percent of the cost. We have never paid more than 15 percent of the cost. It has been below 10 percent in most years. We had testimony in the Health, Education, and Labor Committee, of which I am a member, from a superintendent in Vermont who testified to our committee that 20 percent of the cost of the school system in his county is for special education children. This is a major factor in education today. Let me share some stories with you about this.

An experienced educator in Alabama shared these thoughts with me in a letter:

We have a student who is classified emotionally conflicted, learning disabled, and who has attention deficit disorder. While this student has been enrolled, students, teachers, and staff have been verbally threatened with physical harm. Fits of anger, fighting, and outbursts of verbal abuse have been commonplace. Parents and students have expressed concern over the safety of their children due to the behavior of this young man. Teachers have also become extremely apprehensive toward the presence of the student due to his explosive behavior. His misbehavior has escalated to the point that the instructional process of the entire school has been jeopardized.

Here is another one:

I have taught for 25 years. I plan to continue teaching, but the problems with discipline are getting out of hand. We are not allowed to discipline certain students. Any student labeled as ''special needs'' must be accommodated, not disciplined. A student recently brought a gun to my school. He made threats to students and teachers which he claims were jokes. I was one of those teachers. This student has been disruptive and belligerent since I first encountered him in the ninth grade. Now, he is a senior. After bringing a gun to school, he was given another ''second chance.'' He should have been expelled. What is his handicap? He has a problem with mathematics. While this may be an extreme situation, it is not isolated.

Still reading from the letter:

Teachers are told to handle discipline in the classroom. The Government has taken most of the teachers' rights away; our hands are tied.

This is a letter from a young teacher in a small town of about 25,000 in Alabama. This is a story by which I think anybody would be moved:

As a special educator of six years, I consider myself ''on the front lines'' of the ongoing battles that take place on a daily basis in our Nation's schools. I strongly believe that part of the ''ammunition'' that fuels these struggles are the ''right'' guaranteed to certain individuals by IDEA '97. The law, though well intentioned, has become one of the single greatest obstacles that educators face in our fight to provide all of our children with a quality education delivered in a safe environment. There are many examples that I can offer first hand. However, let me reiterate that I am a special educator. I have dedicated my life to helping children with special needs. It is my job to study and know the abilities and limitations of such children. I have a bachelor's degree in psychology, a masters degree in special education and a Ph.D. in good old common sense. No where in my educational process have I been taught a certain few ''disabled'' students should have a ''right'' to endanger the right to an education of all other disabled and non-disabled children. It's nonsense; it's wrong; it's dangerous; and it must be stopped.

There is no telling how many instructional hours are lost by teachers in dealing with behavior problems. In times of an increasingly competitive global society it is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing the other children of hours that can never be replaced.

There is no need to extend the school day. There is no need to extend the school year. If politicians would just make it possible for educators to take back the time that is lost on a daily basis to certain individuals there is no doubt we would have a better educated students.

It is even more frustrating when it is a special education child who knows and boasts ''they can't do anything to me'' and he is placed back in the classroom to disrupt it day after day, week after week.

It is clear that IDEA '97 not only undermines the educational process it also undermines the authority of educators. In a time when our profession is being called upon to protect our children from increasingly dangerous sources our credibility is being stripped from us.

I am sure you have heard the saying: The teachers are scared of the principals, the principals are scared of the superintendents, the superintendents are scared of the parents, the parents are scared of the children, and the children are scared of no one. And why should they be?

I have experienced the ramifications of the ''new and improved'' law first hand. I had one child attempt to assault me—he had been successful with two other teachers. He was suspended for one day. I had another child make sexual gestures to me in front of the entire class. Despite the fact that every child in my class and a majority of the children in the school knew of it, I was told by my assistant principal that nothing could be done because ''these special ed kids have rights.''

I literally got in my car to leave that day, but my financial obligations to my family and my moral responsibilities to the children I had in my class kept me there.

The particular child I spoke about frequently made vulgar comments and threats to my girls in my class on every opportunity he had when there was no adult present. Fortunately, the girls, also special ed, could talk to me about it. Unfortunately, they had to put up with it because ''nothing could be done.''

I know of a learning disabled child who cut a girl in a fight. The learning disabled child and her parents then attempted to sue the school system because the child was burned when she grabbed a coffee pot to break it over the other child's head. I know of another specific incident where three children brought firearms to school. The two ''regular'' children where expelled. The special education student was back to school the following week.

I fully expect that you and your colleagues in Washington will do what it takes to take our schools back from this small group of children who feel it is their right to endanger the education of every other child in school. As my grandmother said, ''right is right and wrong is wrong'' and to enable this to continue is just wrong.

She does have a right to expect Members of this Congress to confront this issue and not allow it to continue.

This is a letter from a town in Alabama with a population of 20,000, or so, from another special education teacher.

As a special educator teacher for 27 years, may I applaud your efforts to make special education students as accountable as any other student for any behavior they exhibit while in school. I fully support the idea that just because they are students in need of special education services that it in no way diminishes their ability to tell right from wrong. When teachers and administrators cannot provide some type of appropriate

punishment, then the students are taught that their behavior has no consequences. Just the other day, we had a student, who had been offered detention to avoid mission school time, he responded that they could just go ahead and suspend him because he was not going to come to school on Saturday and that it was not going to hurt his grades because ''he'' was allowed to make up all the work. When students find out about this ''loophole'' then they often feel they have free reign to do or say whatever they feel and that there is nothing that anyone can do.

He is correct about that. This is a Federal law. We provide 7 percent of the cost of education in America. But we don't hesitate to mandate these kinds of rules in every school system in the country.

There federal rules often make teaching very difficult and it penalizes the students who come to school to try and improve themselves.

He is teaching a class of special education students, and wants all of them to learn. Many of them are there trying to learn, and they find it more difficult because of these rules.

I feel that for the best interest of the students and of the entire education population, changes in this policy must take place.

Mr. President. I don't want to disrupt the system. But I have some more comments that I am prepared to make.

This is a letter from a small town in Alabama.

Due to the federal rules and the situation they create, I cannot spend time in my class discussing a lesson. I do not do something to tantalize the students, they become disruptive. I can no longer simply explain a concept. I now must spend over half my time disciplining the disruptive students. I am no longer a teacher, I am a threatened and battered baby-sitter who is not allowed to do her job. Give us back our classrooms and our schools. Give the teacher the right to have these disruptive students removed. Please help us.

This is a letter from an assistant principal.

I am an assistant principal in Alabama. I taught middle school before taking this administrative position. As a teacher I saw a ''small picture'' of the problem, as an administrator I see a much ''larger picture''. You have chosen a much needed, but difficult battle. Most of the special education students are *wonderful* (emphasis added) unfortunately, a few are literally destroying the public education process in our country. We are teaching them that they have excuses not to follow rules or obey laws, then we act shocked when violence occurs. Now, perhaps more than ever in our history, we need to teach our children right from wrong and that there will be consequences for their actions. Instead we develop more and more excuses for unacceptable, sometimes criminal behavior. Thank you for anything you can do to help save our children, as well as our country's future.

I have a letter from a student in a good school system in Alabama.

I would like to let you know I agree with changing the section on IDEA law. I am in high school and I know how difficult it is for you to learn if there is disruption in the classroom. I think if there is a student who does not want to learn, they should be put in an alternative school or separate class.

Amen, young student. I agree.

Another student from an average town in Alabama.

I'm seeing more and more teachers getting out of education because of the ridiculous lawsuits by special education students.

We are losing good teachers today in America. If you check around, one of the biggest reasons is frustration over their inability to maintain discipline in the classroom. Talk to them about it. In most schools, that is a real problem. It is hurting public education. These laws don't apply to private schools. Teachers in private schools don't have these problems and are able to be more effective in creating a learning atmosphere. In a way, it hurts our ability to maintain public education as a competitive enterprise. We need to make sure what we do in Congress does not make it more difficult for our teachers to teach. First, do no harm.

The letter continues,

We have been told to give the parents whatever they want.

They have individual education plans for each student. A lot of times, that is very helpful. But they have become almost contracts with the parents, and schools have to obey them to the letter of the law. There are frequently lawsuits over whether the school is following the IEP, the individual education plan. It is sad.

We have been told if they sue us we are going to lose. Because of this, special education students are suffering and so are those students around them. They can disrupt class at will and take away from the education of the majority of the students. Often they do less, and even no work, and we are told to pass them anyway.

Then he makes an interesting point:

When these students leave school and enter the real world, they will not have things given to them as they do in school. They will not be prepared to function as a regular citizen should be. As a parent, I fear for my son's safety in school. He has already had one confrontation with a special needs child. The disabled student assaulted my child. In self-defense, my son hit the student back. The student was known to get into fights. My son was hauled off to the police station. His grades suffered. The special ed student could go on repeatedly assaulting, with very little consequence. As you can see, this is both an emotional and professional issue for me. I am glad you are aware of the large problem our educational system is having. I hope something can be done before it gets worse. We will see the repercussions for years to come if we don't change this system.

Another letter from a teacher:

I have over 30 years experience as a teacher, principal, Federal program coordinator, and school superintendent. I am greatly concerned about the future of public education in this country. IDEA has given local superintendents grief beyond description. First, in 1975, the law was first passed, Congress promised to pick up 40 percent of the cost to operate the program, and according to figures I have seen, 10 percent has been the norm since then. Second, this has made every system fair game, with litigation costs consuming more than education dollars. While our system is small, we have had to deal with a number of weapons cases in the last few years. Two of the cases students were caught with weapons they admit they accidentally left in their vehicles coming to school grounds from target shooting. The first boy was expelled 1 year. He never returned to school to graduate. According to him, the situation was just too embarrassing. Although the second boy was in the exact same position as the first, having accidentally left the weapon in his car, instantly we were told he was a special education student and has an IEP. He was then assigned to an alternative school for 45 days and is now back in our school. Both of these young men were not troublemakers at school. Senator, it is impossible to explain to the family of the first student that their son was deserving of more punishment. Think about that.

This family is now bitter toward me and toward the American system because they, in grave error, believe that all Americans have the same legal right and they were unaware that Congress now decides what rights we are entitled to hold as American citizens. As said in ''Animal Farm'': All are equal, but some are more equal than others.

The second student's handicap does not prevent him from knowing right from wrong. I'm sorry that I'm old fashioned and believe we should be teaching all students to be responsible for their behavior. We should be helping them develop good decisionmaking skills, not telling them that you are not responsible for your behavior and that there will be no consequences, or minimal consequences, regardless of your behavior.

I became a teacher in 1965 and I do not remember hearing of gun shootings prior to 1975 when Congress began telling ten percent of our students you are not responsible.

I think these teachers make a point. It is a matter we need to give careful consideration to, not overreact, not undermine the great principles of the Disabilities Act Program. But at the same time, we need to say that a child is not allowed to commit crimes, to disrupt classroom, to curse teachers, principals and students, and abuse them and do so with impunity.

I thank the Chair for the time and yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Wyoming is recognized.

Mr. THOMAS. How much time is left?

The PRESIDING OFFICER. The Senator has until 3 o'clock.

Mr. THOMAS. Madam President, I thank the Senator from Alabama for the great job of expressing the feelings the teachers and students have with respect to what we are doing.

We have had an interesting week of debate. A number of things, of course, have helped define where we are and the direction we will take. One of the quotes from the other side of the aisle is the reason we have title I is because we decided in 1965 the needs of disadvantaged children were not being addressed.

Madam President, 35 years later, we find once again, the needs of poor kids are not being addressed—this time, by those who defend the status quo, the means of trapping another generation.

A Wall Street Journal editorial indicates that this is an effort to restrict the States from making the decisions. Again, one of the comments made

about it was the GOP plan allows a blank check for Governors who will see to it that the neediest and the poorest children will not benefit from the money.

This defines rather well where we are in this debate. Some of the facts seem to be different than what is being talked about. So $120 billion later, poor kids still lag behind in reading. The percentage of those reading below basic level at the 12th grade is still 40 percent. The percentage of those writing below basic level in title I is 38 percent in the 12th grade after $120 billion and 35 years of expenditures under this program.

We are talking about returning some of the decisionmaking to parents, to local leaders, sending dollars to the classroom rather than having them spent here, giving families greater educational choices, supporting and encouraging exceptional teachers, focusing on basic academics.

I think, if nothing more, we have defined very clearly where our priorities lie in terms of this body. I think we have a great opportunity to make some changes to bring about the results in education that all Members seek.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I ask unanimous consent I might have 4 minutes to speak about Mike Epstein, who passed away on Saturday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

Without objection, it is so ordered.

## IN MEMORY OF MIKE EPSTEIN

Mr. WELLSTONE. Madam President, first I want colleagues to know, and of course this is for Democrats and Republicans, and with Mike it is for staff and support staff and just about everybody who works here, pages and others, there will be a service for Mike in the Mansfield Room. It will be at 3 tomorrow. That is room S–207.

Many Senators came to the floor and spoke about Mike last week, on Thursday. It was wonderful. I thank you. About 70 people came to our office and did videos. All of this was sent to his family. Mike heard it. It was read to Mike. It meant a great deal to him. Letters have come in. It has really been wonderful to recognize such a great, great person.

Mike passed away on Saturday. We had a very small service for him today. He was buried in the Congressional Cemetery. Rabbi David Saperstein was there, Mike's family was there, and a few friends of many years were there. Then tomorrow we will have a service here. I look forward to that because it is wonderful, I say as a friend of Mike, the unbelievable impact he made.

I could go on forever. I will not because if I try to, the truth is I probably will not be able to go on at all. I just would not be able to do it here on the floor. I will say one unimportant thing because it is about me, and then I will say one important thing, and then I will be finished.

The unimportant thing is in some ways I will just be lost without him. It is not like Mike was my assistant; it was like he was my teacher. But I will talk to him every day.

The second thing I want to say, which is much more important, is if I had to summarize a life, I would say the reason there has been such an outpouring of love is because Mike loved his family; he loved his work. And do you know what else? This is the best thing of all. He really loved and believed in public service. He loved his country. He was just steady. It was just who he was. He never changed.

The world is going to miss him. The Senate is going to miss him. Most important of all, his family is going to miss him. Sheila and I are going to miss him.

EVAN BAYH, who went through a real tragedy in his own family and lost his mother at an early age, was kind enough, last week, to say to me: Paul, it's not how long you live your life; it's how you live your life.

I think Mike is one of the five greatest individuals I have ever met in my life. He lived a wonderful life.

I yield the floor.

Mr. JEFFORDS. Madam President, I know all of us share in Senator WELLSTONE's grief. I know I have lost, in the past, one of my chief staff persons. You never know how important they are until they are not with you. I know the Senator's chief of staff was an outstanding person whom we all appreciated for his ability.

I am sure I speak for all Members on this side of the aisle: We share in the Senator's grief. We want him to know that.

I yield to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, first of all, we all reach out again to Mike's family. I think all of us in the Senate, just a few days ago, were very grateful of our good friend and colleague, Senator WELLSTONE, for giving us the opportunity to add a word to the comments on the extraordinary life of Mike Epstein.

As PAUL—Senator WELLSTONE—had pointed out last week, the hours were passing along and there was very little time left. But I think the challenge for all of us is to live a productive and useful life. That is the criterion the great philosophers have defined as the purpose in life, and Mike lived that. We all are the beneficiaries of it.

Our hearts reach out to PAUL at this time, and to all the members of the family. I think Mike would feel right at home here this afternoon, where we are debating the education act. He had strong views about these issues, as well as many others.

He made life better for people in this country. We will think of him during the course of this debate, too.

I thank the Chair.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The hour of 3 p.m. having arrived, morning business is closed.

## EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, we are awaiting the arrival of the Senator from New Hampshire. I would like to say, in the interim, we would like to proceed today with other amendments. I hope by the end of the day we will be able to establish a program for the coming week, which will put us in a position where we can move the education bill forward.

At this time, I am happy to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I will speak briefly. As soon as the Senator from New Hampshire is on the floor, I will be glad to yield so he will be able to make a presentation on his amendment. I have had the chance, over the weekend, to study it closely. I will reserve my comments on it until we have had an opportunity to hear his presentation in the Senate this afternoon.

Just to review very briefly, we have had, now, as I understand it, probably 4 days of discussion of the Elementary and Secondary Education Act. Of those 4 days, 1 day was a general kind of presentation, although that was a good presentation by the speakers who had different views on the Elementary and Secondary Education Act. We had five votes: on Senator GORTON's amendment, what they call Straight A's; our Democratic alternative, which was introduced by Senator DASCHLE and a number of us; Senator ABRAHAM's merit pay amendment—I offered a second-degree on the Abraham amendment; and then on the Murray class size amendment.

We had indicated there would be a number of others, although a relatively small number. Actually, the total number that would be offered by this side would be somewhat less than has been usually offered in past considerations of the Elementary and Secondary Education Act.

We were going to have proposed an amendment that would address the whole issue of the quality of our teachers, to guarantee we would have a well-

trained teacher in every classroom at the expiration of the authorization bill. I will come back to that, how we are going to do it, and the importance of it for strengthening the quality of education and what the results are if you do have an excellent teacher, and what the academic results are, from various examinations of whether having a well-trained teacher, who is competent and knowledgeable about the content of the subject matter, and a good teacher. The difference that makes to children's ability to learn is intuitively obvious. Nonetheless, we will have an opportunity to present some very important and powerful evidence about why the way we have approached this will result in more favorable results.

Secondly, we have the whole issue about assisting many of the schools in this country that are older and are in great need of repair and modernization. We want an opportunity to make a presentation to make. The Senator from Iowa, Mr. HARKIN, has a powerful presentation to make. We need over $112 billion a year to bring our schools up to standard. There is much work that needs to be done, again, through a partnership among the Federal Government, States, and local communities.

We want to address the important issue of afterschool programs. Senator DODD, Senator BOXER, and others have been involved in the development of that program. We have important results as to how that program is working and has worked in advancing the cause of teachers.

We want to have a good debate on accountability. We believe the most knowledgeable member is on our side, Senator BINGAMAN of New Mexico, who has, going back to the time of the Governors' conference a number of years ago, made that a speciality of his. Most of the pieces of legislation that are before us reflect a good deal of what he has developed and has broad support. That has been very important.

Senator MIKULSKI has reminded us a number of times about the importance of addressing the digital divide. In a time of new technology, it is important we not look back 10 years from now and find that the new technology has been used in such a way it further divides our children who are attending schools, but instead that we have been creative enough to use technologies in ways that have reduced the divide that exists in our schools rather than exacerbate it. That is very important. Senator MIKULSKI wants an opportunity to talk about this issue.

Senator REED has made a very important contribution to our legislation. He was a member of the Education Committee in the House of Representatives prior to coming to the Senate, following Senator Pell. He wants to talk about the importance of the involvement of parents in decisionmaking in the local communities. That is very important.

Senator WELLSTONE will be bringing up the issue of fair testing of children. He has spoken about that issue a number of times. We have voted on some aspects of it in the past.

Those are the principal education issues. There are some on our side who feel safety and security in our schools is an important issue, and we will be addressing that issue.

We have a limited number of amendments. In my conversations with most of our colleagues, we are prepared to enter into very reasonable time limits. I know on six or eight of those subject matters, we are prepared to enter into time agreements of an hour or so evenly divided so we can move this process forward. These are not subjects the Senate has not addressed. We have addressed these issues in the full committee in our markups. We have spoken about these issues during the debate. I intend to speak on the issue of the quality of our teachers because that is relevant to the Gregg amendment.

I have talked with our leader, Senator DASCHLE, who will be talking with the majority leader and hopefully will work out a program so we can reach a determination on these issues in the next few days. There is no reason why we should not do that.

There are amendments on the other side as well. We have had an opportunity to look at some of those. There is no reason we cannot pick up the pace and resolve some of these issues in a timely way. We had hoped to do more of these amendments at the end of last week, and we are in the situation today, with the funeral of His Eminence Cardinal O'Connor, of being unable to reach a conclusion on some of these debates this afternoon.

Hopefully, we can, by the end of the day, give an indication of how the Senate wants to proceed. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I thank the Senator from Massachusetts for fulfilling the commitment he made during a discussion we had on Thursday night. I advise the Senator in Massachusetts that five of the seven amendments he talked about did arrive at our office Friday. I thank him and his staff for that. We are going to try to accommodate him this afternoon in return.

At the moment, by previous agreement, we were prepared to move to an amendment by Senator GREGG of New Hampshire. His arrival has been delayed somewhat—I do not think very long. I had a chance to talk with the chairman, and I thought we might accommodate Senator INHOFE, if the Senator from Massachusetts concurs, for some 5 to 10 minutes on an unrelated matter while we are locating Senator GREGG.

I ask unanimous consent that Senator INHOFE of Oklahoma be given up to 10 minutes to conduct his remarks.

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

Mr. INHOFE. Madam President, I thank both managers of the bill for giving me some time.

## UPDATE ON LINDA TRIPP FILE CASE

Mr. INHOFE. Madam President, I want to update my colleagues and the American people on the latest developments in the Linda Tripp file case. As my colleagues will recall, this is a matter concerning how information from the confidential personnel file of a Pentagon civil servant was leaked to the media in March of 1998, more than 2 years ago, by the Pentagon spokesman Kenneth Bacon and a colleague in violation of the Privacy Act.

As my questions at an Armed Services Committee hearing revealed for the first time on April 6, the Pentagon's Office of Inspector General essentially completed its investigation of this matter within 4 months of the incident. In July of 1998, it referred its report to the Justice Department, having found sufficient evidence that a crime had been committed.

From July 1998 until March of 2000, the Justice Department sat on the report, taking no action, making us believe the IG report was not completed and not given to them—essentially engaging in a coverup, in its typical stonewalling, delaying tactics. Then finally, on March 28, 2000, they quietly returned the report to the Pentagon, informing them it would not criminally prosecute anyone in the case.

I reported all of this to the Senate in a floor statement I made on April 11. At that time, I pointed out that the offense in this case—disseminating to the media information from a Government employee's confidential personnel file—was the same offense Chuck Colson pleaded guilty to during Watergate. It was the same offense for which Colson served in the Federal penitentiary.

Since all of this was revealed last month, three principal defenses—I would call them excuses—have emerged as to why Mr. Bacon should not be prosecuted. These have been put forth to the media by Mr. Bacon's lawyer and by the Justice Department in its decision to take a pass on prosecution. Let me state these three defenses and what they are:

No. 1, defense by Kenneth Bacon is that Bacon only leaked a part of a confidential file, not the whole file;

No. 2, that the Freedom of Information Act ''trumps'' the Privacy Act; and

No. 3, that Bacon ''didn't intend to break the law.''

Today, I want to report to the Senate that all of these arguments have been refuted and exposed as having no merit in this case. This leaves us facing the stark truth: The law was violated, and those who violated it should be prosecuted.

In testimony on April 26 before the Senate Armed Services Subcommittee on Readiness, which is the Committee I chair, I asked Pentagon Deputy Inspector General Donald Mancuso about these issues. He confirmed these points:

No. 1, that criminal violations of the Privacy Act are not contingent on whether a whole file or just a part of a file is compromised.

Common sense would lead us to this conclusion anyway, but this was confirmed by the inspector general in our committee meeting.

Either one constitutes a violation. There is no distinction between leaking part of a file or leaking the entire file.

Secondly, that there was no formal written Freedom of Information Act request made prior to the Tripp file leak; that, in any event, the Freedom of Information Act does not trump the Privacy Act; and that, indeed, the Freedom of Information Act includes specific exemptions directly related to the Privacy Act.

So we are saying two things really. We are saying, first of all, when they said they used the Freedom of Information Act request as an excuse, they were lying, because there was no request under the Freedom of Information Act. Secondly, if that had happened, there is specific exemptions within our law to the Freedom of Information Act, one of which is the Privacy Act.

Finally, in its March 2000 decision not to prosecute, the Justice Department stated that Bacon and his colleague ''didn't intend to break the law when they released information from Linda Tripp's personnel file.''

What this tells me is that the Justice Department knows the law was broken. It is all the more reason why their decision not to prosecute is so outrageous. The next time I am stopped by a policeman for speeding, I am going to tell him, ''I didn't intend to break the law.'' I suppose then everything will be all right.

Recently, I received a letter from Mr. Bacon's lawyer taking exception to a couple of points I made it my previous remarks on the floor. I would like to respond to each of those points here:

First, Bacon's lawyer claims that comparing Kenneth Bacon's offense to Chuck Colson's offense in Watergate is ''inaccurate'' and ''unfair'' because the two cases, he says, are not ''remotely comparable.''

But he is wrong. They are directly comparable.

He goes into a lengthy description of the charges against Colson which were dropped by the court. All of this is interesting, but it is irrelevant to the current case.

Colson released information from Daniel Elsberg's confidential file, violating Elsberg's privacy.

Bacon released information from Linda Tripp's confidential file, violating Tripp's privacy.

What could be more ''comparable'' than this?

Second, Mr. Bacon's lawyer notes that the court said Colson implemented ''a scheme to defame and destroy the public image of Daniel Elsberg, with the intent to influence, obstruct, and impede the conduct and outcome'' of pending investigations and prosecutions.

Similarly, Bacon's action can easily be seen as part of ''a scheme to defame and destroy the public image of Linda Tripp, with the intent to influence, obstruct, and impede the conduct and outcome'' of pending investigations and possible prosecutions of the President and of Linda Tripp herself.

Let's not forget that Linda Tripp has testified that she was told by a top White House aide that she would be ''destroyed'' if she came forward and exposed illegal activities she witnessed in the Clinton White House, including matters related to the Filegate scandal. Tripp's FBI file was one of over 900 FBI files improperly obtained by the Clinton White House. Tripp remains a material witness in continuing legal proceedings on the Filegate matter.

In addition, let's not forget that Tripp has also been the target of a politically motivated prosecution in Maryland concerning the taping of Monica Lewinski's phone calls.

All of this provides ample evidence of possible motivations ''to defame or destroy'' her ''public image.''

Third, Mr. Bacon's lawyer claims that Bacon did not violate any law in releasing the information on Tripp.

Again, he is simply wrong. Bacon clearly violated the Privacy Act, the law which was enacted in 1974 as a direct result of the Colson case. It isn't even a close call.

The contention that the media inquiry constituted a FOIA request that somehow superseded the Privacy Act will simply not stand up to scrutiny.

Finally, Mr. Bacon's lawyer makes a legitimate point with which I am prepared to agree; and that is, that Mr. Bacon is a dedicated public official who has served the Department of Defense with distinction for 6 years.

Similarly, Linda Tripp is a dedicated public official who has served in the Pentagon and the White House with distinction for many years.

The problem is that there must be equal application of the law if the law is to have any meaning.

Mr. Bacon simply cannot be permitted to escape responsibility for an act that so clearly violated the law—a law which is designed to protect the rights of all government employees.

The news media, I think, has created a particular problem in this case. It is a travesty that the major news media have not covered this story and informed the American people about why this is important.

What a contract with how the news media acted during the Watergate era. At that time, the news media led the charge to uncover wrongdoing by high government officials, explaining why adherence to the rule of law was so vital to the protection of liberty.

In the aftermath of Chuck Colson's pleading guilty in June 1974, along with other Watergate figures, newspapers across the country expressed appropriate outrage. They covered the story. They commented on it forcefully. They didn't sweep it under the rug. They did not say they were bored. They did not argue that the country should ''move on'' to other things.

They knew that lawbreaking by high officials was one of the most important things they could report to the American people, because, as they kept telling us, an informed public is essential to the protection of liberty in a democracy.

Here are a few examples of editorials during the Watergate years. Where are the similar editorials today?

On June 12, 1974, the Philadelphia Evening Bulletin was upset that another Watergate figure got off too lightly with a 30-day suspended sentence for his Watergate crime. They said.

> The circumstances (in this case) did not call for a tap on the wrist. [The judge's] praise for (the defendant's) integrity in this setting seems inappropriate. If [the defendant] is to be so excused for failing to do his duty . . . then how are others to be held accountable for placing personal loyalty above their duty and the requirements of the law?

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. INHOFE. I ask unanimous consent for 2 additional minutes.

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

Mr. INHOFE. Then, speaking of Chuck Colson, on June 4, 1974, the Dayton (Ohio) Daily News wrote:

> In this tawdry matter, Mr. Nixon's White House again has been exposed—this time by an aide who was high in its deliberations and was an intimate of the President's—as acting against the political and judicial process of this country as if they were enemies.

Finally, in commenting on Chuck Colson, in the home state of the Presiding Officer, the Portland (Maine) Evening Express wrote on June 30, 1974:

> Yet another close aide or high appointee of President Nixon has been brought to justice . . . He had attempted to defame Elsberg and destroy his credibility . . . Daily, it becomes abundantly clearer that [the Nixon Administration is] the most morally reprehensible administration in the history of the nation.

So who is at fault? Of course, Ken Bacon is at fault for violating the law. But I suppose it is human nature to cover up to save oneself. Who is really at fault is the press—the media—who are covering up this crime. No one can look at the way the press assailed Chuck Colson for his crime and now covers up the crime of Ken Bacon without asking, ''Why? Why are they so defensive of Ken Bacon when they so aggressively went after Chuck Colson?'' Unequal application of the law is no worse then inequality in reporting. The consequences of both serve to diminish our liberty.

Unfortunately, Ken Bacon, who should have been prosecuted, is now in the hands of Secretary of Defense William Cohen. Cohen is charged with reviewing the IG report and issuing any administrative discipline, short of criminal punishment. I urge him to act swiftly and in accord with the seriousness of this matter.

Federal employees throughout government are watching this case. What will it say to them if someone who has so clearly violated the Privacy Act is not held accountable?

It will say that no one's privacy can ultimately be protected, that the law is largely meaningless, and that ideal of public service in support of the Constitution and the laws is forever diminished.

Madam President, I am not trying to single out Kenneth Bacon. I don't even know him. But I do know Chuck Colson, and he admits he was properly prosecuted, and Kenneth Bacon has committed the same crime and gets off free. This is wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

AMENDMENT NO. 3126

(Purpose: To improve the provisions relating to teachers)

Mr. COVERDELL. Madam 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 Georgia [Mr. COVERDELL], for Mr. LOTT and Mr. GREGG, proposes an amendment numbered 3126.

Mr. COVERDELL. Madam 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.'')

Mr. COVERDELL. Madam President, I rise to speak on behalf of this amendment and, in particular, a core provision of it, which is teacher liability.

As schools have become more violent, it is increasingly necessary for teachers to use reasonable means to maintain order and discipline in their classrooms. In order to provide a safe and positive learning environment, teachers and principals must not be afraid to remove disruptive students for fear of becoming the subject of frivolous lawsuits.

I forget the exact timing of this, but sometime within the last 2 years, the Senate and House passed the Volunteer Liability Protection Act. I want to use that as a backdrop in preparation for what the provisions of this amendment do.

At a time when the Nation was calling on more and more people to step forward and be charitable and be volunteers, we had a huge summit. The President and all the former Presidents were there, as was Gen. Colin Powell. They outlined a call to the Nation to step forward and volunteer. Several days after that summit, I, along with several others, introduced this Volunteer Liability Protection Act.

It was based on this premise that voluntarism in the country was declining, even though voluntarism is like a national monument in the United States, but it was declining. And when you looked into why—or among the reasons why—it was the fact that volunteers, such as sports figures, role models who were consistently asked to step forward and volunteer, and major figures in the community, people of substance, or a family who sold a business and, in effect, retired and had the time and the resources to step forward and help the local YMCA or a charitable group, were targeted for frivolous lawsuits. I will give an example of one and then I will get back to the teacher side of it.

Picture a YMCA gym. This woman, in particular, who I talked about over and over throughout that debate, was a volunteer receptionist; she was answering the phone. She had nothing to do with the actual rigors of what was going on in the gym. Well, a young man broke either an arm or a leg in some activity in the gym. So you would have thought, well, if there were grounds for a lawsuit—and it wasn't just an accident and it involved no willful neglect—you would go after whoever was supervising the young man. I think that sounds reasonable to most Americans. But, no, the person who was sued was the woman answering the phone because they knew she had assets. Needless to say, people such as that didn't want to volunteer anymore. It is kind of hard to be a phone receptionist for the YMCA and put your whole family on the line, where you might be subject to a lawsuit and you might inadvertently lose it, and everything the family had worked for could be gone.

So we introduced the Volunteer Liability Protection Act. After a rigorous debate, it passed here, it passed the House, and the President signed it. It has been welcomed throughout the entire country as a relief that allows Americans, whether athletes or people who have assets, or somebody else, to step forward and be a volunteer.

It is directly analogous to the situation that we have in schools. Again, I say in order to provide a safe and positive learning environment, teachers and principals must not be afraid to remove a disruptive student for fear of being subject to a frivolous lawsuit. You can picture it. There is a scuffle going on in the hallway. A teacher has to make a decision. I remember that in the near disaster in Rockdale County, after Columbine, a young man entered the school. He had a weapon and he threatened several students with it, and he fired several shots. No one, gratefully, was either killed or permanently wounded. But the assistant principal appeared and moved directly to the student who had the firearm and pointed the firearm at him. Courageously—in my judgment, he had unbelievable courage—he walked up, calmed the student and took the weapon and held the student, who had become very emotional, until law enforcement officers could arrive.

That is an exaggerated incident, but we all know that scuffles such as this occur between students, or a verbal attack might occur in a classroom. A teacher can't be sitting there computing whether or not she or her family is at risk if she does her job. As the Volunteer Protection Act, this legislation does not allow for any willful misconduct. If this teacher were involved in willful misconduct, aggravated conduct, she would be subject to a lawsuit. But what it would end is just picking her out and harassing her or him into a settlement.

Listen to these statistics. The percentage of public school teachers in the United States who say they have been verbally abused is 51 percent. Fifty-one percent of all of our teachers threatened with injury, which is perhaps an even more significant percentage, is down. But 16 percent have been threatened they would be harmed; physically attacked, just under 1 in 10. It is 7 percent.

In 1992, 33 percent of 12th grade public school students felt disruptions by other students interfered with their learning. In other words, a third of the school population is talking about the disruption another student is conducting that interrupts the schoolday sufficiently to interfere with that student's learning.

In my State of Georgia, in 1997, there were 38,000 violent incidents and 2,600 weapons violations.

My colleague from Massachusetts cited a survey of teachers which found that 43 percent of high school teachers felt their personal safety was in jeopardy in a 2-year period. A seventh grade student at Lincoln Academy in New York was arrested on June 2, 1999, for setting a fire to his teacher's hair.

Two Irving Middle School seventh graders in Lorain, OH, were charged in January of 1999 of plotting to kill their teacher with a 12-inch fillet knife. As 15 students placed bets on the girl's plot, another teacher found out and intervened—in moments. She overrode this situation before the stabbing occurred.

In Columbus, GA, my home State, seven students were sent to summer community service after planning to poison a teacher's iced tea and trip her on the stairs because the students thought she was too strict.

Recently, I met with a large number of school superintendents. They talked about the multitude of issues that are affecting them and their ability to do the job. But when you mention teacher liability, the threat to them of a lawsuit—whether it is the principal, the administrator, or teacher—is very high on their agenda; that we are creating an environment where prudent decisions might be missed. A circumstance where a teacher's intervention would be useful doesn't occur because the teacher is intimidated by the threat of being sued for having made that decision.

Again, I reiterate that in the Volunteer Liability Protection Act, this language does not excuse any willful conduct or any aggravated conduct. The

person is still liable for that kind of behavior. It is the frivolous activity that would apply, just as in the Volunteer Liability Protection Act.

I am going to describe for a minute or two the language of this section. The teacher liability protection provisions provide limited civil litigation immunity for teachers, principals, and other educational professionals who engage in reasonable—I repeat ''reasonable''—actions to maintain order, discipline, and a positive educational environment in America's schools and classrooms. It protects teachers from lawsuits when using reasonable means to maintain order, control, or discipline in the school or classroom.

What does ''reasonable'' mean? It does not include wanton and willful misconduct. It does not mean a criminal act. It does not mean the violation of State law. It does not mean the violation of Federal civil rights laws. And it does not mean inappropriate use of drugs or alcohol on the teacher's behalf. As I said a little earlier, it is modeled on the Volunteer Protection Act of 1997 and various State laws that seek to provide teachers limited civil liability immunity, including my own State of Georgia.

It is narrowly crafted to protect teachers from lawsuits when they are attempting to maintain order, control, or discipline in the school and classroom. It protects teachers from frivolous lawsuits.

I always use the word ''teachers.'' But I think I should reiterate that it is teachers, principals, and administrators in the system. It is not only teachers, such as the person I just talked about who interceded to try to contain a student who brought loaded weapons to the school and threatened not only other students of being shot but his own life and the life of the assistant principal. All had been threatened. There is no telling what the outcome might have been without the courage of this administrator to intercede.

It protects teachers from frivolous lawsuits when they remove a disruptive or belligerent and possibly dangerous child from the classroom. That ought to be expanded. It is not necessarily from the classroom but from an environment on the school property that is potentially dangerous; a fight in the cafeteria. What do you do? Do you just sit there and watch the fight because you are saying to yourself, if I go over there and interrupt, the parents of one, or two, or three of those children are going to sue us. In this case, that would be considered frivolous. It would be the person doing their job. On the other hand, if the teacher was involved with starting or aggravating a fight, it would be wanton behavior, and that teacher or that administrator would be liable because they did something wrong; something outside the parameter of their job.

It would allow principals and administrators to take charge of circumstances in the school and the classroom. It would prevent the overactive trial lawyer community—and I believe by anybody's standard this is one of the great issues of our time with enormous utilization. We have become a society that is ready to sue—your neighbor or the guy who is packing your food at the grocery store. We are just suing everybody. Some of it is very appropriate, but a lot of it is not. It probably has to be dealt with in a lot more places than volunteers in the schoolroom.

But it certainly needed to happen. It has to protect volunteers, and it certainly needs to happen on these school properties. It does not, I repeat, override any State law that provides teachers with greater immunity—as I said, some do, including Georgia—of liability protections.

This is important: States can affirmatively opt out of Federal coverage by passing State legislation. They have their own view of it. If they want to expand it, they can. But they can opt out.

The provision does not address the rights of individual States to prohibit or allow use of corporal punishment by teachers and administrators to discipline unruly and possibly dangerous students.

Recently, parents brought a suit against a history teacher at a high school for damages the parents claim their son suffered when the teacher removed him from the classroom after the student refused to go to the vice principal's office.

We have a classroom. We have an unruly student. In this case, the teacher steps forward and says, You need to go to the vice principal's office. The student refuses to do so. The teacher removes that student from the classroom—this is not an appropriate interaction going on in the classroom—and gets sued for doing that.

That is an individual doing their job.

Matt Grimes, a student, went to a teacher's tutorial class. The gentleman's name was Mr. Stringer. Mr. Stringer told him to go to the tutorial he was scheduled to attend. In other words, the student was in the wrong place and needed to be somewhere else. Matt said his teacher would not let him into that class because he was late. That teacher did, indeed, refuse Matt's admittance because of a late arrival. Something was said to the teacher that was disrespectful, and the teacher pointed or touched his chest with his index finger. In other words, he touched him and was sued. The teacher ended up being sued as a result of that incident.

Madam President, I ask unanimous consent that a full article be printed into the RECORD from the Wall Street Journal on Tuesday, May 4, 1999, by Kay Hymowitz.

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

[From the Wall Street Journal, May 4, 1999.]

HOW THE COURTS UNDERMINED SCHOOL DISCIPLINE

(By Kay S. Hymowitz)

In the wake of the Littleton school shootings, we've heard a lot about educators' need to pay attention to the ''warning signs'' of potentially violent youngsters. In this case such signs were plain to see: Eric Harris and Dylan Klebold produced videos and wrote essays for their classes depicting their murderous fantasies. But the legal culture produced by a pair of Supreme Court rulings makes it difficult for educators to do anything when confronted with such warning signs—or indeed even to enforce the ordinary discipline that our kids need in order to be molded into citizens.

In Tinker v. Des Moines School District (1969), the justices sided with students who had been threatened with suspension for wearing black armbands to protest the Vietnam War. Tinker protected young people who expressed opinions at odds with the government and reduced the possibility that educators could simply indoctrinate children with their own beliefs. ''It can hardly be argued,'' wrote Justice Abe Fortas, ''that either students or teachers shed their constitutional rights . . . at the schoolhouse gate. . . . Students in school as well as out of school are 'persons' under our Constitution.''

Six years later, in Goss v. Lopez, the court granted students the right to due process when threatened with a suspension of more than 10 days. Careful to insist that schools need only provide informal hearings, not elaborate judicial procedures, the justices believed that they could help guard against feared abuses of power without seriously disrupting principals' authority.

On first sight, these decisions seem balanced and sensible. But their unintended consequence was to help create the world Gerald Grant described in his 1988 book, ''The World We Created at Hamilton High.'' ''Assemblies often degenerated into catcalls and semiobscene behavior while teachers watched silently,'' Mr. Grant writes. ''Trash littered the hallway outside the cafeteria, but it was a rare teacher who suggested a student pick up a milk carton he or she had thrown on the floor.''

Cheating was sidespread, but ''few adults seemed to care.'' No wonder. Teachers who accused kids of cheating were required to produce documentation and witnesses to counter the ''other side of the story.'' One teacher who had failed a boy for plagiarizing a paper had to defend herself repeatedly before a supervisor after being harrassed by daily phone calls from the student's parents and the lawyer they had hired on their son's behalf. Another teacher was asked why she didn't report several students who were making sexually degrading remarks about her in the hallway. ''Well, it wouldn't have done any good,'' she shrugged. ''I didn't have any witnesses.'' The phrase ''You can't suspend me'' became the taunt of many a disruptive student.

Surely the justices who decided Tinker and Goss did not anticipate this. Indeed, subsequent decisions have made clear that students don't enjoy the same legal rights as adults. In Bethel School District v. Fraser (1986), the Supreme Court ruled in favor of a principal who suspended a student for making an obscene speech, and in Hazelwood v. Kuhlmeier (1988), it allowed principals to censor high-school newspapers. And lower courts often decide in favor of school administrators who take a strong stand against provocative student speech and behavior.

But the mere threat of a lawsuit is often enough to have a chilling effect on teachers and administrators. Educators are understandably wary of students backed by litigious parents, not to mention numerous

rights manuals with titles like ''Up Against the Law,'' ''A High School Student's Bill of Rights'', and ''Ask Sybil Liberty.'' These guidebooks enumerate for already-disaffected kids all the impermissible things teachers are going to try to make them do. You don't have to answer a school official if he questions you; a teacher can't make you do anything that violates your conscience; if you don't like the way the school makes you dress, you can go to court; you can demand to see your school records.

In his dissent in Tinker, Justice Hugo Black, one of the court's strongest defenders of the First Amendment, wrote that the decision ''subject all the public schools in the country to the whims and caprices of their loudest-mouthed, but maybe not their brightest, students.'' Justice Black was right. A few years ago a Colorado high school principal took no action as one of his students strutted into school wearing Ku Klux Klan insignia. That is, until a black student punched the would-be Klansman. Only then, when the Klansman's ''speech'' could be construed as an incitement to violence, did the principal forbid it.

In another case, a high-school senior in New York state distributed articles urging students to urinate in hallways, scrawl graffiti on the walls and riot when the police arrived. In 1997 the school district suspended the boy, but only after the case had dragged on for two years, including an appeal to the state's highest court. Last year a 14-year-old eighth-grader in Half Moon Bay, Calif., wrote a pair of English compositions, one about torching the school library and beating up the principal and another, charmingly entitled ''Goin' Postal,'' about pumping seven bullets into the principal. When the boy was suspended for five days, his parents sued the school district. The district and the parents reached a settlement under which the suspension was reduced to two days and the grounds were changed from ''terroristic threats'' to ''habitual use of profanity in school assignments.''

Rights-empowered students are not merely a discipline problem; they have also helped dumb down the curriculum. Mr Grant found that as administrators and teachers became fearful of restless, back-talking adolescents, they resorted to keeping classes amiable and nonthreatening—in other words, unchallenging. All but a handful of charismatic teachers studiously avoided giving low grades, demanding homework or administering rigorous tests. This same dynamic is at work in the many schools today where students choose their courses from a number of faddish, ''creative'' options. After all, ''Music as Expression'' is much less likely to make a kid testy than ''19th-Century American History.''

Thus instead of enriching children's minds and challenging their media-fed fantasies, adults stand by and condone the worst forms of adolescent acting-out, sometimes with deadly results. Kip Kinkel, a 15-year-old Springfield, Ore., boy, reported in science class on how to build a bomb and read in literature class from his journal about his dreams of murder. Last May the teenager allegedly shot and killed his parents, then went to school, where he allegedly murdered two classmates and injured two dozen more; he is now on trial. The adults' response to his classroom rantings? ''He was a typical 15-year-old,'' the Springfield superintendent of schools said. Other school officials said classroom talk of murder and violence is nothing unusual.

The Supreme Court undoubtedly thought that Tinker and Goss would free students from oppressive adult power. Yet today, 30 years later, resentful students must march through metal detectors, get sniffed for guns by trained dogs, watch police and security guards patrolling the hallways—and fear for their lives.

Mr. COVERDELL. It says:

In the wake of the Littleton school shootings, we've heard a lot about educators' need to pay attention to the ''warning signs'' of potentially violent youngsters. In this case such signs were plain to see. Eric Harris and Dylan Klebold produced videos and wrote essays for their classes depicting murderous fantasies.

I make a point about the legal culture. A pair of Supreme Court rulings makes it difficult for educators to do anything at all when confronted with such warning signs. The warning sign in the case of the teacher in Georgia was a pistol pointed right at him. That is a little late. But he made a decision and he executed the decision, saved the child, and was not harmed himself.

It is difficult for educators to do anything when confronted with the warning signs or, indeed, to even enforce ordinary discipline that kids need in order to be molded into citizens.

That goes back to the point I was making a bit ago. Unfortunately, this happens in a lot of walks of life. It happens with employers. It happens with store owners. People stop making prudent decisions or become so overly cautious about the legal costs, which are passed on to the consumer, that they start doing things that do not make sense for society.

We pay a price when it occurs in the school, when a teacher sees a disorderly event or something that potentially is dangerous, wrong, or disruptive to the education in the school, and in that teacher's mind they decide not to do anything, not to act; they walk away because they are intimidated for fear of ultimate consequences. Maybe somebody else in the school system was involved in a frivolous lawsuit. We are producing an environment where persons in charge on school property are stopped from doing things we expect them to do.

In Tinker v. Des Moines School District, the justices sided with students who had been threatened with suspension for wearing black armbands to protest the Vietnam war. The court believed it was a form of expression. Now we hear about all these articles, one after other, condemning the school for not doing anything because students showed up dressed in a threatening manner in the school. They condemned them for not doing anything. On the one hand, if you do anything, you get sued. It is a Catch-22 situation.

This article says:

On first sight, these decisions seem balanced and sensible. But their unintended consequence was to help create the world Gerald Grant described in his 1988 book, ''The World We Created at Hamilton High.'' Assemblies often degenerated into catcalls and semiobscene behavior while teachers watched silently.

Mr. Grant writes, ''Trash littered the hallway outside the cafeteria, but it was a rare teacher who suggested a student pick up a milk carton he or she had thrown on the floor.''

Cheating was widespread, but ''few adults seemed to care.'' Teachers who accused kids of cheating were required to produce documentation and witnesses to counter the other side of the story. One teacher who had failed a boy for plagiarizing a paper had to defend herself repeatedly before a supervisor after being harassed by daily phone calls from the student's parents and the lawyer they had hired on their son's behalf.

This is different from the place I went to school. There was no ''chill'' on those teachers. If something this egregious was going on, there was somebody who was going to do something about it. I know I am better off for it and so are all my classmates. This is not the kind of environment—we are talking reform in education—you want going on in schools.

Gratefully, it doesn't go on in all schools. But there is a teacher or principal or administrator in every school who has had it register: I am at legal risk here, even if I'm just doing my job. Everybody knows they are at legal risk if they engage in some wanton behavior that is obstructive or damaging. They cannot tell a student to pick up trash off the floor or do something about cheating going on in a classroom without getting sued. The mere threat of a lawsuit is often enough to have a chilling effect on teachers and administrators. Educators are understandably weary of students backed by litigious parents, not to mention the numerous rights manuals with titles like ''Up Against The Law,'' ''A High School Student's Bill of Rights,'' and ''Ask Sybil Liberty''—that is S-y-b-i-l Liberty.

These guidebooks enumerate for already disaffected kids, all the impermissible things teachers are going to try to make them do.

That is actually published literature out there, that somebody who is disaffected for some reason or other can seize onto to protect themselves from the environment of a stable school.

You do not have to answer a school official, if he questions you.

This is the advice from all these great documents I have just enumerated.

A teacher can't make you do anything that violates your conscience.

You know, like the other fellow a little bit ago who was asked to go to the vice principal's office.

If you don't like the way the school makes you dress you can go to the court.

You can demand to see your school records.

In another case, a high school senior in New York State distributed articles urging students to urinate in the hallways, scrawl graffiti on the walls, and riot when the police arrived.

In 1997 the school district suspended the boy but only after the legal case had dragged on for 2 years, including an appeal to the State's highest court.

Rights-empowered students are not merely a discipline problem; they have also helped dumb down the curriculum. Mr. Grant found that as administrators and teachers became fearful of restless,

back-talking adolescents, they resorted to keeping classes amiable and unthreatening; in other words, unchallenging. All but a handful of charismatic teachers studiously avoided giving low grades, demanding homework, or administering tests.

We all came down here last week. We preached. We had different views about what we ought to do.

We know there is something badly wrong in K–12 today. We know it. Everybody knows it. The data is just beyond description—the number of students who cannot read, who do not have quality math skills.

With this activity going on, it is going to be pretty hard, no matter what we do, to get things reversed. We want quality teachers. We want to recruit quality teachers. How many Senators have come down here talking about wanting a quality teacher? I think just about everybody. How are we going to get a quality teacher with this stuff going on where they work?

Over the 5-year period, just 5 years, from 1993 to 1997, teachers were the victims of 1,771,000 nonfatal crimes at school, including 1,114,000 thefts, and 657,000 violent crimes. On the average this would be about 350,000-plus crimes per year.

Madam President, I made my point. I want to give the other side some time. For the moment, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we have the Gregg-Lott amendment before us. The Senator has spoken about the liability provisions that have been included. There are four other provisions that are included in the amendment.

At the appropriate time, I am going to urge the Senate to accept the Gregg amendment.

It seems to me the case ought to be made within the States, since the States have the power to take action on the matter discussed here during the course of this afternoon. The liability provision the Senator has mentioned would say if the States have weaker provisions, then these standards would stand. If they have stronger standards in order to deal with the problems of protecting those who are involved in education, than those would stand.

A number of States have taken it. It always seemed we were focused on what was going to happen in the classroom. If the States wanted to take that action, they should take it. A number of them have. The Senator has offered an amendment which includes these provisions. We are going to recommend they move ahead and they be accepted.

There were other provisions that were included in the Gregg amendment. It makes some small adjustments to what they call the TOPS Program by requiring every local district to take advantage of what the TOPS Program would be. They change the requirements to say that every local district has to do it, instead of just failing ones. I think that is an improvement.

It adds a part of our Democratic teacher quality accountability provision, so after 3 years, if the local district is not improving, the district cannot get the fourth and fifth year funds. We do that plus provide additional kinds of protections. Theirs is a modest change, but a useful one.

As I said, it provides teacher liability, which is acceptable. Then, as I understand it—I read it—there is, in addition, a small pot of money for financial incentives for certifications of teachers. That is not objectionable. It is a very modest program. It might provide some value for teachers.

But I want to come back to the underlying themes of where we are in this legislation. The amendment itself can be easily wiped out by the Governors of the States; the teacher quality program is blockgranted under Straight A's in S. 2.

So in effect, if the Governor wanted to block grant the whole TOPS Program—their basis for recruitment, mentoring, and upgrading skills for teachers in classrooms, which is their teacher education program, they could do it. It disappears. The teacher quality program can be block granted in the 50-State block grant and the 15-State block grant.

So we are effectively eliminating—or under the Republican program we are giving the Governor, at his own whim, the ability to eliminate all the teacher enhancement programs.

We are not there. Democrats are not there. We believe in having a strong emphasis in our program, a $2 billion program, that recognizes high quality recruitment, mentoring, and professional development.

Just on page 630, there is the treatment of the eligible programs, those which can be block granted. Here we have subparts 1, 2, and 3 of part (A) of title II, that is teacher empowerment. That is true on page 656, which is the 15-State block grant.

Why do we have this debate on a Monday afternoon? We say OK, we will accept it. If we are going to eventually pass S. 2, it will not be in effect in any event. So let's get on to other issues.

This is what has bothered many of us during the course of this whole debate. There is this fundamental commitment of our Republican friends to block grant these programs and issue a blank check for these programs. But, on the other hand, they say that they are really serious about these programs.

How can we accept the fact that they are serious about putting a well-qualified teacher in every classroom when they give an opportunity to the Governors to wipe out that entire program? We do not do that. We say it is essential, as part of the program to which we are committed, that you are going to have an effective program in recruiting and also in professional development.

Let's take another look at page 632 under the block grant program. We call it the blank check—block grant program. On page 632 it says:

(d) Uses of funds under agreement.—Funds made available to a State under this part shall be used for educational purposes . . .

Educational purposes. Do my colleagues know what qualifies for educational purposes? State administrators and their offices. That qualifies for State educational purposes.

We have heard a great deal of rhetoric about how they want to get the money where it ought to be, with needy students, and, under their own definitions, they say it can be used for any educational purpose. It can be used by local administrators for their needs, it can be used for sports facilities, it can be used for band uniforms, because States spend their educational money for those purposes.

What the Republicans say is that they can use the money we are going to provide to them on whatever the States want to use it. The States use it for band uniforms. They use it for administrative funds. They use it for State departments of education. Not our program, but theirs does.

On the one hand, we have an amendment to the TOPS Program that effectively can be wiped out by the Governors and the block grant, and then we look at how they define what are educational purposes under this legislation. They create a loophole for the Governors to drive a truck through. The Governors will make those decisions, not the local educators. It is not going to be the parents. It is not going to be the local school boards. It is the Governors.

One asks: Why, Senator, is it the Governors? Because the Governors are the only ones who, at the end of 5 years, are held accountable. They are the ones held accountable. All they need is to have substantial compliance, and then they can reapply for 5 more years. If this goes on—and I do not believe it will because I do not think they are going to get the results under this program.

I want to take a few minutes of the Senate's time to come back to why we feel so strongly about targeting these programs. I am going to speak about the importance of recruitment and professional development and the importance of mentoring.

As I have said at other times during this debate, we are committed to having a well-qualified teacher in every classroom in this country by the time this legislation has expired.

What is happening at the present time? This is the most recent report from 1999, using statistics from 1994. We see that about two-thirds of individuals who went into teaching had a regular or advanced license. ''No license,'' ''substandard license,'' or ''probationary license'' are terms used by the States to describe those who have not met certification. They use them interchangeably for the most part. Basically, a third have not met the rigorous standards. We are setting rigorous standards to make sure we have good teachers.

Let's see what is happening. This legislation was developed to meet the challenges of the neediest students in the country. We know approximately 25 percent of the teachers do not have competency in the subject matter or in training skills. Let's see where those teachers are going and what students they are teaching.

Let's look at ''by income.'' Where are these unqualified teachers teaching? 4.4 percent are in low-income communities, and 17.6 percent are in communities with more than 50 percent poverty. As this chart shows, they are not teaching in the wealthy suburbs of this country. They are not teaching where there are middle-income and high-income families in this country. They are teaching basically the lower-income students in this country. This is the very group on which this program and the ESEA is supposed to focus. That is what this whole program is about. That is why in 1965 we had a national concern about the poorest of the poor children in our country, and we decided to focus attention on their needs.

Now, when we are talking about one aspect of education, and that is the quality of our teachers, we are finding in excess of 17 percent are teaching low-income students. If we take this by race, this column shows in schools with 1 to 10 percent minority students, 3.2 percent of these unqualified teachers are teaching in those areas which have the wealthier schools. Again, 17 percent are teaching in schools with a higher percentage of minority students.

This clearly indicates that if we are going to provide the funds, let's try to make some difference. When we give it to the Governors—the Governors are the ones who are giving these numbers to us now. They are the ones responsible for this. They have 93 cents out of every dollar. We are saying that we want to have better qualified teachers.

Let's look at this next chart. This is another way of looking at the teachers in this country. This is the better prepared and the poorly prepared. This is alternative certification program, B.A., and summer training. Designated in red, of those who enter training, 80 percent went into teaching, and about a third remained after 3 years.

Seventy percent went into teaching with a 4-year program, B.A., and a major in a subject field or in education. They are better trained, 70 percent; 53 percent remain after 3 years.

The 5-year program: They get a B.A. and a major in a subject and master's in education. Of the 90 percent who went in after 3 years, 84 percent stayed. What does this say? If we develop the teachers professionally in their competency and skills and additional certification, they will remain in teaching.

And they will make a difference to the underserved in our communities. That is what these charts are all about. This is another feature, the mentoring.

The three provisions are professional development, recruitment, and mentoring. When you have mentors for new teachers, they stay in the profession. This chart shows the percentage of teachers who leave the profession after the first 3 years without mentoring, which is 23 percent; but with mentors, it is 7 percent. Teachers will stay in teaching when they have mentors. Those teachers who have better opportunities for continuing their education will remain in teaching.

We know how to help retain teachers. We can ask ourselves: What does all this mean in terms of academic achievement? This is from the Teacher Quality and Student Achievement, of December 1999:

> Increasingly, the States that repeatedly lead the Nation in mathematics and reading achievement have among the Nation's most highly qualified teachers and have made the longstanding investment in the quality of teaching. Top scoring States—Minnesota, North Dakota, and Iowa; recently joined by Wisconsin, Maine, and Montana—all have rigorous standards for teaching that include requiring the extensive study of education plus a major in the field to be taught. Case studies of States that undertook the most comprehensive teaching policy initiatives during the 1980s, especially Connecticut, North Carolina, and other States, such as Arkansas, Kentucky, and West Virginia, that pursued comprehensive reform initiatives in which teacher quality figured prominently showed evidence of steep gains in student performance.

We are not doing this as an academic exercise. We are trying to say what works for children. What is happening now can make a difference in terms of children:

> There have been steep gains in student performance from the early to mid-1990s for those States that have given a high priority to recruitment, mentoring, and professional development.

Listen to this. The study continues:

> By contrast, States, such as Georgia and South Carolina, where reform initiatives across a comparable period focused on curriculum and testing, but where they invested less in teacher learning, showed less success in raising student achievement within this timeframe.

Can we not learn, in terms of using scarce resources, what works and what does not work? This is only one aspect. This is one aspect of our effort here on the floor of the Senate.

We know what works, based upon the kinds of reports and evaluations that have been done.

Here is the study: ''What Matters Most: Teaching for America's Future, report of the National Commission on Teaching & America's Future. This was done by Republicans and Democrats alike. What do they point out in this area? They say:

> Some problems, however, are national in scope and require special attention: There is no coordinated system for helping colleges decide how many teachers in which fields should be prepared or where they will be needed. Neither is there regular support of the kind long provided in medicine to recruit teachers for high-need fields and locations. Critical areas like mathematics and science have long had shortages of qualified teachers that were only temporarily solved by federal recruitment incentives during the post-Sputnik years. Currently, more than 40% of math teachers and 40% of science teachers are not fully qualified for their assignments.

Since the successful recruitment programs of the 1970s ended (Teacher Corps), only a few States have created support in the form of scholarships or loans to prepare teachers for high-need areas and fields. In addition, investing once again in the targeted recruitment and preparation of teachers for high-need fields and location is a national need.

That is just with regard to the recruitment. They say it is a national need, a national responsibility.

On the issue of mentoring:

> The weight of accumulated evidence clearly shows that traditional sink-or-swim induction contributes to high attrition and to lower levels of teacher effectiveness.

That is just what the chart showed.

Further:

> The kinds of supervised internships or residencies regularly provided for new entrants in other professions—architects, psychologists, nurses, doctors, engineers—are rare in teaching, but they have proven to be quite effective where they do exist. Beginning teachers who receive mentoring focus on student learning much sooner; they become more effective as teachers because they are learning from guided practice rather than trial-and-error; and they leave teaching at much lower rates.

Then it continues:

> Although some states have created programs for new teacher induction, few have maintained the commitment required. With a few exceptions, initiatives during the 1980s focused on evaluation and failed to fund mentoring. Others provided mentoring that reached only a few eligible teachers or withered as funds evaporated. Again, the problem is not that we don't know how to support beginning teachers; it is that we have not yet developed the commitment to do so routinely.

This isn't only Democrats who are saying this. This is the most comprehensive report on how to get high-quality teachers, mentoring programs, professional development, and what it means in terms of academic achievement. That is what we stand for.

Further, on the issues of professional development, let me mention this:

> (Pg. 41) Most U.S. teachers have almost no regular time to consult together or learn about new teaching strategies, unlike their peers in many European and Asian countries.

Remember all the debate we heard last week about: Look what is happening in these European countries. Look what is happening there. One of the things they are doing in many of the European countries, where teachers have substantial time to plan and study with one another—

> In Germany, Japan, and China, for example, teachers spend between 15 and 20 hours per week working with colleagues on developing curriculum, counseling students, and pursuing their own learning. . . .
>
> The result is a rich environment for continuous learning about teaching and the needs of students.
>
> Instead of these ongoing learning opportunities, U.S. teachers get a few brief workshops offering packaged prescriptions from

outside consultants on ''in-service days'' that contribute little to deepening their subject knowledge or teaching skills.

We challenge our Republican colleagues to point out in their bill where they are going to do these kinds of things and meet these kinds of challenges that have been outlined for our students. We ask them: Where is it? It is nonexistent. It just isn't there. I will show you why it isn't there.

Let us compare the various provisions under our amendment to S. 2.

This is where we say: Well, let's see where your program is. Let's take the issue of professional development and mentoring.

The allocation of funds goes to States by formula based on 60 percent poverty and 40 percent population. At the State level, funds go to districts by formula based on 80 percent poverty and 20 percent population. Funds are targeted and focused on the neediest areas. We guarantee funds for these two purposes.

In terms of recruitment, we provide that 30 percent of the State's allocation shall be used by the State agency to provide grants to recruitment partnerships under the sections that we have for recruitment activities. We guarantee funds in terms of the recruitment.

Pass this bill, and it is $2 billion for high quality professional development, mentoring, and recruitment. We are guaranteeing the funds for these activities. We spell it out in the bill.

They haven't done it yet in their bill. And they can't do it because it is just not there.

When it comes to the professional development, under the basic Republican bill, they say it doesn't guarantee substantial funds for professional development. They say a portion of the funds can be used. This could be as little as one dollar. It is an allowable use for professional development. It is an allowable use in terms of mentoring. It is an allowable use in terms of recruitment. There is no guarantee of any funds for these two activities. Also, there are no assurances to parents that they are going to have qualified teachers in the classroom.

On our side, we say if you are going to end up on the back end of this legislation with results, you have to invest in quality in the front end. You have to set criteria at the beginning of this legislation about what you are going to do in these particular areas.

That is what we have done because that is what is overwhelmingly called for.

Our amendment also guarantees that teachers are going to be prepared to teach children with disabilities along with other students with special needs. We have accountability not only at the State level in terms of teachers but also for every class at the local level.

Our amendment says if you do not make progress in student achievement after 3 years, you cannot continue in terms of the funds.

There is a dramatic contrast in the two different proposals on issues which are so incredibly important in terms of the children of this country.

We have tried in other areas as well: Afterschool programs, construction programs, accountability programs, and parental involvement.

Also, we have tried to find out the importance of those particular programs and what their impact has been on children to advance their academic achievement, accomplishment, enhance their sense of self-confidence, and advance their interests in learning. These are all extremely important. We have tried to include those various programs in the legislation we have advanced. We believe this is a much more valuable way of proceeding than just giving a blank check to the Governors.

How can we in good conscience vote for legislation that is going to send the money back to the States when the States are absolutely failing to do their job today?

We hear: Well, we want something different. We want something that is new. We want something revolutionary. We want something that will sound like it is something completely different from the past.

We are saying we have tried revenue sharing and block grants in the past. That is what we had from 1956 to 1969, and it didn't work. The studies and statistics demonstrate that it didn't work. But this is a very different approach. We didn't have the technology concepts and legislation 6 or 10 years ago. We have a new effort in the way we are going to use that technology, ways that will reduce the division in terms of the digital divide. Years ago, we didn't understand the importance of well-qualified teachers and the relationship between well-qualified teachers and the academic achievement of students. But, we have the statistics, the information, and the studies now, and we want to do something to make a difference.

We didn't really have afterschool programs years ago, because quite frankly, children went home, and more often than not, one of their parents was home working with the child and helping and assisting the child with their homework. That is entirely different today. We didn't know the importance of trying to develop afterschool programs. When you look at the demand for those afterschool programs in communities across the country, we know the importance and significance of giving help and assistance to those children with afterschool programs, which means they are going to continue to make progress academically in these afterschool programs. That is enormously important.

These are matters which are enormously important. They are tried and tested. They are different from where we were before. But there is compelling evidence that these kinds of efforts result in enhanced academic achievement and accomplishment.

The alternative just baffles me. I have been listening and have been on the floor for just about the whole time through: Monday of last week and during the brief time on Tuesday, Wednesday, and Thursday. We continue to hear that we are having a lot of trouble with children in underserved and disadvantaged areas, and what we have tried in the past doesn't work. Therefore, we have to try something else. What is ''something else''? What is ''something new''? Block grants. They call that something new? That is an old word for revenue sharing. That has been a discarded and discredited program. If the Governors want to do all these things, there is no reason they cannot do them.

Debating merit pay. They said let's have merit pay. Well, the Governors can do that if they want to. If they don't want to, they don't. We are waiting to hear from any State that wants to develop the merit pay program for individual teachers rather than doing it on a schoolwide basis, which, as Governor Riley learned, is the way to go. Governors can go ahead and do it.

As we spelled out last week, different Governors made statements that they were committed to trying to do something about underserved schools. They made those commitments over a long period of time. There are notable exceptions, and I mentioned those States earlier today. They are Republican and Democrat Governors.

In the Governors' Association report of 1986, ''Time for Results,'' the task force was chaired by Governors Alexander, Riley, Clinton, and Keene. Intervene in low-performing schools and school districts and take over or close down academically bankrupt school districts—they urged the Governor to do that in 1986.

By 1997, there were nine States that moved ahead. In 1998, the support for the State focused on schools reiterating a position first taken in 1988 by the National Governors Policy. They say States should have the responsibility for enforcing accountability, including establishing clear penalties in cases of sustained failure to improve student performance. By the year 2000, we will have 20 States providing assistance to low-performing schools.

Some have not done it. Some Governors have not shaped up. Some have, and those Governors ought to be commended.

If we go at this rate from 1986 to the year 2000, from 9 States to 20, it will take 50 more years to get these programs active in the local community. Who wants to wait?

If you were able to demonstrate you had 10 States out of 50 with Governors who had turned that around, you would have some legitimacy on the floor of the Senate in desiring to try it in the other 40. But we haven't seen it.

Our Republican friends want to give them another chance to take all of this money and use it in the capitals of their States, use it for educational purposes which include bureaucracies, and

permit them to use it for a wide range of different activities outside of the needs of underserved children. It is absolutely wrong.

I will discuss another offensive part of this legislation. That is the provision that eliminates our national commitment to help and assist the three categories of children which are the most vulnerable in our society: The homeless, migrant children, and immigrant children.

The immigrant children come from families impacted by federal immigration law and will eventually be eligible to become American citizens. Nonetheless, they have some very special needs. By and large, the States have never paid any attention to them.

We have the homeless children. As recently as 1987, the Center for Law and Education sent out a questionnaire regarding the State practices and policies for homeless students to the chief State officials in the 50 States and the District of Columbia. The majority of the respondents had no statewide data on the number of homeless children in their jurisdictions or whether those children were able to obtain an education. The majority of States had no uniform plan for ensuring homeless students receive an education.

I asked over the weekend, outside of Federal funds, what are the States doing for homeless children. We have been unable to get any indication from any State. Madam President, there were 625,000 homeless children in 1997 and 1998, and only 231,000 of those children were getting some additional help and assistance for educational services.

I hope our friends on the other side will tell us the things States are doing for homeless kids at the present time. I think we will wait a long time. They have not done it in the past, and they are not doing it today. That is true with regard to the migrant children, 718,000 children. They live in poverty, and only 40 percent have completed eighth grade. The instance of sickness among these children—not only physical, but also in terms of mental needs—is overwhelming.

We are saying we will not continue that program as we know it. We are going to send the money targeted for that program back to the States. The reason we created the program is because States were not doing anything for those students.

We have had 4 days of debate on this bill. I hope the other side will tell us—if not tonight, then tomorrow—what all the States are doing with regard to homeless children. We are not taking care of these children in the way we should, even with the funds being provided under the Elementary and Secondary Education Act. We are still reaching perhaps half of those children who need help and assistance. Is any person going to tell us, Senator, when we send these funds back to the States, the Governor will look out after the homeless children, the migrant children, and the immigrant children? Can any person demonstrate any history where the States have been willing to do it?

That is our challenge. We want to hear it. We have not been able to find that. To block grant all of these funds, send them back to the States, and say they will be able to deal with them, rather than at least have coordinated programs that help track the children as they move down from Florida, through Georgia, through the Carolinas, some all the way into New England and the west coast—they have worked with different communities knowing when the crops change—try to coordinate this.

There has been a positive response from some of the States to work in a coordinated way. We have had some leadership from the Department of Education. Why are going to leave that out? That does not make sense.

I hope when the time comes, there will be an acceptance of the Gregg amendment and then we will look forward to having a good discussion on some of the other matters as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I have really enjoyed listening to my colleague from Massachusetts. He seems to think the only answer to education, public education in this country, happens to be the Federal Government. Of course, those of us who really have watched it and observed it over all these years realize that is not the answer.

The Federal Government spent, over the last 30 years, I guess, $120 billion. And in almost every category in title I, poor kids do a lot worse. We had over 700 Federal programs—over 700—300 of them just in the Department of Education alone. Yet we still have the same age old arguments that the Federal Government is the last answer to everything and really parents and families just don't know what to do for their kids.

I know there is a legitimate feeling on the part of those on the left that that is true, but there is more than a legitimate feeling on the part of us on the right who know that that is not true and literally the Federal Government is not the last answer. My good friends talks about block grants just being another name for revenue sharing—no, block grants are a way of letting the State and local people take care of their educational processes and to find out how and then to use the money in the best interests of the State and local educational processes. It is a pretty pivotal, basic Federalist principle, it seems to me.

I rise today to talk about the education bill pending before the Senate today. S. 2, the Educational Opportunities Act, if enacted would make a number of improvements to education. This bill that is on the floor would really help education. S. 2 allows up to 15 states to shake off federal restrictions in exchange for increased accountability. It allows eligible parents to choose the provider of Title I services for their children.

This bill also gives parents the right to move their children out of schools that are failing them.

Why would we not want to do this? why would we not want to allow parents more control over the education of their children? I am sincerely baffled as to why this bill has attracted such opposition—I cannot believe that my colleagues are more interested in protecting bureaucracy instead of supporting teachers and students. Why should my colleagues be more concerned with filling out forms than in getting needed funds into classrooms?

I commend the Chairman and the hard working members of the HELP Committee. This is one of the most difficult committees to chair and to work on. I should know. I think the committee has put together a commonsense piece of legislation that, while not as sweeping as some would prefer, moves us along in the right direction. I would like the opportunity to vote for this bill.

I listened with interest to the comments of my fellow Utahn, Senator BENNETT last week. I thought he made some excellent points, especially about the voluntary nature of some of more controversial elements of the bill. These really are very modest reforms, and this Congress and this President should move ahead with them.

It may come as a shock to some here in the Emerald City, but the Federal Government did not invent the public schools. Education in our country is never going to get better if we do not stop spinning our wheels here in Washington and start supporting the innovative reforms being implemented at state and local levels.

There is a role for the Federal Government, but it is a supportive one. And, many of those supportive programs are being reauthorized in this bill.

Today, however, I would like to speak about my amendment to the Title I funding formula for economically and educationally disadvantaged authorized in the Elementary and Secondary Education Act—ESEA.

Before I get into that, though, I would like to note the Federal Government pays about 7 percent of the cost of education. Yet it requires 50 percent of the paperwork. That is the equivalent of 267,500 full-time teachers. We could go a long way towards solving some of the teacher problems in this country if we would get off the kick that the Federal Government is the last resort to everything. I think the Federal Government muddles in education where it should not. And many of the things it has done have not been fruitful or beneficial, even though I admit that the Federal Government can have a supportive role, if it is truly supportive and not destructive.

My amendment would make the Education Finance Incentive Grant Program, EFIG, a permanent statutory factor in the allocation of resources in the Title I formula. The EFIG program is currently authorized as a separate part of the Title I formula, which has never been funded. I believe that including it as a permanent factor in the Title I formula has merit. The Education Finance Incentive Grant Program distributes resources to states based on two important factors: effort and equity.

The effort factor measures a State's own fiscal commitment to education. The equity factor is determined by a state's commitment to equitably distributing resources among its school districts. Unlike demographic factors, both effort and equity can be controlled to a substantial degree by states as a matter of policy.

The equity factor is a crucial element of the EFIG program. It measures the ''coefficient of variation'' of funding among a state's school district; i.e., the equity factor measures how well a state endeavors to even out education assistance between districts which have high property tax revenues and those which do not.

Let me reiterate my support and appreciation for the hard work done by the HELP Committee on this bill, which I support. But, I wish the Committee had looked a little harder at the Title I formula. S. 2, as reported, does not change the fundamental problem of using State-per-pupil-expenditure as a proxy for determining a state's financial commitment to education.

What this expenditure proxy does is place a higher value on a child who lives in a rich State than it places on a child from a poor state, which cannot spend a large amount. If a State can afford to spend more money per-pupil, it gets more money from the Federal Government. If a State has less capacity and cannot spend as much per-pupil, it gets less money under Title I. This seems backwards to me.

Second, use of per-pupil spending as the sole proxy for a State's commitment to education ignores other important factors—such as tax effort. Thus ''effort'' is also a component of the EFIG formula, which my amendment would finally incorporate into the Title I formula.

In my home State of Utah, education consistently ranks as one of the highest priorities for Utahns. During this year's session of the Utah legislature, Utah reaffirmed its commitment to improving education, reducing class size, and increasing salaries for teachers.

Utah takes its commitment to education funding very seriously. During the 1995–96 school year, education expenditures in Utah amounted to $92 per $1000 of personal income. The national average was $62 per $1000. In other words, Utah's education expenditure relative to total personal income is 50 percent more than the national average. It is the third highest in the nation.

In terms of education expenditures as a percent of total direct State and local government expenditures, Utah ranks 2nd in the Nation. Utah's expenditure for education was 41.5 percent of the total amount spent for government. The national average is 33.5 percent.

No one can tell me that Utahns are not serious about funding education. And these efforts have garnered results. Utah's scores on ACT tests are equal to or better than the National average in English, math, reading and science. Utah ranks 1st in the nation in Advanced Placement tests taken and passed.

Still, even with these efforts, Utah remains 1st in the Nation in terms of class size and last in per-pupil expenditure. This is due to Utah's unique demographic. Utah families are, on average, larger than any other state. Utah has the highest birth rate in the Nation.

But I am realist. While I would like to completely eliminate per-pupil expenditure from the Title I formula, I understand that this is not going to happen.

However, I do believe it is appropriate and very sound policy to include in the Title I formula a small measure of diversity, that is, other ways of measuring a state's commitment to education—namely, effort and equity.

Including the EFIG program as a permanent factor in the allocation of Title I makes sense from this perspective.

Equity in education financing is receiving considerable attention both in the media and in the courts. States are being compelled by the courts to equalize resources. Most experts agree that the courts are tending towards equalization. To the extent reluctant states are having to equalize education funding to comply with court decisions, my amendment provides these States with some measure of relief because greater equity will increase their allocations under Title I. David Goodman in ''Mother Jones'' noted:

> Since 1971, when the California Supreme Court declared in Serrano v. Priest that using property taxes to finance public education was a violation of the state constitution's equal protection clause, all but six states have been sued over educational equity. To date, school financing systems in 19 states have been deemed unconstitutional, and the courts have ordered these states to restructure their systems to improve the quality of education for all.
>
> The implication is clear: School funding and student performance are believed to be directly and inextricably linked and wide variances in school funding are thought to both promote and maintain inequality of educational opportunity.

Indeed, some States are increasingly compelled to demonstrate that not only are they equalizing resources, but are providing an equal quality of education to all students.

I understand that these initiatives are causing some community concerns. I know that the distinguished Chairman of the HELP committee is all too aware of the controversies associated with the legal ruling in his home State of Vermont. However, the increasing reliance on resolving these issues through the courts and the fact that the courts are tending to favor equalization as a means of mitigating educational disparities lead me to conclude that legally requiring States to equalize resources among districts will continue to be a strategy employed by those concerned about education equity.

I also conclude that it is an appropriate use of federal resources to provide incentives for states to implement equalization programs as well as to assist those implementing court-ordered policies.

Resource equity has been identified as an effective strategy to accelerate education reform, which was the theme of the 2000 education conference sponsored by the Aspen Institute. Included in the rapporteur's summary was the following:

> In the effort to raise the achievement of all American students, an extremely serious barrier is the huge disparities in resources for education across districts and states, It is not unusual for the per-student expenditure to be three times greater in affluent districts than in poorer districts of the same state. Although qualified, effective teachers and principals are key to student achievement—even more so for at-risk students—districts where salaries are low continually lose teachers and principals to districts that are able to pay more.
>
> . . . Equally important is crafting finance equalization strategies, such as allowing federal funds to go only to those states that demonstrate equitable and adequate state education funding.

A Rand report summarized that,

> A . . . promising strategy would offer federal incentives to states to equalize spending among their own districts. A crude form of incentive would make a state's eligibility for Chapter 1 funds contingent on a certain degree of interdistrict fiscal equality.

The Rand report concludes, however, that

> Potentially the most effective incentive-based approach would build rewards for intrastate equalization into a new program of general-purpose federal education aid to the states. The size of each state's general grant would depend on one of more indicators of school finance equity.''

This amendment that I will offer later in this debate is consistent with the Rand report recommendation.

Let me make it clear that my amendment does not call for equalization among States. In essence, that is what Title I itself is supposed to do—assist States and local education agencies to fund low-income districts and schools. My amendment is not even mandatory on the states. Those states who wish to retain their current within-state distribution plans, assuming the court has not compelled them to change those plans, may do so.

I am not asserting the equalization of resources among school districts is the answer to every education dilemma faced in our county. Indeed, like most

reform efforts, the data on its effectiveness are contradictory.

Moreover, I have always been a firm believer that states and school districts must be able to adopt school policies—including school reforms—that work for them. Whether or not we happen to like a particular reform idea here at the national level should not matter. We should not be drawn into the ''reform du jour'' mentality. Just because something is the latest idea flowing from academia doesn't mean it will work for the Granite School District or any of the 41 local districts in my State or any other school district.

Equalization is not a silver bullet, and I am not claiming that it is. It is a very small modification. But, when equalization is combined with other education reform efforts, such as in Texas, there is improvement in education. The following from the National Journal illuminates the success Texas has had when the equalization of resources became the catalyst for other systemic education reforms.

Poor districts received substantially increased funds, but no one in Texas got a lot of money for education, especially compared with states such as New Jersey and Connecticut.

. . . Texas officials say the additional funds were crucial for low-income schools. ''If you went to poor communities that are doing well, they will point to programs they've implemented, issues they've addressed, that they would not have been able to address without the funding that's become available to them in recent years,'' said Joseph Johnson, director of the Collaborative for School Improvement at the Charles A. Dana Center at the University of Texas (Austin) . . . The crucial difference, he maintains, is focus, especially on the ''academic success of every student and making sure resources in those schools are very clearly, deliberately focused on instruction.'' The moral of this story: Money matters—but only if schools make it work for them.

I believe that an equalization factor is consistent with the intent of this Elementary and Secondary Education Act reauthorization to assist students at risk. I believe that the unequal distribution of resources among school districts disproportionately affects poor and minority students. A strong equalization factor will provide an incentive for States to address this.

A report prepared by the Policy Information Center of the Educational Testing Service, titled The State of Inequality, concludes that:

Thus, it can be established with national data that educational resources are unevenly distributed. It is also clear that, on average, students in poorer areas are likely to have fewer educational resources than those in wealthy areas. There are also wide variations in the effectiveness of schooling, after differences in socioeconomic status are considered.

Further studies have also determined that high poverty and minority students have fewer opportunities to take ''critical gatekeeping'' courses in math and the hard sciences, thus preventing access to institutions of higher learning.

A report prepared for the House Committee on Education and Labor, titled, Shortchanging Children: The Impact of Fiscal Inequity on the Education of Students At Risk found that, ''Inequitable systems of school finance inflict disproportionate harm on minority and economically disadvantaged students.''

Additionally, as I have discussed, the EFIG program has been modified to include a poverty factor in the effort portion of this formula.

This continues to be a pressing issue. I was particularly moved by a recent article I read in the Charleston, South Carolina, Post and Courier, that highlights once again, the glaring disparities between what poor children can except from schools and what rich children can expect from school.

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

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

[From the Charleston (SC) Post and Courier, Jan. 9, 2000]

LACK OF RESOURCES HAMPERS STUDENTS IN POORER DISTRICTS

(By Sybil Fix)

Every morning, as the sun rises above the fields, students in Marion County School District 3 journey to Centenary to attend Terrells Bay School.

There, they could hope to find what other students in South Carolina have—experienced teachers, a rich array of classes and a chance for a good education. In their part of the world, where 85 percent of the students are on free lunch and few make it to college, that could change lives. But students in Marion 3 will get something less. At Terrells Bay, students learn physics, statistics, anatomy and biology via interactive television because the district can't afford to hire teachers for those subjects.

They study Spanish via television, too, and that is their only foreign language choice.

They have no teacher for math above Algebra II. They have no choir, no performing arts, no visual arts. They have no debate team, no clubs of any kind. Boys can choose only between basketball and football. The school has a successful girls basketball program.

They have a tiny library, with stained ceilings and half empty shelves, and bathrooms barely fit for use.

Principal Al Bradley gives thanks for a nucleus of good teachers he says save the school.

But his is a constant struggle to make do.

''The reality is that given the facilities and the money and the programs, we cannot provide an education that is equal in quality to what they get in Irmo or other schools,'' said Bradley, 36, a soft-spoken man whose office looks like a refurbished cubbyhole.

Outside, stray dogs wander between humble houses and rundown shacks surrounding the red brick, flat-roofed building a stone's throw from the town off S.C. Highway 41. Cows and mowed fields are steps away and continue for miles.

Bradley's two sons attend Terrells Bay.

''There is no way they are getting an equal education here,'' he says, shaking his head. ''It seems to make no sense. How do you explain it?''

In district after district across the state, educators face the constraints of a school system that fixes haves and have-nots in a pattern of inequity.

It is not only that less is spent on educating children who, mostly poor and mostly black, live in poor school districts. It is also that less is spent on addressing the greater educational needs of children in concentrations of poverty in districts with scant local revenues.

Poor districts have less to spend on teachers, materials, building maintenance and capital projects.

Their academic programs lag behind; they have fewer and less-experienced teachers; their schools are old and decrepit; and most often, their performance is lower.

While per pupil expenditure doesn't tell the whole story, few seem to believe that the spending levels in South Carolina's poorest school districts can ensure an adequate education.

''My kids deserve the opportunity to consider Harvard, Yale or Duke just like everyone else,'' said John Kirby, superintendent of the Dillon 3 School District. ''But we are like a poor country family. We have the good morals, we love our children and we want the best for our children, but we can only take them so far and they deserve so much more.''

He shrugs.

''All of us here in South Carolina were invited to the Kentucky Derby, but some of us were given thoroughbreds and some of us were given mules. We might all get to the end . . . but some of us might be cleaning up the track.''

INEQUITY IN THE MAKING

The inequities in South Carolina's school system were cast with the birth of the state's free schools in the early 1800s.

''A lot of the difficulties from the beginning are ones that occurred throughout the South and throughout the United States,'' said Dr. Craig Kridell, curator of the Museum of Education at the University of South Carolina and a professor of history of education.

Efforts were made to place a free school in each county, but in rural areas the schools were too distant for many to attend. Because they were labeled pauper schools, many shunned them. And many of the families they targeted preferred to keep their children at home to work.

The state provided money for free schools, but local need wasn't considered. There were great differences in competence among teachers and among local school commissioners, Kridell said.

''The History of South Carolina Schools,'' published in part by the Department of Education, quotes governors and superintendents throughout the 1800s remarking on the scarcity of efforts made to educate the middle—and poorer—classes, particularly in rural areas.

By the mid-1800s, when it became clear that funding schools was too costly, the state shifted most of the burden to the counties, through local property taxes.

The state did guarantee a minimum amount of state funds per pupil per district, but the funds often were withheld, Kridell said, and local funds were not shared equally between black and white schools.

By 1900, education superintendent John McMahan reported to the Legislature that ''each county supports its own schools with practically no help from the state. Each district has as poor schools as its people will tolerate, and in some districts anything will be tolerated.''

At that time, school attendance was not mandatory, and nearly 75 percent of children never went beyond fifth grade.

In the early 1950s, under Gov. James Byrnes and facing the threat of integration, the state passed its first sales tax to try to equalize conditions among school districts—generating $100 million to build 200 black schools and 70 white schools.

The number of official school districts, some without schools, went from more than

1,700 to 109—now 86—and a new bus system offered transportation to black students for the first time.

But the quality of education was inconsistent, and teacher quality was abysmal, Kridell said.

Between 1940 and 1970, because of the sales tax and increases in federal Title I funding for disadvantaged children, school funds went from $178 million to more than $300 million.

But the gap between tax-poor and tax-rich districts remained.

EFFORTS TO CHANGE

In 1977, under the leadership of Gov. James Edwards, South Carolina passed the Education Finance Act, specifically to address underfunding of schools in rural and black areas.

The law guaranteed a base amount for a minimum education per student, and required that the state allocate a certain portion of funds based on children's needs and the districts' ability to raise local revenues.

The districts with the least property wealth and the highest number of at-risk children were to receive more money.

And they do.

The effort pumped $100 million into the school system over the next five years. In 1983, an audit praised it for bringing more equity to the system.

But a 1989 audit concluded that the money allocated for the minimum education per student wasn't enough. Entire categories of funding—transportation and teacher benefits, for example—were exempt from equity formulas.

The poorest districts had 35 percent of the wealth of the richer districts. To compensate fully for the difference, the state would have had to give an average 39 percent increase in funding to the poorer districts and a 33 percent decrease in funding to the richer districts.

Passage under the leadership of Gov. Dick Riley of the Education Improvement Act in 1984 provided an additional $217 million to the schools, primarily aimed at increasing student performance. The law called for stiffer graduation requirements, teacher evaluations and salary increases, grants for good schools and for gifted and talented students.

But the quality-based act included no equity formula, and through the years it gave much more money to the better-performing, wealthier districts, state data shows.

''While poorer districts receive more total state funds per pupil than wealthier districts, state funding does not fully compensate for wealth disparity,'' the audit concluded. ''There is less assurance that students from poor districts are receiving comparable educational programs to those in wealthy districts.''

FUNDING NOW

The local ability to raise taxes still drives education funding, and it is the prime source of inequity.

Operating expenditures per pupil vary from $8,062 to $4,769 across the state. The amount per district is mostly determined by the local tax rate plus the state allocation.

On average, the state pays about 52 percent of the cost per district and the federal government about 8 percent. The districts are expected to come up with the rest, said John Cooley, the Department of Education's director of budget in the Office of Governmental Affairs.

The problem is that many districts can't raise the remaining 40 percent, and the state doesn't make up the difference.

About 55 percent of all state school funding—or about $1.3 billion—is distributed according to some consideration of equity, Cooley said.

But here, as in most states, said Georgia State University school finance expert Ross Rubenstein, there is no consideration of simple poverty.

Education improvement money, which accounts for about a fourth of all state education funding, is distributed without any consideration of a district's finances.

In addition, revenue-hungry districts often have to compete with wealthy districts to receive state grants for necessities such as computers and software and computer training for teachers. While priority sometimes is given to poorer districts, wealthy districts often receive the same amount.

Funds raised locally, meanwhile, are vastly different.

Districts with high assessed property values can collect more money with low tax rates—and spend more money on schools—than can school districts with low assessed property values.

The value of the mill—the unit of taxation—ranges from less than $10,000 in Clarendon 3 and Marion 3 and 4 to $1 million in larger counties such as Greenville and Charleston. Charleston has a legislatively imposed cap on the amount of tax dollars that can be raised for schools.

Over the years, development in the wealthier districts has brought in higher tax revenue than equity funding formulas have been able to compensate for, Cooley said.

State data show that, over the past 10 years, the increase in total revenue per student for the poorer districts is barely comparable to and in some cases lower than the increases in revenue per student for the richer districts.

For example, Spartanburg 7 school district has seen a $3,082 per pupil revenue increase since 1988, while the districts in Dillon, Marion and Clarendon counties have seen increases ranging from $2,000 to $2,500.

While Lee County school district receives $3,469 more per pupil from the state than the York 2 school district, York 2 still receives more in local taxes per pupil—$4,426. In total per pupil revenue, York 2 comes out ahead by $1,291.

What difference can $1,291 make per pupil?

In Lee, that amounts to $4.5 million that the district could spend on everything from music and art rooms to science labs and lighting, said superintendent Bill Townes.

''Four and a half million would not address all of our needs in this district, but it would go a long way,'' he said.

TEACHER SAINTS

In the evening, when the sun sets below the fields of Orangeburg County, teachers at Elloree Elementary School wrap up classroom activities and pack up their cars to take their students home.

Were it not for the teachers, the students couldn't stay at school to play, to work on reading, to get extra attention.

In countless poor schools around the state, from Memminger Elementary School in downtown Charleston to Anderson Primary School in Kingstree, teachers spend an inordinate amount of their time and money to make up for what school systems don't fund and what home lives don't offer.

''You have to put forth a lot of effort to provide experiences that they would otherwise not get,'' said Debora Brunson, principal of Elloree Elementary School, which sits on a sun-beaten field at the northeasternmost corner of Orangeburg County.

Teachers in poorer districts have double duty, said Holly Hill-Roberts High School Principal Patricia Lott.

''You are supposed to teach them what you are supposed to teach them at that particular time of their lives, and make up for what they are not bringing with them when they come to you.''

Schools in wealthy areas can rely on fees, fundraisers and donations.

In poor districts, stories abound of teachers who spend their earnings to buy children materials, clothes, food.

Yet teachers in those districts are paid much less than those who teach less needy populations of students.

''You find schools with the greatest needs, children with the greatest needs and staff with the greatest needs all together,'' Brunson said. ''What does a poor school do?''

Dillon 3 spends 69 percent of what is spent in Spartanburg 7 on instruction per student—$2,779 to $4,029.

The beginning teacher there makes $21,925. Teachers in Horry County make $10,000 a year more because local money covers hiring bonuses, Kirby said.

This year, for the first time, Kirby can offer an $1,000 incentive to teachers with perfect attendance. But the average contracted salary for longtime teachers there remains at $30,858, compared to $36,816 in Lexington 5. Marion 3 ranks last with $27,848.

The Dillon 3 district has cut all teacher aides except for special education and kindergarten. So teachers are even more burdened.

If, under those circumstances, teachers are actually good at what they do, said University of New Hampshire sociology professor Cynthia Duncan, ''they are missionaries. We should not require people who teach in bad circumstances to be saints.''

Attracting experienced teachers to poor and poor-performing rural areas is nearly impossible. Marion 3 and other such districts become training grounds for young, inexperienced teachers who commute long distances.

Who wants to live there, asks Everett Dean, superintendent of Marion 3, opening his palms to the countryside outside his window.

''People with master's degrees from prestigious universities have the luxury of going to teach at really good schools, and the kids who most need them are least likely to have high quality teachers,'' said urban education professor Gloria Ladson-Billings of the University of Wisconsin.

Ladson-Billings said children in poor schools are five times as likely to have teachers who are not certified in math and science—subjects that might help them break free from lives of low expectations.

Terrells Bay School, which has abysmal student performance, is allowed to use uncertified teachers because it is considered a critical needs school that can't attract teachers.

ACADEMIC PROGRAMS

In Marion 3, students who want to take anatomy sit in a small room cramped with old equipment and stare at a television screen.

There are simply not enough interested students to justify offering certain courses, says Dean. Even if they had the students, the district doesn't pay enough to attract teachers for advanced courses.

Students who most need interactive classroom work get distance learning. And students who wouldn't otherwise be exposed to foreign cultures are offered only Spanish while students in Lexington and Spartanburg, in addition to French and Spanish, can study Japanese.

Dillon 3 has only two advanced placement courses. There is no dance, no theater, no performing choir.

''We have great singers and talented students here,'' Kirby said. ''But I can't provide an environment where they can use their skills.''

While his students perform at average level, ''I feel like we are still handicapping

them. The differences show up in the real world. They simply don't have the same opportunities,'' Kirby said.

At nearby Rains-Centenary Elementary School in Marion 3, there is no performing arts program, no arts or music program, said Principal Linda Bell.

''We don't have enough books. We are nowhere near where we need to be,'' she said.

Patty Schaffer, principal of North Charleston's Ron McNair Elementary School, another school with a high ratio of students living in poverty, points out inequities in the availability of arts and music teachers.

Her school has a music teacher and an arts teacher only two days a week.

''It is a huge equity issue,'' she said. ''We know that this population should have more exposure to art and music and it shows on the tests, but we give more art and music to children who have piano lessons at home. We need to look at what children already have, and that should drive the horse as to what we give them.''

Because of the inequities in the system, those who have to rely on schools for all their learning are at a huge disadvantage, said University of Wisconsin literacy scholar James Paul Gee.

''Upper middle class families give their children tremendous social and cultural and educational capital outside of school, and many families are able to buy more and more outside of school,'' he said.

THE SOCIAL WORK

In a small room at Latta Middle School, six profoundly mentally disabled students amble around, one practicing walking steps, another wandering in circles, another sitting idly.

Down the hallway, between the middle school and the high school, there are four classes of learning disabled children.

Kirby calls it a disproportionate number of special needs children—nearly 15 percent of his school population.

''Our health problems are off the chart,'' Kirby said. School districts with high concentrations of poverty and high births to teens face the fallout of poor health services, prenatal care and nutrition.

While they receive some federal and state funding for special education, often it's not enough.

''I have some students that cost me $20,000 a year to educate,'' Kirby said.

''When you are in a poor small rural district, often you are the richest agency,'' he said. ''They see us as the hub for services and they bring their needs to us.''

To care for them, the Latta school system has one social worker per school and two shared mental health counselors. Other schools have comparable numbers of people but fewer students in need.

Ron McNair has 13 mentally disabled students and a full class of emotionally disabled ones. Because of low pay, the school is unable to attract a teacher for them. So they are taught by non-certified substitutes with no training.

''To put students who a regular teacher cannot handle in a class with a non-certified teacher . . . it is a real disservice to the child,'' Schaffer said.

North Charleston Elementary School has a comparable number of students in special programs, said Principal Bill Hayes.

''Most people have no idea of what we deal with these days. We dispense enough medicine at lunchtime from this school to run a drug store,'' Hayes said.

BUILDINGS

Dean takes a visitor around the Rains-Centenary Elementary School, seeming almost ashamed.

''I could tell you some facilities horror stories,'' he said.

This year his district spent $494 in facilities per student. But the buildings have not been renovated since their construction in the 1930s and the 1950s. The need is much greater than the spending.

''The fact that we are educating our students in an old dilapidated building affects everyone, even the recruitment of teachers,'' said Bradley. ''It's a negative feeling when you walk into a restroom and the commodes are 40 years old.''

For the first time in decades, South Carolina this year begins distribution of $750 million in bonds for school construction and renovation. The money is distributed among districts based on need, on the number of students—with more money going to children with greater educational needs—and on past effort made to upkeep buildings. It also has an equity component, and it appears that poorer districts will receive more than wealthier ones.

But it is unclear if that will make up for the inequities in conditions.

Marion 3 this year spent 71 percent of what was spent on facilities per pupil in York 2. It spent $3 per pupil on capital projects. Terrells Bay spent $70; Latta High, $24.

By contrast, Clover High School in York spent $2,270 per student on capital projects last year.

Clover High has 17 empty classrooms for growth, a state-of-the art library, a new 2,500-seat gym, a new cafeteria with heated outside areas, a security system with 64 cameras, a $7.5 million auditorium, and a lab for every science teacher, said Principal Wayne Flowers.

To attract good teachers, in addition to considerably higher salaries, Clover High offers an early childhood day-care program for employees.

Clover High is in a district that receives high local tax revenues—nearly $5,400 per student a year.

Not so in Dillon 3, with local revenues at $1,037 per pupil.

Latta Middle and Latta High schools share the library, gym and cafeteria. The library triples as a computer lab and a tech prep construction site of sorts, and is cluttered with piles of old books.

The cafeteria is bare, the hallways dismal. The window treatments are yellowing and warped.

''We have a lot of makeshift here,'' Kirby said, showing a visitor an arts lab with tables from the old cafeteria.

STEPCHILDREN

When Dean gathers with other educators to talk about the schools, he sometimes feels like an ugly stepchild.

''You are not sure that people understand that you can't change some of the things that are not providing opportunities for our children.

''Money alone does not solve the problem,'' Dean said, ''but when you can't employ the best teachers because of your location and your low salaries, yes, that is going to impact the quality of the education you can offer.''

Since 40 of the state's school districts filed suit seeking equitable funding, the General Assembly has been trying to be more sensitive to wealth differences, Cooley said.

But South Carolina continues to contend with its history.

''It has not been real important that all children be educated. While it is changing slowly,'' Dean said, ''we are still dealing with the economics of a system of the past. Particularly when it comes to race, we have not understood that it benefits everyone to be better educated.''

Mr. HATCH. The purpose of title I is to give educationally and economically disadvantaged students additional assistance: teachers, textbooks, and additional education resources. These resources were never intended to comprise the entirety of aid to an educationally or economically disadvantaged student.

Unless there is an equity factor used in their distribution so that poorer districts within a state can be brought closer to even, those title I funds that are provided will merely be a thin coat of paint covering up the cracks. The layering of resources where resources are already inadequate will not meet the needs of disadvantaged children. Title I was meant to provide additional resources, not to compensate for an inadequate financial commitment to poorer LEAs on the part of States.

By directing resources to states where this is not the case, we are being true to the underlying intent of title I.

Indeed, as the following excerpts from the debate over the final conference report reveal, the addition of the effort and equity factor in the title I formula it was the reason why many Members of the Senate may have voted for the conference report. However, title I funds have yet to be distributed using this factor.

I refer my colleagues to excerpts from the debate over the conference report to ESEA and ask unanimous consent that they be printed in the RECORD.

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

APPENDIX II

Mr. GRASSLEY . . . I am also concerned, Mr. President, with the chapter one formula that came out of the conference committee. I supported the Senate language added by Senator Hatch, which removed the restrictions on the equity bonus. Under the change made by Senator Hatch's language, each State received the full benefit of its equalization effort.

Under the Hatch chapter one formula which passed the Senate, 38 States would have received increased chapter one allocations. Iowa would have received $2.5 million more than the original formula in S. 1513.

Unfortunately, according to the Congressional Research Service, Iowa is among 31 States to lose funds from 1996 to 1999 under this conference passed formula. Iowa loses almost $10 million in funds from 1996 to 1999. The big winners under the formula changes are New York, California, Texas, and Illinois.

Mr. HARKIN. Mr. President, as a member of the Labor and Education Committee and also as chair of the Senate Appropriations Committee that appropriates money for the Department of Education, including title I, I would like to correct the record. I have the greatest respect and friendship for my colleague from Iowa. However, sitting here listening to his remarks and comments, I certainly wish the Senator, my colleague, had talked to me before he made those comments. Maybe I would not have to stand up to correct them. Because, frankly, what my colleague just said simply does not comport with the facts.

The chart that Senator Coats sent out this morning, and used this morning, it is like that old saying: In the Bible it says 'There is no God.' It says that in the Bible.

But the sentence before it says, 'The fool hath said in his heart, There is no God.'

So, if you take things out of context you can prove the Bible says 'There is no God.' That is what Senator Coats did this morning.

Senator COATS sent this notice around to our offices this morning, ''Urgent, Members Attention Only,'' and it says, ''Senator Harkin: Reasons to Vote No on Elementary-Secondary Act; Iowa Would Lose $9.95 a million.'' I assume that is where my colleague got that figure.

Senator COATS is only telling half the story. He is sort of saying it says, in the Bible, ''There is no God,'' but he does not tell you what the sentence before it says.

I tried to get the floor this morning to correct it. We were under a time agreement, the time ran out and I could not get the floor. Fortunately, I was able to talk to Senators as they came to the well to let them know that the figures that Senator Coats was putting out were wrong.

Let me correct that record now. Iowa does not lose $10 million. I happen to chair the Appropriations Committee that funds the money. There is no way this would have gotten through if my State was going to lose $10 million, I can tell you that, Mr. President. No, what we did and what is not being said here and what is not understood—and I say this to my friend from Iowa, my colleague—there are two parts to this formula on title I. There is the targeted grant formula. That is what Senator Coats is using. If you only look at the targeted grant money, yes, Iowa and a lot of other States lose money. But what we added in conference was another portion of the formula called effort and equity, something I feel very strongly about. I debated it on the Senate floor. So when we went to conference, in trying to strike a deal with the House, they only wanted targeted grants, but I insisted that we also have a second formula for effort and equity, and that is what we did.

So under the bill itself, there is money that goes for targeted or for effort and equity. New moneys that we will appropriate can be split by the Appropriations Committee. Some can go to targeted, some can go to effort and equity. The Appropriations Subcommittees will decide. First of all, next year we have already appropriated the money for fiscal year 1995. That is already done. For fiscal year 1996, there is a hold-harmless clause. So no States are going to lose money in 1996, not Iowa nor any other State can lose money in 1996. So, again, Senator Coats used this from fiscal year 1996 to 1999. You cannot use 1996 because there is a hold-harmless clause.

Beginning in fiscal year 1996, the Appropriations Committee, under the authorization of this bill, is allowed to use whatever new moneys we appropriate, up to $200 million in 1996, for effort and equity. Beyond that, such sums as are necessary.

Senator Coats used a figure from CRS of $400 million. I can show you the record in conference. They were talking about $400 million increases in title I. I said, I don't know what you are talking about. The average over the last 5 years has been $275,000, and under the budget caps and the ceilings we have, there is no way over the next 5 or 6 years that we are going to have a $400 million increase in title I. I would like to see it. If you are asking me if we can get the money, would I like to put $400 million in title I, absolutely; but we are not going to have that kind of money.

So in title I then, assuming we can get a $200 million increase, the Appropriations Committee can put all of it into effort and equity, 75 percent of it into effort and equity, half of it into effort and equity—whatever we want to do.

So what we did is we prepared a chart showing what would happen to the States if just half of the money went into the effort and equity or if all of it went into effort and equity.

Under either one of those scenarios, Iowa, instead of losing money, makes money. In fact, I do not have the runs for anything other than $400 million, but even under $400 million, Iowa would gain about $400,000 a year; and if we put the whole thing into effort and equity, Iowa would gain about $1.8 million a year.

Mr. GRASSLEY. Will the Senator yield?

Mr. HARKIN. I will be delighted to yield.

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

Mr. HARKIN. I will be delighted to yield.

Mr. GRASSLEY. Prior to the question, if I can just say, first of all, I compliment the Senator because I know when it came out of committee the first time, that he got the formula that was in the original bill introduced improved dramatically. So our State would be helped and probably a lot of other States would be helped. So I compliment him on that.

I do not know anything about his activity in conference or any other process, but I did notice his work in that area, and he did improve it and I compliment him for it.

My question is only this: Senator Coats and I are both relying upon the work of the Congressional Research Service. I have not found the Congressional Research Service to be wrong very often, if at all, that I can recall. Has my colleague from Iowa discussed this with the people in the Congressional Research Service to see if they made a mistake and how they made a mistake? Can you tell me how they made a mistake?

Mr. HARKIN. I appreciate the question. I will try to respond to it. The figures I am using come from the Congressional Research Service. What I am saying is that Senator Coats only took one column.

Mr. GRASSLEY. I think I have that chart here.

Mr. HARKIN. If you look at the chart, what he did was he took the second column over, which just says $400 million under targeted formula. Senator Coats used that column. He did not take the other two columns. The other two columns add effort and equity; the third column over showing what would happen if we split it in half; the last column showing if we put it all into effort and equity.

I cannot in any way tell my colleague how much we will put in. I can assure him it will be a minimum of 50 percent. I suggest, knowing the members of the Appropriations Committee and that 33 States will be helped by effort and equity, it stands to reason that the bulk of the money will go into effort and equity. So I would say we are probably close to the column on the right-hand side, which shows Iowa getting $54 million.

Keep in mind, that is based on $400 million. There is no way we are going to get $400 million, but it gives you an idea of what happens under this thing.

So what Senator Coats did is he simply took out of context what CRS came up with. He took one column, and that is why I tried to get the floor this morning to explain that is not so. That is just not the way the Appropriations Subcommittee is going to operate, and that is why we put the effort and equity thing in there.

In no way is Iowa going to have their moneys reduced under this effort and equity formula. That is the point I tried to make this morning and I tried to make it in the well to the Senators. As I said about my Biblical example, about taking something out of context, sure you can take one column, but that is not what we are operating under.

I hope that clears it up. Does my colleague have any further questions on that?

Mr. GRASSLEY. I do not have any further questions, Mr. President. I will say, I hope it clears it up because I would like to think we are passing legislation that will be more fair to more States than that original chart that I saw. But I also suggest that I have been informed that Senator Coats is going to come over and try to discuss what interests my colleague from Iowa in some further depth, and I think I will defer to his discussion of that.

Mr. HARKIN. I will be glad to. I talked about this with Senator Coats in private. I will discuss it with him on the floor and have him respond as to what CRS put in the other columns because he just used one column, he did not use the other two.

Mr. GRASSLEY. Mr. President, if my colleague wanted to make the point that what we came back with from conference was not quite as good for certain States, including my own, as was in the bill passed by the Senate, he is absolutely right. But the reality is that the House would not accept that. So we had to work it out with the House, and I think we worked it out in a reasonably fair manner, I must say.

The original formula that came out of the Clinton administration, what they had advocated, was devastating for Iowa and for a number of other States.

But we worked with Senator Pell, Senator Kennedy, Senator Hatch, Senator Kassebaum and Senator Jeffords. We worked this whole thing out in committee on a bipartisan basis to come up with a better formula. We did that. We had votes on it. We had debates. We even had a debate here on the Senate floor. We had a vote. But in going to conference it was clear that the House Members were not going to accept in totality what we had done in the Senate. And thus we came up with this new formula. And, quite frankly, I must say I think the new formula is fair.

I just want to say the Congressional Research Service, again, will do any run that Senators ask for. If you ask for a run on $500 million a year, they will do that. You can do a run on $1 billion a year. They will do that. But just because these tables are prepared does not mean that is actually what is going to happen. As I said, they ran these tables based upon a $400-million-a-year increase in title I. As the chairman of the Appropriations Subcommittee that funds this program, I can tell you right now, unless somebody comes up with some magic money someplace, we are not going to have that kind of money. We will be lucky to get the average of the $275 million that we have gotten over the last 5 years.

So we tried to do two things with title I: target our scarce resources to areas where they have a high concentration of eligible children, but then also to be fair to rural States such as Iowa where we may not have high concentrations but we certainly do have needy children, children in poverty, title I eligible children, but they may be in small towns and communities scattered around the States and thus the formula does address that.

Mr. HARKIN. I thank the Chairman, and I commend him again for his work on this important legislation, and in particular this provision. The problems of youth violence and drug abuse are no longer contained within urban school districts, and are rapidly spreading to suburban and rural communities. By making a program available for statewide distribution, we can better ensure that each student in a State will be reached by a program, and that students throughout the State will receive the same messages.

I was extremely impressed by Jonathan Kozol's ''Savage Inequalities,'' and I know the Senator from Utah has also done considerable research on school equalization. Is it

his view that the concept of equalizing resources among school districts as public policy is supported by experts in the field?

Mr. HATCH. The Senator from Iowa is correct. The literature in the education field is loaded with recent articles suggesting that equalization is an important means of addressing inequalities. In a statement I gave on July 28, 1994, I outlined the reasons, which are supported by the literature in the education field, why I support equalization as a sound policy.

Mr. HARKIN. Does the Senator from Utah therefore support effort and equity as factors in determining the allocation of title I money?

Mr. HATCH. Yes, I do, provided that it is not mandatory. If effort and equity were factors driving education dollars, states would be encouraged to take steps toward equity on their own. Education is primarily a state and local responsibility to begin with. The equity factor included in this authorization, unlike the State per pupil expenditure—which I believe is an extremely poor and terribly unfair measure of effort—can benefit a State even if its needs are great and its tax base is small. This is because an equalization incentive is based not on how much a State has, but on how it distributes what it has. I confess that in many areas of public policy I do not favor such an approach. In many areas, I believe this type of allocation destroys incentives to work hard and to do more that contributes to our economy overall.

But, education is a legitimate function of State and local governments. We do not need to be concerned with hindering private sector incentives. Educational equalization—based on a plan developed by the State itself—should be encouraged.

Some of our colleagues have expressed concern regarding the equity factor. Does the Senator from Iowa believe that the equalization of resources within a State is inherently consistent with the premise of the title I program?

Mr. HARKIN. I would respond to the Senator from Utah that yes, I believe the equalization of resources is consistent with the premise of the title I program which is to give disadvantaged students additional help by directing supplemental resources to them. If federal resources are not supplementary, then States have absolutely no incentive to deal effectively with education financing problems in their own States. The Federal Government should not subsidize this kind of inaction.

Mr. HATCH. I agree with the distinguished Senator from Iowa. Many States have recognized the need to more fairly redistribute their resources. I am very proud that Utah has been a leader in just about every aspect of education—achievement, graduation rates, school finance. Utahans long ago developed a workable plan for school equalization. It is working in our State.

I believe the title I formula should reward real effort and real progress toward serving every child in a State equally.

I obviously would have preferred that the effort and equity provisions that were included as an integral part of the Senate-passed title I formula. However, it was the final decision of this conference to include these factors in the title I formula but to include them as a separate authorization that is, based on the Senate-passed version of the bill. This, I believe, is a step in the right direction.

I hope that this will not be a hollow authorization, that is, one with no money. While I do not want to put my colleague from Iowa on the spot because I know he is as committed to this idea as I am, I wonder if he would comment on this last point? He is in a position of some influence on that subcommittee.

Mr. HARKIN. The Senator from Utah is correct. I share his commitment to education finance reform and I favor the establishment of this effort and equity incentive in title I of ESEA.

The Senator from Utah mentioned that he was proud of the efforts his State has made to equalize resources among schools. The State of Iowa revamped its State aid formula to equalize funding in the 1970's. I am equally proud of efforts in my State to provide a quality education for all students.

I will do what I can as chairman of the Labor, Health, and Human Services Appropriations Subcommittee to support this new authorization.

Mr. HATCH. I thank my colleague from Iowa for his analysis and support.

Mr. HATCH. I am pleased to point out that 30 States, plus Puerto Rico, would increase their title I allocations under my amendment relative to their allocations under the formula in S. 2. A number of these beneficiaries are States with high poverty districts.

Moreover, as my colleagues will note, my amendment holds states harmless for funds going out under the remaining title I part A formula. Additionally, my amendment allows school districts affected by census changes to retain 95 percent of their FY 98 funds.

One of my priorities in crafting this amendment was to improve title I while preventing huge shifts in the allocation amounts. Of those States which would currently stand to lose under my amendment, only one state loses 7 percent of their allocation, 4 States lose an average of about 5 percent of their allocation, 7 States lose about 3 percent of their allocation and 8 States lose under 1.3 percent of their allocation.

I reiterate that I have worked to adjust my proposal so that it not only captures the benefits of including effort and equity in the formula but also so that the minority of states who would currently lose under these factors would lose as little as possible.

Again, I hasten to add that States can change their own circumstances under my amendment. If States wish to access more Federal title I money, they can take steps to increase their effort and their equity. My amendment provides a degree of control for States.

States can, and many have already, adopted financing systems to equalize resources among districts. States have chosen a variety of equalization systems of their own design. A fair equalization factor will promote ''bottom up'' education reform that will help all kids make progress towards achieving the national goals.

Real education reform must take place at the grassroots level. A series of edicts issued from Washington, D.C. is not going to improve education for Americans. State and local education agencies must take on this challenge. But, the Federal Government should help—and at least not plant obstacles in the way which cannot be overcome.

The degree to which a State equalizes funding for education is a factor that a State can control. A State that equalizes is a state that will benefit under a this improved title I formula.

Also, equalization is a factor that can be quantified. So much of what the Congress is asking the State and local education agencies to do requires a judgment based a series of qualitative analyses. An equalization factor does not rely on subjective determinations.

An equalization factor does not rely on mandates or guidelines for how a State should achieve equalization. I, for one, would oppose a measure that specified how a state was to engage in equalization. On the contrary, I believe States are perfectly capable of figuring this out for themselves.

S. 2 is a good bill. It was thoughtfully prepared, appropriately amended, and now after many days, is being thoroughly debated. I think my amendment improves this bill. I sincerely believe that this amendment will help needy schools make important improvements in education for all children. I urge the Senate to support my amendment. I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before the Senator from Utah leaves the floor, I thank him for his discussion of his amendment. I was listening carefully to his discussion, and his focus on providing States incentives for moving toward equity and his focus on what Jonathan Kozol calls savage inequalities and the tremendous disparity of resources, depending on the wealth of the community in which a child lives, is right on the mark.

I thank the Senator from Utah for his words.

Mr. HATCH. Mr. President, I notice probably one of the wealthiest States in the Union, Connecticut, gets more money per pupil than any other State, and it does not even need the money. What about these States that do? I hate to call it a stupid formula because it is in an education bill, but it is really a dumb, stupid formula, and it ought to be changed. I thank my colleague for his kind remarks.

Mr. KENNEDY. Will the Senator yield for the purpose of a question?

Mr. HATCH. I will be glad to.

Mr. WELLSTONE. Senator KENNEDY wants to ask the Senator from Utah a question, and then I will regain the floor after that.

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

Mr. KENNEDY. As I understand it, the Senator from Utah said 48 percent of the paperwork done by teachers and principals is mandated by the Federal Government.

Mr. HATCH. That is correct. That is in the neighborhood. That is what I have been led to believe.

Mr. KENNEDY. This was a 1990 study done by the Ohio General Assembly Legislative Office, Education Oversight of Public Schools reporting requirements. That study attributed only 20 percent of paperwork requirements to the

Federal Government. If the Senator will be good enough to put in the RECORD the authority for that, I am going to put in the RECORD the authority rebutting that, and we will let the Members look at it.

Mr. HATCH. I will be happy to do that, and also it may be more than 50 percent. All I can say is, all I get is complaints from the State and local people that they are being overrun with paperwork that seems silly and nonproductive.

Mr. KENNEDY. I think it is worthwhile to know the authority for these allegations. I think it is important. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Since part of the remarks by the Senator from Utah dealt with the equity question, I just want to add to the RECORD a quote from John Powell, who is director of the Institute on Race and Poverty in Minnesota:

> When low-income children are segregated into schools that are predominantly poor, the students confront not only their own individual poverty, but the effects of concentrated poverty on the school system itself. This combination often results in more drop-outs and teenage pregnancies, lack of parental involvement, inability to pay for books, lack of role models, and inability to afford college.

It goes on to say:

> Teachers and staff in racially segregated and high poverty schools are too often overwhelmed by student needs.

Let me take my remarks in a couple of different directions.

I want to first talk about a meeting I had with the National Alliance of Black School Educators who were here last week. I had a chance to drop by and not talk at them but talk with them.

Since the Senator from Utah was talking about the whole question of equity, or lack of equity, let me, right away, say to colleagues that I really hope we go forward with this debate. Sometime later on in the debate, I am going to come out on the floor and talk about it and have some amendments speaking to this question. It is the question of the reliance on high-stakes testing—the single measurement of standardized tests to determine whether or not children go from third grade to fourth grade, from eighth grade to ninth grade, whether they graduate, what grouping they are in.

I just want to point something out since Senator HATCH talked about this. We ought to make sure we meet the opportunity-to-learn standard if we are going to be implementing these tests. In other words, we had better make sure we do not hold children responsible for our failure to adequately invest in their achievement and in their future.

If we just focus on tests and then flunk students who do not pass the tests, and we do not do what we should do both at the Federal level and, I say to my colleague from Arkansas, the State and school district level combined, to get the resources so that each one of these children has the same chance to pass these tests, and to succeed, then, frankly, I think reliance on these tests alone is punitive. So you need to do it both ways. Yes, you need to have standards, but you also need to make sure every child has the same opportunity to meet those standards.

I will say one other thing about the tests. I will have an amendment that says these tests ought to meet professional standards. We want to make sure they are implemented in the right way. I will have an amendment that says we need to take into account especially learning disabilities, which I think is the law of the land. I think we ought to make that clear in this bill. We ought to speak to those students who have a limited proficiency in English as well.

More than anything, I want to talk a little bit about this opportunity-to-learn standard that I do not think we are meeting. I think it is so key to the whole discussion. I think it is key to what John Powell has said. I think it is key to what other Senators have said as well. I think it is key, actually, to at least part of what the Senator from Utah, Mr. HATCH, was saying as well.

We are out here debating this bill, and we should. In a moment I am about to, one more time, say where I think the Republican bill is deeply flawed and why I am so disappointed in it. But for a moment I would like to just talk about the budget implications.

I do not know whether we are spending 1 percent of the Federal budget—someone can help me—or thereabouts on education altogether. Does that sound right? Is it 1 percent of the overall Federal budget on education? It is 2 percent.

I argue that key to our national security is whether or not we are going to adequately invest in the skills and character of the children. I argue that key to our national security is not so many more bombs and missiles and more money spent on the Pentagon; the key to our national security is the security of local communities. I think that is what matters first and foremost.

The key to security for local communities is good housing, reducing violence, and having decent health care. But I think most importantly, the key to our national security is the security of local communities. And the security of local communities means we have a commitment to education second to no other nation in the world so that every child—every single child—is full of hope, and every child has dreams, and every child can do well.

I tell you, I think 2 percent of the Federal budget spent on education is pathetic. I know the Senator from Vermont agrees because he has been one of the Senators who has been most vocal in saying we ought to get our priorities straight and we ought to be allocating more resources.

We are going to debate how we allocate those resources to States and local school districts. That is the debate on this bill. I will speak just for a few minutes. I said to my colleague from Arkansas I would not take more than 20 minutes altogether, and I will not.

But I think the larger question is, Why in the world are we not allocating more of our Federal budget to education? Why aren't we getting more of the resources back to the school districts, whether it be for the IDEA program, kids with special needs—boy, that would help our school districts—whether it be moving beyond just 30 percent funding for title I; whether it be a real investment in affordable child care, prekindergarten, so kids come to school ready to learn; whether it be some money we can leverage. Senator HARKIN has that amendment that will enable school districts to have more funding to put into rebuilding crumbling schools, you name it.

I am just amazed that with a booming economy and the country doing so well economically, we in the Congress, in the Senate, cannot invest more than 2 percent of our overall budget in our children's education. They are 100 percent of our future. I do not know how in the world any Senator believes, on a tin cup budget, we are going to be able to make the kind of investment we should be making. That is my first point.

My second point is—Senator KENNEDY spoke about this. My guess is we will get a different point of view from some other Senators in just a moment—I think the fundamental flaw of S. 2 is the abandonment of a commitment we made over 30 years ago as a nation that we would have some basic national standards, some basic protection, to make sure the poorest children in this country, the most vulnerable children in this country, would be well served or at least would be served. We do not serve them well, but at least to make sure that for the homeless children and the migrant children there would be programs that would speak to the needs and circumstances of their lives, that we would target title I money to the neediest and poorest and most vulnerable children.

Do you know what. I sometimes think Senators are taking this too personally because it is not necessarily an attack on my State or an attack on the State of Arkansas or an attack on the State of Vermont; it is just a matter of philosophy.

Over three decades ago, we made a commitment that the Federal Government, representing the national community, with certain core values, would make sure we provide some programs that really speak to the most vulnerable children, that we are not going to abandon those children.

I said it last week; I will say it one more time. My colleagues keep talking about change, change, change. I do not think it is a great step forward. I think

it is a great leap backward. That is why many of us oppose it. That is why I think the President opposes it. That is why I think we have started out on the wrong foot.

Going further than that—and this will be the last part of what I want to say; I will just divide it in two quick parts—one, I say to Senator LOTT and others, I look forward to having a chance to bring amendments out here. I want to have some amendments that speak to the discriminatory effect of the standardized testing. I want to have some amendments that provide support for children who witness violence at home and, therefore, cannot do well in school.

I want to have an amendment that provides for more counselors in our schools. In some ways, I cannot think of a more important amendment. Right now, we have a ratio of 1 counselor for every 1,000 students, or thereabouts, in the country.

I want to have an amendment that speaks directly to the challenges of urban education. Some of my colleagues have put back language that deals with the special challenges of rural education, which I also think is a real challenge, but I also want to put a focus on urban education as well.

As someone who was a teacher at the college level—but, boy, I will tell you, I came to respect teaching at the high school and middle school level; I think sometimes even more at the elementary level, and the pre-K level even more so, as well—I am interested in anything and everything that leads to better teacher quality, with the proviso that we understand there are many really fine teachers right now in the country.

I said this last week, but I will say it again, too.

I don't mind holding everybody accountable if we do it in the right way. But I also think that some of the people who bash public school teachers couldn't last an hour in the classrooms which they condemn. I think we have to be very careful in how we do it.

The other thing I want to mention beyond my amendment is to say one more time to other Senators that I think there are some amendments we have introduced and we will be introducing that certainly speak to many of the meetings I have had with people in Minnesota.

I have been ready for this bill to come to the floor for almost 2 years.

I think all together in our State of Minnesota—between myself and staff—we had meetings with close to 100 different school districts. It is incredible. We have been all over the State. People were genuinely excited about this bill. They know that most of the money for K through 12 is at the State level. They know that. But people have been very interested in how we can provide more incentives for more teachers. They are very interested in the whole question of what we can do about the needs of physical infrastructure. They are very interested in trying to get more counselors in our schools. They are very interested in the sense of getting more young people interested in education. They are very interested in what we did do in prekindergarten. They think that would make a huge difference. They are very interested in afterschool programs. They are very interested in reducing class size.

Frankly, the Republican bill on the floor speaks to very little of that—not directly. It assumes with sort of a blank check that it will all happen.

I say to my colleagues in the majority that you have not invested nearly enough money in your budget, nor will it be in the appropriations bill. We have too many speeches given about the importance of children, but we are not matching the rhetoric with the resources.

The second thing I say to my colleagues is in terms of how you allocate the money. I think it is not a big step forward. I think it is a great leap backward from the kind of commitment we have made to all of the children in the country, including the most vulnerable children and the poorest children in this country.

Third, and finally, there should be some decisive priorities in this bill. I have tried to outline some of those priorities. I don't see it.

We will move forward this week, next week, and I hope the next week as well. Maybe in 2 more weeks we will have amendments, votes, and see where we wind up.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, as we continue to debate the Elementary and Secondary Education Act, and the Educational Opportunities Act, there are fundamental fault lines and differences between the Democrats and the Republicans on this very critical and very important issue for this country and for our children.

I noticed when Senator WELLSTONE spoke that he said the Republicans just keep saying change, change, change. I plead guilty to that. We are saying change. That is one of the very clear lines in this debate between those who are defending the status quo—defending the old system, defending the old model, who are saying create more programs, who are saying pour more money into the old programs and the same models—and those of us who say, yes, let's fund education adequately. Yes, let's increase our appropriations for education. But let's make certain that we are using that money efficiently and effectively. If the old model isn't working, it is time that we try something new.

That is the fundamental fault line in the debate that has gone on in the Senate for the last week and will continue for the next few days.

I have to say that I believe there has been a lot of misinformation about the Educational Opportunities Act that has been put forth on the floor of the Senate. I understand that change is difficult and change is discomforting. There are those who are going to recoil at the thought that we might try something different. But there have been, in the arguments put forward by the other side, several themes that have recurred.

They said title I has enhanced academic achievement. That has been one of the things they have argued consistently.

They said the status quo somehow guarantees student achievement.

They said parental control is something to be feared.

They said the contents of the Educational Opportunities Act contain no accountability safeguards.

I would like to, in their own words, go through those arguments and rebut them one by one in the few minutes that I have on the floor.

First of all, Senator KENNEDY made, I think, one of the clear statements last week when he said, ''We want to support tried and tested programs that have worked.''

The question that I have raised over and over again is, How has title I worked? How has title I been so successful that we want to continue it as it has been, and as Senator KENNEDY suggests we should continue it?

After 35 years and $120 billion has been expended, we have seen no closing of the achievement gap.

The original purpose of title I was that we would see those disadvantaged students improve, we would see their academic performance elevated, and we would see the gap between the advantaged and the disadvantaged closed. After 35 years, any objective assessment of what we have done would have to say we have failed.

That is why it is so amazing to me to hear my colleagues and friends on the other side of the aisle stand and say: We want to support tried and tested programs that have worked.

If they had worked, this debate wouldn't be going on. We would be delighted to be supporting the status quo. But the status quo has failed America's children.

Instead of letting States have flexibility under

Straight A's, requiring improvements in student achievement, the Democrats would rather leave disadvantaged children the same programs they have had for the last 35 years.

Senator KENNEDY speaks movingly, and I know sincerely, about the homeless, the migrant children, and the immigrant children, saying that they are the ones who are going to be hurt most under the Educational Opportunities Act—the homeless, the migrants, and the immigrant children are the big losers.

I would suggest just the opposite is the case; that they have been the big losers in a system that continues to fund a broken system, a broken program; that for the first time under Straight A's we will require test scores to be disaggregated and broken down on the basis of those who are disadvantaged and those who are advantaged based upon their backgrounds and economic backgrounds so that we will be able to see clearly whether or not the educational curriculum, the textbooks, and the programs being utilized in a local school district are working for the least advantaged and the most vulnerable in our society. These homeless children, migrants, and immigrant children, to whom all of our hearts go out, are the ones who have been left behind under the status quo.

Of course, Senator KENNEDY said, ''We want to support tried and tested programs that have worked,'' even though 35 years of these programs has demonstrated they have not worked.

He said that block grants—he always likes to use that loaded term, ''block grants''—have no accountability.

And then he uses the term ''blank check.'' This is a ''blank check.''

I suggest that trying to compare the Educational Opportunities Act with any of the old block grant experiments of the past is as if to compare apples and oranges. It is a total mismatch. It is an unfair comparison.

These are exactly and precisely, word for word, the same arguments we heard against welfare reform. Welfare reform was block grants with no accountability. Welfare reform was a blank check to the Governors: You can't trust the Governors—the same rhetoric that we heard for the last week.

If you compare block grants, the Educational Opportunities Act has more accountability than any of the existing title I programs or any of the existing Elementary and Secondary Education Act programs because we require the testing. We require the States to say what they are going to do and how they are going to do it and then demonstrate that they, in fact, have done it. That is what has been lacking under the existing program.

As Senator KENNEDY said, ''We are not prepared, with the scarce resources here, to try to turn that over to the Governors one more time and expect they are going to do the job. No.''

I can't reach his volume level when he said, ''No.''

But he said, ''We are going to insist that there will be incentives and disincentives for performance. That is what we do.''

Throughout this debate we have heard, ''We don't trust the Governors. You can't trust the Governors.''

I remind my distinguished colleagues that the same people who elected us to the Senate elected those Governors to serve the same people. They are every bit as accountable to their constituents as we are accountable to our constituents. Yet it has been a recurring theme: Do not trust the State; Do not trust the Governors; They won't have the most vulnerable in their States in their concerns and in the programs that they put forward.

I reject that. Then he said, ''We are going to downsize.'' He said, ''We are going to insist that there will be incentives and disincentives for performance.''

Where in the Democratic proposal are there incentives and disincentives? Their proposals are for new teachers and for school construction and contain no requirements that student achievement must increase—none.

If we want to talk about incentives for performance, and if we want to talk about disincentives, look at what the Republicans have proposed in our Straight A's plan and in our performance contracts and agreements because in that you find real requirements concerning student achievements and student elevation in academic performance.

Then Senator KENNEDY said, ''Under Straight A's, the State could demonstrate statewide overall progress based on progress being made by wealthier communities, while a lack of progress in disadvantaged communities remains statistically hidden.''

The irony of that criticism of the Republican bill is that is what can happen under the current system where the performance of the disadvantaged is hidden by aggregating the scores and concealing those who are supposed to be targeted—those children we are supposed to be helping the most—concealing those in the overall scores.

I think this is a very misleading charge against the Republican proposal.

Straight A's requires each participating State and local school to report data by each major racial and ethnic group, gender, English proficiency, status, migrant status, and by economically disadvantaged student as compared to students who are not economically disadvantaged.

That language in our bill prevents what Senator KENNEDY expressed from ever taking place. In fact, we are going to know much more about whether we are really helping the disadvantaged under the Straight A's proposal.

Then Senator KENNEDY said this last week: ''We are still finding out that of the more than 50,000 teachers who were hired this past year, the majority of those serving in high-poverty areas are not fully qualified.''

I will accept Senator KENNEDY's statement as being accurate. But it raises in my mind this question: Why then are Democrats proposing their Class Size Reduction Program if in fact it has led to the hiring of unqualified teachers?

The evidence is that as much as we would all like to see school class sizes reduced, and while that is a desirable goal, one of the unintended consequences in Class Size Reduction Programs around the Nation has been that it has resulted in unqualified teachers filling slots that have been opened up, and those who have been harmed the most are those who are in schools with a high percentage of disadvantaged students. That is the tragedy of it. That is acknowledged by Senator KENNEDY's statement.

He has repeatedly said only 7 percent of the funds come from the Federal Government. Then he suggests, because it is a relatively small portion of the local school districts' funding base and their budget, we cannot expect whatever we do up here will have too much of an impact upon local school policy.

If, in fact, our influence over local schools and the States were proportionate to our funding about 7 percent, I would not be too concerned, either. The reality is, though, we provide only 7 percent of the funding; we provide a much higher level of the mandates under which the local schools are laboring. It has been estimated we provide 50 percent of the paperwork that is required of the local schoolteachers for the 7 percent of funding.

To diminish the importance of the debate because it is only 7 percent of the funding misses the point. The State of Florida takes six times as many personnel to implement a Federal education dollar as it takes to implement a State education dollar. I suspect that figure is typical across the Nation.

Senator MURRAY made this statement regarding the Abraham teacher testing and merit pay amendment:

> It requires testing, and there is no money. That money will have to come from somewhere in the districts. The districts will not have the money, and likely they will require the teachers themselves to pay for it. That has been the practice in the past.

First, the Abraham amendment only made teacher testing and merit pay an option. They are in no way required to implement it.

Speaking of unfunded mandates on the districts, what about the class size reduction mandate? What happens at the end of that program? I have raised that concern. When the authorization for the Class Size Reduction Program ends, don't the schools then have to pick up the tab for a program that they did not start?

Senator DODD made this comment last week about the Abraham teacher testing merit pay amendment which added teacher testing and merit pay to the list of optional uses of funds. Senator DODD said:

> What works best is a decision that ought to be left to the local communities. For the Senate to go on record to decide what will work best in the 50 States is in direct contradiction to the arguments I hear being made in support of the underlying bill, and that is: We do not know what we are doing here; we ought to leave this up to the local governments. Now we are going to decide, apparently, that teachers ought to get a pay increase rather than leaving that decision to the local level. It seems they have it backwards. Those decisions are best left at the local level.

It takes my breath away. Amazing. Since the Democrats' proposal for teachers mandates separate funding streams, they mandate separate funding streams for professional development, alternative certification, teacher

recruitment, and mentoring, separate funding for all of those, school districts must do each of these or they don't get any of their funding. Our proposal only adds teacher testing and merit pay to a list of allowable uses of funds. It is absolutely consistent with our belief in local control. It is an option. If we ought to leave this up to the local government, as Senator DODD says, then why does the Democratic proposal provide repeated mandates on how to spend the money?

Senator KENNEDY also said in the debate last week in his continual theme that the Republican bill lacks accountability:

> We asked our good friends on the other side how their bill is going to solve the issue of accountability. They cannot do it. We have been challenging them since the beginning of the debate. They cannot do it. We can.

I remind my colleagues of the one single example I left before the Senate that I think is illustrative of the problem and the current system and lack of accountability in the current system: Holly Grove. Or think in your mind's eye of the pictures of treadmills, Nautilus equipment, StairMasters, and $239,000 in a Federal grant that could not be spent for computers, for textbooks, for renovating a falling down building, a dilapidated school building, could not be spent in those ways, but could be spent on expensive exercise equipment when what was needed was improving the school facility.

Senator KENNEDY would dare to say that the current system provides accountability. I suggest when we tell the Governors they have to sign a contract with the Federal Department of Education to state what they are going to do, how they are going to do it, how they will accomplish it, when they will achieve it, require testing the students, require breaking down the test scores and show how every subgroup is performing and whether, in fact, the gap is being closed, I suggest that is far greater accountability than the current system of categorical agreements that can be misused and used in inappropriate ways.

Senator KENNEDY said last week:

> I hope our friends on the other side of the aisle are going to spare us a lot of discussion about local control and parental involvement because it just isn't there, it just isn't there.

We are not going to spare you; we are going to continue to talk about local control. We will continue to talk about parental involvement. That is the key to education in the country and the key to making significant and meaningful education reforms.

When Senator KENNEDY says it just isn't there, first of all, there have been a number of speakers, and I will allude to their statements later, who acknowledged parental control is at the core of the Republican bill. Aside from that, I simply point out two things. The portability provisions provide the ultimate in parental control. If parents are unhappy with the services the school is providing their child with Federal money, they can use that Federal money to improve their child's education in the way they best see fit. That is very consistent with parental control.

I also point out the provisional public school choice where a failing school that has been deemed failing, failing and failing, given years of opportunity to improve and they still don't improve, there is an exit, a way out. No disadvantaged child ought to be locked to a failing school and consigned forever throughout their educational experience to a school that is failing them. They shouldn't be required to do that. We show them a way out.

I quote Senator MURRAY from last week:

> I am looking at language of the bill. It says . . . that a parent directs that the services be provided through a tutorial assistance provider. It is not directed by the school but is directed by the parent. I think that is one of the underlying flaws and concerns that we have . . . frankly, the parent is in control.

I wish I had another chart showing Senator KENNEDY saying that the parental involvement is not there. Senator MURRAY said, ''. . . frankly, the parent is in control,'' under the Republican plan.

Senator MURRAY is right. That is not bad. That is not something to fear, the fact that we increase parental involvement. Since when did parental control become a bad thing? It is part of the problem, that parents have too few choices when their child is forced to remain in a failing school.

I have heard repeatedly, and I am paraphrasing, but this has been the message from the other side: We don't trust the Governors; we don't trust the local educators; we don't trust the parents. We just trust ourselves. We can make the decisions. We are the 100 Members of Senate, the super school board for America. Let us make the decisions; let us prescribe the formulas.

That is what we have done for 35 years. If we want to stick with that formula, that failed formula, then the status quo is the way to go on and the Democratic counterproposal is the way to go. I think America says no. Our children deserve better, American families deserve better, and we can do better by American education under the Educational Opportunities Act.

I commend Senator REID last week with one last quote from the other side of the aisle. Senator REID, the assistant minority leader, said:

> One of the things I have tried to do following the direction of the minority leader, in consultation with the majority leader, is to keep this debate on this education bill on education. We have worked very hard to keep other matters off this bill, Patient's Bill of Rights, prescription drug and minimum wage.

I commend Senator REID. I think that is the right approach. I am pleased we went through the first week of this debate without having extraneous amendments, nongermane amendments. I hope that will continue to be the case as we go through this second week of the most important debate we will have in the Senate during this Congress.

Rather than kill the pending education bill by offering irrelevant amendments, I ask my colleagues to complete the work we have been so successful debating for the past week. We have the chance to help millions of American students overcome illiteracy, to cite U.S. history, to master basic mathematical skills. Let's do our jobs and not fail these kids. Let's not put politics above American education and student achievement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that all pending amendments be temporarily laid aside, and it be in order for Senator Collins to call up her amendment, re: Straight A's, which is filed, amendment No. 3104.

I further ask unanimous consent that there be up to 10 minutes for debate on the Collins amendment, to be equally divided in the usual form, and following the use or yielding back of time, the amendment be agreed to and the motion to reconsider be laid upon the table, and the Senate resume the pending question, all without any intervening action or debate.

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

The Senator from Maine.

AMENDMENT NO. 3104

(Purpose: To modify the list of eligible programs that may be subject to a performance partnership agreement)

Ms. COLLINS. Mr. President, I call up amendment No. 3104, which is pending at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 3104.

Ms. COLLINS. 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 657, strike lines 6 through 8.

Ms. COLLINS. Mr. President, let me express my very sincere appreciation to the chairman of the committee and the ranking minority member for their cooperation in accommodating my amendment this evening. I am very grateful for their efforts.

My amendment is very straightforward. It simply removes the Perkins Act from the programs listed under the Straight A's proposal that is in this legislation.

I am a strong supporter of the Straight A's approach, but the Perkins Act simply does not belong in Straight A's, and I believe it was probably included as an oversight. There are three

reasons why the Perkins Act should be separated from Straight A's.

First of all, the Perkins Act, which funds vocational education, is simply not part of the Elementary and Secondary Education Act. It is not part of the programs that we are reauthorizing. In Maine, and in many other States, secondary vocational education is operated on a parallel, independent system. In Maine, there are even restrictions on the ability of an academic high school to offer vocational education. Moreover, the Perkins Act and the ESEA have very different specific objectives, and they are not easily merged together.

The second reason is the Perkins Act authorizes programs at both the secondary and the postsecondary levels. Each State decides how to allocate its Perkins grant. In fact, 56 percent of Perkins funds go for postsecondary education, and in at least one State, all of the Perkins funds are used for postsecondary education.

In my State, the funds are allocated equally to secondary and postsecondary education, with the requirement that vocational high schools and technical colleges allocate 30 percent of their funding to training programs operated by the Maine adult education system.

The third reason is the Perkins Act was written to be part of the national workforce development efforts and is designed to coordinate it with provisions of the Workforce Investment Act, which the Senate successfully passed in 1998. If we pull out the Perkins Act funding, we will allow the intentions of Congress in redesigning the Workforce Investment Act to go forward.

In short, the Perkins Act does not belong in this legislation. It makes sense for us to take out the Perkins Act from the list of programs under Straight A's. It is not part of the ESEA, and as it is used, at least 56 percent of the funds under the Perkins Act do not go to secondary schools but, rather, to postsecondary schools.

I thank the chairman and ranking minority member for their cooperation in this effort and particularly for accommodating this amendment this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the good Senator from Maine and our chairman of the committee for urging the Senate to accept this amendment. I join with her in making that recommendation.

In 1998, with the reauthorization of the Perkins Act, we made improvements in the coordination of vocational education, adult education and job training. We did this in a bipartisan way with Senator JEFFORDS and Senator DEWINE. We took valuable lessons that we learned from the school-to-work program, emphasizing the importance of partnerships between education and business.

Unfortunately, the school-to-work legislation is not being considered for reauthorization. I hope that my colleague will work with me to make sure this important program finds a way to exist in ESEA.

What we have found is the importance of integrating academic skills with state of the art career and technical skills. Every child should graduate from high school with the academic credentials necessary to give him or her a wide variety of career choices within a given industry. Children should be able to choose to go on to post-secondary education or directly enter the workforce, with a competitive edge. So there have been, as she pointed out, very important and significant changes in these vocational and professional schools. I think we are at a place where they are offering great opportunities for young people in an economic climate of higher academic challenge and higher skill challenge. I think the value of her amendment is it is going to complete the process rather than undermine it, which I think was one of the principal dangers of having it as a block grant.

I thank the Senator. We in Massachusetts, as in Maine, as in other States in New England, place a very high value on these training programs and academic programs. They have been a lifeline to many of our communities and to our economy over a very long period of time. Nothing is more dramatic of an example than the ability to channel our career and vocational education students directly into high skill, high wage jobs in industry. They are enormously important and they do good work and their work will be enhanced because of the Senator.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join in commending the Senator from Maine for this amendment. It certainly removes a serious problem I had in the bill. We have removed that from the bill, and it will be very helpful in making sure our vocational education programs can do the best possible for our young people. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my two colleagues for their kind comments and for agreeing to accept this amendment. I think it is very important to the future of vocational education, which, as the Senator from Massachusetts points out, is so important to so many students and so many adults in this country, and particularly in our section of the country, in New England.

With that, I yield the remainder of my time and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. I yield the remainder of our time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3104) was agreed to.

Mr. KENNEDY. 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.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I think we are close to concluding this evening's presentation. I just told the Senator from Massachusetts I think Senator GORTON has a comment or two to make. He should be here shortly.

There is some effort underway to have a vote on the Gregg amendment tomorrow between, say, noon and 2:15, if this is ultimately agreed to on both sides. The Lieberman amendment, it is hoped, could be voted on in the same timeframe, but we do not know that yet. There are some negotiations on the other side. This should clarify itself in the early evening here.

I thought I would take just a moment, while we are waiting for Senator GORTON, to talk about the amendment for which we are next going to vote, and that is the Lott-Gregg amendment, the Teachers Bill of Rights, and of which the ranking member on the committee, Senator KENNEDY of Massachusetts, has indicated there will be broad acceptance, even though it will be a rollcall vote.

The amendment amends title II of S. 2 to ensure that States and local communities are able to use their portion of the $2 billion to hire highly qualified teachers to address the teacher quality shortage facing this country. It adds a strong accountability component. School districts must show they have increased student achievement with the percentage of classes in core academic subjects that are taught by highly qualified teachers. It authorizes a new, up to $350 million recruitment program. This language was inserted by Senator KAY BAILEY HUTCHISON of Texas, Senator FRIST of Tennessee, and Senator CRAPO of Idaho. It encourages midcareer professionals and outstanding college graduates to take teaching positions in tiny public schools and rural schools.

It includes the language I discussed at some length earlier this afternoon to protect teachers from frivolous lawsuits so they are not inhibited from doing the job they are supposed to do in school, that is, if they see a problem they avoid it or are silent about it because they are afraid they are going to be the subject, as I said, of a frivolous lawsuit.

This is a brief overview of the Teachers' Bill of Rights, the Teacher Empowerment Act as it has been referred to in the past. It authorizes $2 billion a year for States and local districts to enable them to develop a rigorous, professional development program. Federal dollars can only be used on professional development programs that increase teacher knowledge and are directly related to the curriculum and

subject area in which the teacher provides instruction.

It enables them to retain, recruit, train, and hire highly qualified teachers and to hire teachers to reduce class size, which has, of course, been a goal of the other side of the aisle, and the President. It enables them to assist innovative teacher reforms aimed at increasing teacher quality, including mentoring and master teachers. The Senator from Massachusetts talked about mentoring earlier today. Studies and teacher polls have found that hiring master teachers who mentor new teachers improves both teacher quality and the likelihood that new teachers will stay and thrive at the school.

It enables them to provide merit pay and teacher testing and alternative certification programs. These are programs that provide opportunities for experienced professionals from other fields to enter teaching. It enables them to provide teacher opportunity payments, funds that go directly to teachers so they can choose their own professional development. Teachers could select to use their payment at a university that has a reputation for intensive professional development programs in math and science.

It incorporates the language of Senator GREGG of New Hampshire dealing with teacher quality provisions that are included in this amendment, including addressing teacher shortages. Due to rising enrollments, many school districts are having difficulty filling hundreds of teacher slots, and of those teachers already in the classroom, many lack the skills and knowledge to be effective teachers. Earlier, Senator KENNEDY had very interesting data that demonstrates this problem. The amendment clarifies that States and school districts are permitted to not only use the money to hire teachers to reduce class size but to also use the money to hire teachers to address the shortage of high-quality teachers. If a school district wishes to use these dollars to hire a teacher, they should have the freedom to hire teachers to reduce their class size or to address the shortage of high-quality teachers.

It includes compulsory language relating to class size, which exacerbates the shortage of high-quality teachers, in our view.

Requiring smaller class sizes would only exacerbate the teacher shortage because it forces school districts to hire more teachers when they are already having enough trouble hiring teachers for the classes they already offer.

During the next decade, enrollment growth and higher teacher attrition rates mean many districts will have the need for more teachers, obviously. Yet the real shortage in our country is not so much in the number of teachers as it is in getting qualified teachers to work in the classroom, especially in hard-to-serve areas, such as inner cities and rural schools.

That reminds me, during the debate on the education savings account, which was a tool this Congress passed at least two or three times and is yet to get past the President—but during that debate, Senator BYRD of West Virginia came to the floor. He ultimately supported the education savings account. He said—and I am paraphrasing it; I hope I am correct; Senator BYRD is pretty much a stickler for being correct—but he indicated he voted historically for all the funding measures over the last 30 years and he was not all that happy with what has happened and he was ready to try some new ideas.

The telling thing about his commentary to the Senate that day, in my judgment, was to describe where he went to school. I do not believe anybody would argue Senator BYRD is among the most capable, intellectual in the Senate. When he took us back to his schoolroom, it was a remarkable story.

He was educated in a one-room school for much of his early training. It had no heat and no air-conditioning. The plumbing was outside. It had a bucket of water which was the potable water—that was the drinking water—and a ladle. Yet that environment produced one of the most competent, intellectual Members of the Senate. It is something we should all remember. He obviously had a quality teacher. He was educated in those circumstances and went on to become one of our more famous Members of the Senate.

I repeat that during the next decade enrollment growth and higher teacher attrition rates mean many districts will have the need for more teachers. Yet the real shortage in our country is not so much in the number of teachers as it is in getting qualified teachers to work in the classroom, especially in hard-to-serve areas, such as inner cities and rural schools.

Many teachers lack the necessary skills and knowledge to be a high-quality teacher. More than 25 percent of new teachers in our Nation's schools are poorly qualified to teach. Studies have shown the mastery of the subject is the most tangible measure of teacher quality. Many teachers lack either a major or minor in the subject in which they are teaching.

One-third of all secondary school teachers, grades 7 through 12, who teach math have neither a major nor a minor in math or a related field; 25 percent of all secondary school teachers who teach English lack a major or minor in English or a related field; more than half of all physical science teachers did not major or minor in any physical science; and more than half of all history teachers neither majored nor minored in history.

The shortages are even more troubling in inner-city schools where students only have a 50–50 chance of being taught by a quality teacher. In high schools where more than 49 percent of the students qualify for free lunch, which are classified as high-poverty schools, 40 percent of all classes in those high-poverty schools are taught by underqualified math teachers. In more affluent schools, only 28 percent of the math classes are taught by unqualified math teachers.

I do not think either number is very impressive—the fact that nearly one out of three math classes taught in our more affluent schools can only muster two-thirds of the teachers who have the qualifications to teach the subject and that rises to nearly half in inner-city schools.

Nearly one-third of all English classes in high-poverty schools are taught by underqualified teachers.

The sad fact is that this amendment actually worsens the shortage of high-quality teachers.

I will move on to accountability. The second half of the Gregg provision in this amendment adds a strong accountability piece. The amendment stipulates that States are to monitor the progress of school districts in increasing both student achievement and the number of classes taught by high-quality teachers. If the school district fails to make progress after 3 years, the State is authorized to take control of the teacher dollars and use those funds on rigorous professional development, teacher reforms, such as merit pay, or other teacher initiatives to ensure student achievement increases and the number of high-quality teachers increases.

We do not prescribe a Federal ratio as to how much school districts must spend on recruitment versus how much to spend on professional development. We let States and districts set their own priorities. We do not focus on input measures—how much money is spent on what. Rather, we focus on outcomes and outcomes alone—student achievement and teacher quality. This accountability amendment ensures States and school districts will be held accountable for increasing student achievement and the number of high-quality teachers.

The recruitment provisions include in this amendment a section developed by Senators HUTCHISON of Texas, FRIST of Tennessee, and CRAPO of Idaho, which focuses on the need to recruit excellent teachers from other professions and from among our outstanding college graduates. Recruiting qualified people from other walks of life to enter the teaching profession will dramatically improve the quality of our teaching pool.

I outlined earlier the significant number of teachers teaching outside their subject area in schools throughout our country. The recruitment provisions in this amendment address the serious problem of underqualified teachers by attracting qualified teachers to step in and meet the needs. This amendment gives teacher quality the attention we believe it deserves.

I am pleased the other side of the aisle is amenable to the amendment.

I yield the floor so the Senator from Massachusetts can make his closing remarks, and then I believe we are getting close to coming to an end.

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

Mr. KENNEDY. Mr. President, we took a valuable and useful step a few moments ago when we preserved the vocational education legislation outside of the block grant, the basic Perkins program, which affects some 6 million children in the K–12 and some 3 million students in post-secondary programs.

I intend to offer an amendment on teacher quality tomorrow. I have spoken on it this afternoon.

Before this legislation is finished, there will be efforts made by members of our committee to also exclude the block granting of the Migrant Education Program and the homeless programs. I will take a moment to mention what the current situation is with regard to the Migrant Education Program.

The Migrant Education Program provides financial assistance to State educational agencies to establish and improve programs of education for children of migratory farm workers that enable them to meet the same academic standards as other children. To help achieve this objective, program services help migrant children overcome the educational disruption and other problems that result from repeated moves. Program funds also promote coordination of needed services across the States. The most recent data reported by States indicate more than 750,000 migrant children are eligible for services.

The Federal Migrant Education Program is the only ongoing source of support for these highly mobile migrant children. The poverty and mobility, and often limited English proficiency, characteristics of the migrant student population combine to make demands for educational services go well beyond the services traditionally supported under State and local education budgets.

No State currently provides ongoing funding for migrant programs to help these children. We are wiping out the Federal commitment. For example, the Migrant Education Program supports supplementary instruction in core academic subjects, beyond which title I typically provides, often provided outside the regular schoolday and in the summer designed to address the special educational needs of children who move and are out of school frequently.

Without these funds, many highly mobile migrant children may attend school sporadically throughout the year or not attend school at all. Without the funds, the local education groups are unlikely to provide the normal range of services to children who attend their schools for brief periods of time, or go out to find and enroll migrant children outside of normal school enrollment procedures, or grapple with either the school interruption problems faced by migrant children or their needs for special summer programs.

Without this program, States and the local educational authorities would have little incentive to identify and serve migrant children, who cross school districts and/or State boundaries.

No single local educational agency, and, in many cases, no single State, is responsible for the education of a migrant child. No single local educational agency, and, in many cases, no single State, provides educational services to a migrant child during a single year.

The Migrant Education Program encourages and supports collaborative efforts and interventions across State lines to accommodate the needs of migrant children.

The Migrant Education Program provides support services that link migrant children and their families to community services. For example, during the regular school year, almost half of migrant students receive social work/outreach services, about 30 percent receive guidance and counseling, and almost a fourth receive health services under the Migrant Education Program.

Effectively, the point is that certainly at the national level we are dropping the commitment to try to do something about all of these children.

With regard to the homeless children, nationally there were 625,000 school age children identified as homeless during the 1997–1998 school year. Without separate funding for this national program, it is unlikely that significant numbers of these children and their unique problems will be addressed. They have higher than average rates of poor health, anxiety, depression, withdrawal, delinquency, aggressive behavior, learning disabilities, and suicides. Those problems will not be addressed. Through participation in the existing program, the States are focusing on reducing the barriers homeless children face in enrolling in and attending school on a regular basis.

Because of national leadership, almost all the States have revised their laws. Almost all the States revised their laws, regulations, and policies to improve the access to education for homeless students. Twenty-seven States changed their residency laws or regulations. Otherwise, the children would not be able to be eligible. Almost all State coordinators report either that all the students can enroll without school records—that previously stopped children from being able to participate in the schools—or that they have made special allowances to expedite their record transfers. Thirty-five States eliminated the barriers of immunization and guardianship requirements, otherwise some homeless children would be prohibited from participating in services.

These are enormously vulnerable children. There is absolutely no reason or justification to eliminate these programs, block grant them, and send them to the States. The States have not responded to this population's unique needs.

In the absence of the homeless program, I think States would not have the resources to employ a State coordinator for homeless children and youth, a position that is responsible for ensuring that homeless children and youth have access to a free, appropriate public education.

Without the homeless program, the local educational authorities that rely on Federal funds to provide services to homeless children would have to find funds in their own operating budgets, which are already overextended, or stop providing supplemental services to these children, who are among the neediest.

Last year, we provided $29 million for the education of homeless children. That is going to be eliminated. These funds most likely will not be made up by the States. These children are going to be ill served. It is basically and fundamentally wrong. I think we are going to be abdicating our responsibilities if we do not target some resources to what I think has been an effective program.

We have had some hearings on this problem in the past. People have just been extraordinary in how committed and dedicated they have been and how they have stretched scarce resources to make a real difference in children's lives.

We in this body rarely go a day when someone isn't talking about our future being our children and our responsibility to them. We ought to understand what we are doing to the most vulnerable children in our society, the poorest children, the homeless children, the migrant children, the immigrant children, and others in failing to guarantee their protection. I take strong exception. And I will offer an amendment, with others. Others have offered an amendment to restore those programs. I look forward to that. Hopefully, we will have an opportunity to address that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the subject before the Senate this afternoon, and until the vote is taken on it tomorrow, is the Lott-Gregg amendment to the Teacher Empowerment Act section of this bill.

The Teacher Empowerment Act itself is quite significant in a number of ways, primarily in focusing on increased teacher quality across the United States of America but, at the same time, allowing a maximum degree of flexibility in local choices with respect to how that teacher quality is, in fact, enhanced.

It provides a significant amount of money for teacher training that can also be used for increasing the number of teachers, for increasing the competition of those teachers most prized by

our school districts across the country. For with the amendment that is added today—with the recruiting of people in midcareer from other professions, who will be quality teachers of particular subjects—it will provide a degree of protection against frivolous lawsuits when teachers or administrators or school authorities have taken actions that will protect the safety and security of students in classrooms and of the faculty and administration of the schools themselves. We literally have faced the situation in which actions taken in good faith, and for valid reasons, have subjected teachers and administrators to frivolous lawsuits brought by lawyers for highly disruptive and destructive students.

It does seem to me that the specific amendment on which we are going to vote will be effective in providing that kind of protection, providing a modest program to recruit quality people in midcareers into teaching, and to assure that the $2 billion authorization for teacher quality can be used in a widely significant fashion for increasing the quality of teaching, not only the quantity, though that is there, but the quality of teaching in our public schools.

The accountability, in this case, again, is going to be a student accountability. Are the results positive, from the perspective of student achievement in our schools? In that respect, of course, both the amendment that is before us at the present time and the portion of the bill to which the amendment applies are consistent with the overall philosophy of the bill, a philosophy that is perhaps summarized best by saying that after 35 years of procedural accountability—that is to say, proving that money was used for the precise purposes for which the authorization was directed, with a seeming total indifference to whether or not student achievement improved, a procedural accountability which was satisfied by filling out forms correctly and by having clean audits—now it is to be succeeded by a performance accountability, accountability that says, after all, that we aim our assistance to public education across the United States of America to see to it that our students themselves are better educated; that their test results in the multitude of achievement tests being developed across the United States show actual progress; that this is the accountability we wish; that this is the accountability that is found in Straight A's; that this is the kind of accountability that is found in the Teacher Enhancement Act in this bill; and that this is the goal of these amendments today.

We have a curious debate on the other side, one speaking about the successes of title I, a title with which all the goodwill in the world has not reduced the disparity between its beneficiaries and other students in the extended period of time; a position that says the status quo is to be protected at all costs; and a position that says parental control and influence over public education is something to be feared.

We on this side of the aisle have every hope that the rather dramatic change from procedural accountability to performance accountability will result in a true improvement in the quality of education being given to our schoolchildren as measured by their actual achievement. That is, in fact, our goal.

Having said that, I should also say there are at least some signs during this second week of debate over the Elementary and Secondary Education Act that we may be able to reach across the political divide and find a way to satisfy a substantial number of members of both parties in a way consistent with the precise goals I have outlined here with the proposition that we need to encourage innovation, that we need to encourage parental involvement, and that we need to provide a degree of trust and confidence in those men and women across the United States who have devoted their lives and their professional careers to the education of our children, together with those who volunteer for the slings and arrows of political campaigns and run for office as school board members—that perhaps all wisdom with respect to education policy does not preside in this body and in the Department of Education down the street; that perhaps those who know our children's names may very well know best what priorities should be funded in 17,000 different school districts with 17,000 different types of challenges across the United States.

The amendment before us at the present time leads us in that direction. The Teachers Enhancement Act that is a part of this bill leads us in that direction. Straight A's leads us in that direction. I hope we will soon have a proposal involving some reason from both sides of the political aisle in this body that will lead us in that direction as well.

At the present time, however, I commend to my colleagues the Lott-Gregg amendment. I think it improves an already very first-rate bill—the product of a tremendous amount of work on the part of the Committee on Health, Education, Labor, and Pensions, one of the best pieces of working proposals in this body and by one of its committees in an extended period of time.

I have a far greater hope today than I did 2 or 3 weeks ago that this body may actually not only begin a debate on education but may conclude a debate on education with a successful vote, and at the very least send this thoughtful bill, slightly amended, to a conference committee, and one hopes from that conference committee to the President of the United States.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator from Washington for his usual eloquence, as well as for his understanding and perception of the education problems in this country.

I would like to speak about other areas I think are important. We must look closely at these two areas during consideration of this legislation.

We are talking today about the need for improving the quality of teacher education and further improvements in the legislation before us for that purpose. I think we will find that we have reached agreement on that. One of the most critical parts of the equation in improving education is ensuring classrooms are led by quality teachers.

I am a member of the Goals 2000 panel. Here we are already in 2000 and we haven't reached these important education goals. I want to share with you some of the concerns about some of the areas in education where we need improvement, and what we intend to do through amendments to try to move us forward in these most critical education areas.

We received notice in 1983. President Ronald Reagan called on the Secretary of Education to convene a panel to examine the quality of education in our Nation. It was very tersely stated in a phrase that says it all, if a foreign nation had imposed upon us the educational system that we had in the country especially our elementary and secondary education, it would be considered an act of war.

Since 1983, we have seen measurable improvement across this Nation in reaching the goals that we set at that time. This bill provides us with an opportunity to reevaluate where we are. It is the year 2000 and we have not achieved many of our most important and pressing educational goals.

Still, we have learned a great deal since that time about the area of huge need in this Nation involving preschool children—the 0 to 3, or 0 to 5 age group, depending on what you want to talk about. These are problems that are created when the parents do not take a leadership role in educating the children. Often times, sadly, it is because they don't have a strong educational backgroud themselves. Some are illiterate and do not have the tools to help their children as they grow up to enter school ready to learn.

The amendment that will be offered by Senator STEVENS and myself, and others will, on a voluntary basis—I want to emphasize over and over again that it is a voluntary basis—to provide information for parents, information for child care providers, and information to schools to ensure that as a child grows, they all have the basic educational opportunities to learn to read and achieve academically. The successful passage of this amendment will make sure that we take care of those children who currently do not have that kind of assistance and educational support in a variety of ways. It is a critical issue that must be addressed.

Some years ago, studies were done on the impact to the growth and development of a child's brain. A comparison was done between the brain of a child who received attention, support, nurturing and good care, and one who unfortunately, like too many, had little or no real nurturing as children. The brain of the well-developed child who had all the nurturing necessary was what we would like to see—a large healthy brain. For comparison, they showed you one of an old man in his eighties or nineties which was shriveled up and shrunk. The other picture was the brain of a child that was not nurtured and did not receive the care that a normal child should receive from a parent. That child's brain was just as shriveled up as the old man's. That is what can happen to a baby, a very young person that does not receive the care, attention and nurturing at home that it should.

We will have an amendment which will assist us in understanding that, and which will make sure that throughout that period of time, in a voluntary way, the information will be available.

I ask unanimous consent that the document explaining the Early Learning Opportunities Act amendment be printed in the RECORD.

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

EARLY LEARNING OPPORTUNITIES ACT AMENDMENT

PURPOSE

The purpose of this amendment is to increase the availability of voluntary programs, services, and activities that support early childhood education and promote school readiness of young children (age birth to 6) by helping parents, caretakers, child care providers, and educators who desire to incorporate appropriate developmental activities into the daily lives of pre-school age children, and to facilitate broader involvement of the community to develop a cohesive network of early learning opportunities. The Secretary of HHS is responsible for administering this initiative in collaboration with the Secretary of Education.

COORDINATION OF FEDERAL PROGRAMS

The legislation requires and provides the authority to the Secretaries of the Department of Health and Human Services and Education to develop effective mechanisms to resolve conflicts between early learning programs and remove barriers to the creation of a community-driven, unified system of services, activities, and programs for young children and their families.

PRESERVING PARENTAL RIGHTS AND ROLES

While the legislation focuses on providing more opportunities for parents to participate in activities designed to promote early learning, it is essential that participation be voluntary. The bill clearly states that parents are not required to participate in any programs, services or activities funded under this part and reinforces that parents are their child's first and most effective teacher.

FEDERAL FUNDING

$3.25 billion over three years for a discretionary grant program to the states; $750,000,000 in the first year, increasing to $1 billion in the second year and $1.5 billion in year 3.

GRANTS TO STATES

The federal share is 85% for the first two years of the grant, decreasing to 80% in the second and third years, and to 75% for the remainder of the initiative. There is a broad definition of how states can meet the match requirements including cash or in-kind facilities, equipment or services. The funds are allocated to the states based equally on the population of children aged 4 or under and the number of children aged 4 or under who are living in poverty. There is a small state minimum of .4% and a 1% set-aside for Indian Tribes, Native Alaskans. Hawaii Natives, and the Outlying areas. States are not permitted to use the funds to supplant existing funding for child care, Head Start, and other early learning programs.

LIMIT ON ADMINISTRATIVE COSTS

Administrative costs are limited for both the Department of Health and Human Services (3%) and the States (2% for state-level coordination of services, 2% for administrative costs, and 3% for training/technical assistance/wage incentives).

STATE ELIGIBILITY

To receive a grant allotment, States must submit an application, designate a lead entity, ensure that funds are distributed on a competitive basis throughout the state, ensure that a broad array/variety of early learning programs, activities, and services receive funds and develop mechanisms to ensure compliance with the requirement of the initiative. States also are required to develop performance goals based on an assessment of needs and available resources and annually report the State's progress towards meeting those goals.

AWARDING GRANT TO LOCALITIES

States must award grants consistent with the performance goals set by the State. To the maximum extent possible, states will ensure that a broad variety of early learning programs which provide a continuity of services across the age spectrum will be funded. The state must fund programs that help increase parenting skills, that provide direct activities for young children, as well as improve the skills of child care providers. Local Councils receiving funds will work with local educational agencies to identify cognitive, social, and developmental abilities which are expected to be mastered prior to a child entering school. Programs, services and activities funded under this initiative will represent developmentally appropriate steps to mastery of those abilities. Preference is given to grants which include services to areas of greatest need (as defined by the state), and to grants which increase local collaboration to maximize the use of existing resources. There is no definition of entities eligible to receive grants, in order to facilitate the broadest possible participation among local community resources.

USE OF FUNDS

Local Councils receiving funds from the State grant allotment will distribute the funds to community resources to:

(1) Help parents, care givers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotion, and motor skills and promote learning readiness in their young children;

(2) Promote effective parenting

(3) Enhance early childhood literacy

(4) Develop linkages among early learning programs within a community and between early learning programs and health care services for young children

(5) Increase access to early learning opportunities for young children with special needs, by facilitating coordination with other programs serving this population

(6) Increase access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of children served, or improving the affordability of the programs for low-income children; and

(7) Improve the quality of early learning programs through professional development and training activities, increase compensation, and recruitment and retention incentives, for early learning providers.

(8) Remove ancillary barriers to early learning, including transportation difficulties and absence of programs during non-traditional work times.

ACCOUNTABILITY

The State is primarily responsible for monitoring the use of funds by state grantees. If the State determines that the grantee is not complying with the requirements of the grant, the state must inform the grantee of the problems, provide training and technical assistance to help them correct the problems, and if that fails, terminate the grant.

AVAILABILITY OF FUNDS

The State has 3 years to expand the funds received under the State's allotment. Any unexpended funds will be used by HHS to fund research-based early learning demonstration projects.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the vote in relation to the Gregg amendment occur at 2:15 p.m. on Tuesday, May 9.

In addition, it would be my hope that by late morning tomorrow the Senate would be in a position to conduct a second vote to be scheduled following the 2:15 vote which will be relative to the Lieberman amendment. However, while that consent is being worked out, I ask unanimous consent that the next two first-degree amendments in order to S. 2 be the following, limited to relevant second degrees following a vote in relationship to the amendment.

The amendments are the Stevens-Jeffords amendment on early childhood investment, and the Kentucky amendment on teacher quality.

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

Mr. JEFFORDS. Mr. President, I have just been discussing the amendment which we just got unanimous consent to consider.

I would like to briefly discuss another amendment that I am hopeful that I will have an opportunity to offer this week. It addresses another significant educational problem we face in this nation.

As I said, on the goals panel we studied what is happening with our young people. It is telling when one considers those young people who end up incarcerated.

Eighty percent of the individuals incarcerated in jail in this country are school dropouts.

Consider those students that don't drop out. Far too many of our students who stay in high school are not receiving the kind of education they need to prepare them to enter the workforce.

Therefore, I will have an amendment that tackles these critically important

problems. We must do what we can to make sure that young people stay in school and we must do what we can to ensure that students receive a relevant education in high school. Students graduating from high school must be literate. At the same time, we have got to strive for improvement in our high schools so that our nation's young people will have the skills they need to graduate and get a job.

Since 80 percent of people incarcerated in our institutions are school dropouts, it is essential we pay more attention to those young people as well. Those institutions must have the capacity to provide those completing their sentences with literacy skills and are job skills so that they can enter the workforce and not return to crime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I once again come before the Senate to discuss an often-overlooked population in our schools, talented and gifted students. It's time that we recognized the nearly three million students who are talented and gifted and provide them with the assistance they need.

For the past three years, I've been working to change the way people think about talented and gifted students. In order to do this, several destructive myths must be dispelled.

Currently, many schools operate under the false assumption that these students are just ''extra-smart'' and can fend for themselves with a little help. One such example of this faulty thinking is giving a talented and gifted third grader a fifth grade math textbook.

Students who display gifted qualities look at the world and think in a very different way from other pupils. Instead of thinking in a sequential or linear fashion like most students, they jump from one concept or idea to another. Specialized teaching and activities, designed for their thought process, will help these students excel.

In addition, these students often have problems fitting in socially because they are 'different' and suffer emotionally from peer rejection and stigmatization. Tragically, as a result, some talented and gifted students experience depression, eating disorders and high levels of anxiety. Some are also vulnerable to violence and antisocial behavior.

Another myth is that gifted and talented programs only help middle and upper-class white students. Talented and gifted students cover the entire spectrum in terms of race, background, geographical region, and economic status. In other words, gifted students can be found in every classroom.

Along with getting rid of false notions and stereotypes about gifted and talented students, we need to direct resources to these kids to ensure that they will have an educational program that fits their needs.

I would like to thank Senator JEFFORDS for his leadership and for including provisions to help talented and gifted students in the Educational Opportunities Act, S. 2. The provisions found in S. 2 are based on a bill I introduced as the Gifted and Talented Education Act, S. 505.

These provisions establish a program through which states can apply for grants in order to fashion their own talented and gifted programs. States can use the money for a number of activities such as teacher training, equipment, materials, and technology. Under this program, states have a great deal of leeway in determining how best to meet the needs of their students. It also ensures that 88 percent of these funds will go toward enhancing student learning, not administrative costs.

These talented and gifted student provisions fill a gap in current education policy. There is no federal directive to serve this student population. The only federal program dealing directly with talented and gifted education is the Jacob Javits Program. However, that program is directed toward research, not the students themselves.

Furthermore, there is a great deal of disparity between the programs available to meet the needs and quality teacher preparedness of talented and gifted students. While most states do have some kind of talented and gifted program, the programs are not uniform across school districts and grade levels.

I think all of us, regardless of party affiliation, agree that all students should get the education they need. While all students have the potential to make great contributions to society, the reality, Mr. President, is that talented and gifted students have the greatest potential to be either the leaders of tomorrow or a burden to society. These students will either put their talents to good use or they will direct their energy and gifts toward destructive, wasteful activities. It's important that we help to direct these students in a positive way.

As a fiscal conservative, I have always fought for the wise and efficient use of the public's money. Investing in our future leaders, artists, scientists, and law enforcement officials, among others, is the most sound investment we can make. Again, I applaud Senator JEFFORDS for including this important provision in the bill and I urge you to join us in making a commitment to our nation's talented and gifted students.

Mr. JEFFORDS. Will the Senator yield?

Mr. GRASSLEY. I yield.

Mr. JEFFORDS. I thank the Senator for those pertinent and eloquent remarks.

I deeply appreciate the effort the Senator has gone to, making sure the talented and gifted program is improved to meet the goals for which it was intended. We have a tremendous opportunity now with modern technology to be able to link people up and broaden the availability of gifted and talented programs through the State and the country.

If we fail to do that, we will not be maximizing the opportunities we have to give these young people who are the best hope—in many cases, for leadership in the future—to be able to reach the goals they choose.

I thank the Senator for the excellent words and what he has given to this bill.

Mr. GRASSLEY. The Senator has expressed a perception that is very important. It is because of that perception that the Senator was able to include this in the bill.

Mr. LUGAR. Mr. President, I have an amendment to the Elementary and Secondary Education Act Reauthorization bill. My amendment would increase the authorization for the Comprehensive School Reform Program from $200 million to $500 million. I believe that there are few areas of this bill that can have a more positive impact on education in American than the Comprehensive School Reform Program.

Educators in this country are trying hard to improve the success of their schools. Teachers, administrators, and parents routinely organize and staff tutorial programs, remedial classes, after-school programs, and innumerable other initiatives designed to bolster school performance. But in most cases, achieving breakthrough results requires research-based reform that embraces innovation and instills discipline in both the children and the methods of the schools.

School-wide reform programs effectively implemented through the hard work of administrators, teachers, and parents have transformed many struggling schools. Unfortunately, some schools—especially poorer Title I schools—lack the means to pay for these programs. The Comprehensive School Reform Program, CSRP, was established three years ago to help public elementary or secondary schools pay for the initial costs of implementing comprehensive strategies for educational reform. Under CSRP, grants to individual schools are to be at least $50,000 per year (renewable up to three years), in addition to all other federal aid for which they may be eligible.

Schools that adopt comprehensive reform plans generally have searched the education landscape for effective methods. They have studied intensively the reform programs that have been developed by educators around the country. And they have chosen the program that they believe will produce the best results in their school.

Most schools that adopt a comprehensive reform plan do so based on two premises: first, that significantly improving the performance of their school demands a complete reorientation of its resources, methods, and culture; and second, that the reform plan should be based on a body of sound research and should have a proven record of success.

Many reform plans focus on reading, because it is the critical foundation for success in other subjects and in later grades. In most cases, the problems of a student who fails begin early. So must the solutions. We should start by ensuring that all students are able to read by the end of the third grade. Educators widely proclaim that this is a crucial goal. If students have not achieved this standard, they have a very hard time catching up in later grades. The inability to read well handicaps the rest of their studies, and their employment prospects later in life are greatly diminished. In Indiana, as many as a third of all students fall behind by the end of the third grade. Indiana's performance is not unusual—the entire country is failing to meet the challenge of educating all our children.

Mr. President, my first elective office was as a member of the Indianapolis Board of School Commissioners in the mid-1960s. At that time, our school board struggled with basic questions of improvements in educational standards, desegregation of schools, and getting children proper nutrition and immunizations. Since that time, as a mayor and as a Senator, I have followed closely the development of education in America. In some areas we have done well. In other areas, our progress has been disappointing.

But during that time, few developments have encouraged me as much as the advances in comprehensive school reform. There are many reform programs achieving positive results. But to illustrate the concept, I would like to describe one in particular. This is ''Success for All,'' which was developed by Dr. Robert Slavin at Johns Hopkins University in Baltimore. Success for All is a great idea that has proven its value in many schools across the country, including 13 in Indiana.

Reading is serious business at a Success for All school. For 90 minutes each day, students are grouped by their reading ability rather than their grade level. This allows students who excel at reading to progress at their own rate, while ensuring that students who fall behind will receive intensive attention to stimulate their progress. To set the tone and importance of the reading period, students proceed silently and purposefully through the hall to their reading group classroom.

Once the period begins, there is a rapid-fire of sequential lessons. Each segment is short enough to maintain the interest and attention of even the most distracted student. The lessons are fun but rigorously structured. Teachers read a story. Then students are involved in reading the words to the story in unison, discussing the story with a partner, then answering questions to test comprehension. At the completion of a successful lesson segment, students choose one of many group cheers. This positive reinforcement both encourages children, and fosters group cooperation.

During the reading period, every staff person in the school is involved in reading. The art teacher or gym teacher may be tutors, for example. Parents also agree to have their children read to them for 20 minutes each night. If this doesn't happen, adults are available to work with the students during the morning school breakfast period.

Because Success for All depends on the commitment of the entire faculty and because it requires such a fundamental change in the way a school operates, Dr. Slavin requires that at least 80 percent of the faculty must approve Success for All by secret ballot.

The discipline and accountability of the program greatly reduce the possibility that students will fail. If a student falls behind, tutoring sessions are set up to get the student caught up. By teaching children to read in the early grades, our schools can avoid holding students back, promoting them with insufficient ability or transferring them out of the normal curriculum to special education courses. Referrals to special education in Success for All schools have been shown to decrease by approximately 50 percent. In schools where Success for All is taught, students learn to read by the third grade. By the fifth grade, students in these schools are testing a full grade level ahead of students in other schools.

I would strongly encourage each of my colleagues to visit a Success for All school, if they have not already done so. I have had the pleasure of visiting Maplewood Elementary School in Wayne Township, Marion County, Washington Elementary in Gary, and Fairfield Elementary in Fort Wayne, which has had Success for All since 1995. In my judgment, anyone who sees Success for All in action will become a believer. I have contacted every school district in my state to suggest that they take a look at Success for All or another comprehensive school reform program based on rigorous research.

Mr. President, the amendment I am offering today would allow more struggling schools to adopt comprehensive school reform programs. These programs are a comparative bargain for our schools and our children when one considers their success at preventing the enormous costs of retention, special education and illiteracy. But many schools need help paying for the start-up costs and the reading materials associated with comprehensive reform programs.

Most of the more than 1,500 schools nationwide that use Success for All fund it with the Federal Title I program. Others have tapped private sources. But increasing funding for the Comprehensive School Reform Program is the most direct way to give more local schools the chance to embrace school-wide reform and transform the lives of their students. The program deserves more support because its positive impact on literacy and the ultimate success of students is so demonstrable.

Each child must learn to read. The quality of life for that child depends upon that single achievement, as does the economic future of our country. I ask my colleagues to support this amendment.

## MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

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

## UNIVERSITY OF NORTHERN IOWA'S TONY DAVIS

Mr. GRASSLEY. Mr. President, I am here to discuss the achievements of an outstanding student athlete at an outstanding institution.

Tony Davis, a secondary education major at the University of Northern Iowa—my alma mater—was recently named the NCAA Champion for wrestling in the 149-pound division.

Tony was born and raised in Chicago.

Before coming to UNI, he wrestled at Mount Carmel High School in Chicago and Iowa Central Community College, where he received two national junior college championships.

Tony chose to come to UNI for two reasons: to wrestle at a Division I school and to study to be a teacher and coach.

Before the 1999–2000 season, Tony was ranked first in the nation in his weight division. And, he maintained that ranking and came to the NCAA finals with a 26–1 record.

Tony's life philosophy is this: focus and dedication lead to success at all levels.

Looking at the road Tony has traveled to reach this point, it is evident focus and dedication played a large role in his success.

And, to quote Tony:

> God played a big role in . . . getting on the right track of life. I have a lot of people to thank along the way. It was a long way to come. The most important thing is I got here.

This past week was finals week at UNI. And, I want to commend Tony Davis for his commitment and dedication—not only to sports but also to academics.

Next year, Tony Davis will return to UNI—again for two reasons. Tony will be finishing up his academic degree while also serving as an assistant wrestling coach.

UNI has a long tradition of excellence in training teachers.

This legacy of excellence in education will be continued as Tony has an opportunity to train wrestlers to succeed—both on and off the mat.

And so, I salute Tony Davis, his teammates, Coach Mark Manning, and the University of Northern Iowa for supporting each student on and off the mat.

Go Panthers!

SHOTINGS IN PITTSBURGH, PENNSYLVANIA

Mr. SPECTER. Mr. President, I seek recognition today to speak about an incident that has sent shock waves throughout the conscience of our Nation. On April 28th, in Pittsburgh, Pennsylvania, five of my constituents were brutally murdered and one critically injured in what seems to be a hate crime. Reports indicate that the perpetrator actively and methodically sought out his minority victims during the 72-minute rampage. The victims of this brutal rampage were a 63-year-old Jewish woman, a 31-year-old man of Indian descent, a 22-year-old African-American student, a 27-year-old Vietnamese man, and a 34-year-old Chinese-American man. In addition to the five people killed, another 25-year-old man of Indian descent was shot in the neck and critically injured. The alleged killer also fired rounds at two synagogues and spray-painted the word ''Jew'' and two swastikas on the wall of one of them.

The alleged murderer was arraigned on five counts of homicide, seven counts of ethnic intimidation, three counts of criminal mischief, two counts each of arson and institutional vandalism and one count each of attempted homicide, firearms violations, reckless endangerment and aggravated assault. This senseless rampage that left five people dead and one in critical condition poses some of the most important and vexing law enforcement challenges currently facing our Nation. Such heinous hate-filled acts of violence divide our communities, intimidate our citizens, and poison our collective spirit. While our hearts are grieving for those who have lost loved ones, we must try and find some consolation by using this atrocity to send a strong message that hate crimes will not be tolerated.

Such vicious attacks are a form of terrorism that threaten the entire Nation and undermine the ideals on which we were founded. I am a principal sponsor of S. 622, the Hate Crimes Prevention Act of 1999. I was the District Attorney in Philadelphia for eight years and I did not like Federal encroachment on State jurisdiction—but there are some instances when Federal intervention is necessary. Some of the ugliest instances of violence in our nation have been motivated by hatred based on race, color, religion, national origin, sexual orientation, and disability. It is in the case where it is plain that it was a hate crime situation—in these extremely usual situations, the I believe Federal authority ought to be present where it is necessary.

I know that there are those that are concerned about the expansion of Federal jurisdiction, which is something that we should be very careful about. It is with this very concern in mind that this legislation has been narrowly tailored to target a very, very important area—it has been done with a scalpel and not a meat axe. We need to let people out there know that if the crime is bad enough and the local prosecutors won't act that there is a Federal authority to come in where absolutely necessary. Current law, 18 United States Code, Section 245, permits federal prosecution of a hate crime only if the crime was motivated by bias based on race, religion, national origin, or color and the assailant intended to prevent the victim from exercising a ''federally protected right.'' These activities are: (A) enrolling in or attending a public school or public college; (B) participating in or enjoying a service, program, facility or activity provided or administered by any state or local government; (C) applying for or enjoying employment; (D) serving in a state court as a grand or petit juror; (E) traveling in or using a facility of interstate commerce; and (F) enjoying the goods or services of certain places of public accommodation. The statute's dual requirement that the government has to prove that the defendant committed an offense not only because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of six narrowly defined ''federally protected activities'' substantially limits the potential for federal prosecution of hate crimes, even when the crime is particularly heinous. The Hate Crime Prevention Act will make it easier for the Federal government to successfully prosecute ate crimes by amending current law to eliminate the dual requirement and by expanding the list groups entitled to protection under Federal law to include women, homosexuals and the disabled. Under this bill, hate crimes that cause death or bodily injury can be investigated federally, regardless of whether the victim was exercising a federally protected right. In cases involving violent hate crimes based on the victims gender, sexual orientation, or disability, the bill would make it a Federal crime to willfully cause bodily injury to any person, or attempt to do so through use of a firearm or explosive device, whenever the incident affected or involved interstate commerce. No longer would Federal criminal civil rights jurisdiction hinge upon whether a racial murder occurs on a public sidewalk versus a private parking lot. No longer would the Federal government be without the power to work with State and local officials in the investigation and prosecution of a racist who targets and assaults an African American. Criminals will no longer be able to evade Federal prosecution simply because their victims were not enrolling in a public school, using a place of public accommodation, or participating in any of the six federally protected activities at the time they were assaulted.

Mr. President, this is a bill that is narrowly tailored to reach only the most egregious forms of hate crimes. It is important to note that this bill does not impact issues such as job discrimination, political speech or graffiti.

America is the great melting pot. People of different races, religion, and creed join together from all around the globe seeking freedom—religious freedom, political freedom and economic freedom. But unfortunately in our society today there are those who harbor animus towards others because of the color of their skin or the church they attend. Few crimes tear more deeply at the fabric of our Nation than crimes motivated by such hatred. We must continue to work towards freeing our Nation from such violence, discrimination, hatred, and bigotry through education and public awareness. However, while we work towards this goal we must ensure that each and every American is protected from crimes based on race, color, religion, national origin, gender, sexual orientation, or disability.

## ADDITIONAL STATEMENTS

### RICHARD B. HARVEY

• Mrs. FEINSTEIN. Mr. President, today I honor Dr. Richard B. Harvey, Distinguished Service Professor of Political Science on the occasion of his retirement from Whittier College. Over the span of four decades, Dr. Harvey has also served as Assistant Dean, Dean of Academic Affairs and Chair of the Political Science Department of Whittier College.

In addition to his academic pursuits, Dr. Harvey is the accomplished author of The Dynamics of California Government and Politics, a well known textbook in its sixth edition, Earl Warren, Governor of California, and a number of articles and book reviews. He is also a radio commentator, delivering political analysis of election results.

His educational leadership has inspired countless young students to pursue civic opportunities. Dr. Harvey's Politics Outside the Classroom course exposed students various powerhouses in the Los Angeles and Sacramento areas. Students met and discussed California politics with some of the state's most influential political officials, learning more about the practical world of politics than a textbook or lecture can offer.

Dr. Harvey's dedication to educating students and his belief in the significance of the political process are worthy of recognition. He earned a B.A. degree from Occidental College, and M.A. and Ph.D. degrees from the University of California, Los Angeles.

Mr. President, I ask my colleagues to join me in wishing Dr. Richard Harvey best wishes on his retirement and in all of his future endeavors. His dedication and commitment to teaching California politics for over forty years has set an example that will be emulated for years to come.•

## TRIBUTE TO NATIONAL LIFE

• Mr. JEFFORDS. Mr. President, I rise today to honor an organization that has served the state of Vermont, and the nation, for 150 years. National Life has served the needs of millions of Americans during this time, starting with its first policy, issued in 1850, and continuing into the contemporary insurance business. As Chairman of the Senate Health, Education, Labor and Pension Committee, I can personally attest to how valuable their services have been and continue to be. However, National Life is more than just a business, it is an archetype of community relations and a leader in the promotion of ethical market conduct.

National Life was founded in 1848 by Dr. Julius Dewey as a mutual life insurance company. The first claim was paid to a policy owner who had traveled to California for the Gold Rush. From this beginning, National Life has expanded to include 800 career and general agents, and over 3,000 independent brokers. National Life has also grown to include some of the most prestigious services in America, including the Sentinel Fund—established in 1968, the American Guaranty and Trust—chartered in Delaware in 1914, and the national Retirement plan Advisors—founded in 1940.

In 1998, National Life joined the Insurance Marketplace Standards Association. This group promotes ethics in market conduct of the life insurance industry. Among the criteria that National Life had to meet were high standards of honesty in fairness to customers, fair competition, quick resolution of customer disputes and complaints, and customer-focused sales and service. Needless to say, National Life met the criteria in 1998, as they have throughout their long and prestigious history.

This 150th Anniversary also marks a rare meeting of past, present, and future, in 1960, the National Life building was opened. At the dedication ceremony, a time capsule was interred in the floor of the lobby. This time capsule will be opened on May 12, 2000, and we will be able to compare where we are today with where we thought we would be. The hopes and wishes of yesterday have evolved into today's reality, and the year 2000, once an incomprehensible milestone, is no longer the distant future.

While the past and present will merge at this ceremony, the anniversary also provides an opportunity to look forward. True to form, National Life again initiates a bond with the community; among the entries in the Year 2000 time capsule will be the predictions of children of Central Vermont. The hopes and wishes of these children for the future are significant, as they will be the ones living it. Recognizing this, National Life is also contributing money to each participating public elementary school. The students' whose predictions will be included in the time capsule, along with their respective schools, will receive an additional contribution.

On this occasion of celebrating the venerable and storied past of National Life, let us pay tribute to their Vermont roots and their contributions to the Vermont economy during the past century and a half. Far from simply administering to their community, National Life is a part of it. National Life has realized from the start that the investment we make in the children of today will pay dividends in the leaders of tomorrow. For their continued commitment to the community and their customers, they should be commended.•

## A TRIBUTE TO THE SOUTH DAKOTA STATE MEDICAL ASSOCIATION ALLIANCE

• Mr. JOHNSON. Mr. President, I rise today to recognize the South Dakota State Medical Association (SDSMA) Alliance. This year the SDSMA Alliance will celebrate its 90th anniversary, making it the oldest continuous medical Alliance in the United States. For ninety years, this physicians' spouses organization has proudly been the volunteer hands and voices of the South Dakota State Medical Association.

Though their accomplishments may not be always easily enumerated or quantified, their impact has been felt across every mile of the state of South Dakota. The SDSMA Alliance has led or united with other organizations in an effort to insure that our communities are healthier and safer. Members of the SDSMA Alliance have always reached out to feed the hungry, give warmth to those who were cold, provide shelter and safety to the abused, and bring smiles and joy to children in need of books or toys. Health promotion and community projects are, indeed, the cornerstone of the Alliance.

Oftentimes, the mission statement of an organization tells us all we need to know about the character of the individuals who have joined together. In the case of the SDSMA Alliance, this statement holds true once again. Their mission to promote public health, create safer communities, protect the patient-physician relationship, and generate funds to help educate future physicians is a testament to their desire to positively impact every South Dakota community in which their work is done.

As just one example of the Alliance's hard work and dedication, last June they declared-not war-but peace on all school campuses throughout out state. Their focus was not just on guns and grenades, but bullying and fist fights, taunting and threats, intolerance and isolation, because that, as we all know, is where the problems usually begin.

To emphasize the need to provide our children and educators with a safe school environment, the SDSMA Alliance launched a campaign to provide K–3rd grade students with conflict resolution and self-esteem building activities. Thousands of ''I Can Choose,'' ''I Can Be Safe,'' ''Hands Are Not For Hitting,'' and ''Be A Winner'' workbooks were distributed to schools and shelters throughout our state. Their goal was to arm children with self-esteem and to teach them how to make healthier and safer choices. It is efforts such as these that weave the fabric of our communities closer together and promote safe, learning environments for South Dakota's children.

Mr. President, it is with great honor that I rise today to recognize the South Dakota State Medical Association Alliance for ninety years of hard work and dedication to the health and safety of the people of South Dakota. I applaud the SDSMA Alliance's efforts to combat those forces in our society which would jeopardize the mental and physical wellness of any citizen. I sincerely thank the Alliance for their positive contributions to South Dakota's communities, and I hope that one day we can stand together and say, ''Mission accomplished.''•

## TRIBUTE TO STERLING EDWARDS RIVES, JR.

• Mr. WARNER. Mr. President, I rise to pay tribute to a friend and patriot Sterling Edwards Rives, Jr. of Petersburg, Virginia who died on February 13, 2000, at the age of 78 years.

A native of Surry County, sterling served in the Army at the close of World War II and then spent a year building airfields in the Philippines. He returned to a position as an inspector with the U.S. Department of Agriculture traveling with his wife Virginia Anne and newborn son Sterling III throughout the Southeast grading peanuts, potatoes and produce. Two more sons Andrew II an Bailey were born as they moved to Petersburg where he began his 35-year career where he held leadership positions in the Christ and Grace Episcopal Church.

Sterling Rives served on the Virginia Republican State Central Committee, as a delegate to four national conventions, vice-chairman of the Petersburg Electoral Board, and as a delegate to the White House Council on Aging.

President Ronald Reagan once told me that ''Politics is not a spectator sport.''

No one took that more to heart than Sterling Rives who believed that it was his civic responsibility and patriotic duty to contribute freely his time and talents to elect those he supported to public office. I was privileged to be one of those public servants whom Sterling took by the hand and guided towards election day after election day.

Sterling Rives drove the original footings for the foundation of the Republican Party of Virginia. He and his family gave tirelessly in election after election.

Just last year Virginians elected a Republican Governor, Lt. Governor,

Attorney General and a new Republican majority in the House of Delegates and the Senate for the first time in our state's history. That impressive victory was a most appropriate tribute to Sterling Rives' long public service encouraging people to be active in politics.

We have far too few citizens who recognize the importance of the political process in preserving our democracy and our freedom. The life of Sterling Rives will stand as a model for patriots who seek to preserve our liberty. I know my colleagues join me in paying tribute to Sterling Rives and extending to his family our deepest sympathy.●

## RECOGNITION OF MOUNTAIN HOME JUNIOR HIGH SCHOOL STUDENTS

● Mrs. LINCOLN. Mr. President, I am honored to rise today to pay tribute to an exceptional group of students from Mountain Home Junior High School in my home state of Arkansas. These students won first place in the state competition of the ''We the People . . . The Citizen and the Constitution'' program. I am proud to report that the following students will represent my home state at the national competition this May 6–8 in Washington, DC:

Matthew Brinza, T.C. Burnett, Patrick Carter, Cody Garrison, Meredith Griffin, Kayla Hawthorne, Delia Lee, Megan Matty, Zachary Milholland, Stacy Miller, Jennifer Nassimbene, Rebeca Neis, Patty Schwartz, Carrie Toole, and Kris Zibert.

I also want to say a special word of thanks to their teacher, Patsy Ramsey, who deserves much of the credit for the success of the class.

The We the People . . . program is an outstanding educational initiative developed specifically to educate young people about the Constitution and the Bill of Rights. Students who compete at the three-day national competition, which is modeled after hearings in the U.S. Congress, testify as constitutional experts before a panel of judges representing various regions of the country. The students are then asked a series of challenging questions to test their depth of understanding and ability to apply their constitutional knowledge.

Teaching students about the benefits of public service and the value of representative government is essential to the long-term viability of our nation's democracy. Since its inception in 1987, more than 26 million students and 75,000 educators nationwide have participated in this worthwhile program designed to encourage civic awareness and understanding. I am extremely proud of the Mountain Home students who have earned the opportunity to compete in the We the People . . . finals in Washington, DC. I wish them well in their endeavor and know they will provide an excellent example for others in my state and the nation to follow.●

## GOODWILL INDUSTRIES WEEK

● Mr. GRAMS. Mr. President, I rise today to commemorate Goodwill Industries Week and call attention to a leader in job training and employment services for people with disabilities and other barriers to employment.

Nearly a century ago, Reverend Edgar Helms, a Methodist minister from Boston, founded Goodwill on the premise of reusing household goods and clothing from wealthy neighborhood homes to create a system that provides the poor with training, jobs, and self-esteem. The Goodwill philosophy of ''a hand up, not a hand out'' was born, and has blossomed into a $1.5 billion nonprofit organization. Dr. Helms' own words described Goodwill Industries as both an ''Industrial program as well as a social service enterprise . . . a provider of employment, training and rehabilitation for people of limited employability, and a source of temporary assistance for individuals whose resources were depleted.''

Just a few of the programs offered include retail skills training through a partnership with Target stores, service technician training on-site at Valvoline Instant Oil Change locations, and construction skills training at Habitat for Humanity building sites. These programs, matched with Goodwill employment services, prepare people to enter the workforce in high-demand fields.

Goodwill Stores funnel nearly 84 cents of every dollar spent at Goodwill towards employment and training programs for people faced with barriers to employment. This includes individuals with disabilities, people with limited work history, those who have experienced corporate downsizing, and recipients of government support programs. By operating autonomously, each of the 182 Goodwill member organizations adapts its services to meet the needs of its local community. This allows them to design specific programs and services that give Goodwill graduates the appropriate skills they need to find work close to home.

Goodwill programs may not be for everyone, but Goodwill Industries International, through its employment and training efforts, provided necessary services for nearly 321,000 people worldwide in 1998, people who now have the tools to accomplish the goals in life that were once beyond their grasp.

For this week of May 7–13, I commend those who have made a difference in someone's life through the services of Goodwill Industries and those who accomplish new heights in their careers thanks to these much-needed programs.●

## SISTER CITIES OF NORTH ADAMS, MASSACHUSETTS AND NOISIEL, FRANCE

● Mr. KENNEDY. Mr. President, it's a privilege for me to commend the new sister cities of North Adams, Massachusetts and Noisiel, France. They will officially establish a sister-city relationship on May 20. I extend my warmest congratulations to both cities as they embark on this excellent opportunity.

North Adams and Noisiel have a great deal in common. They have similar population sizes, and they are communities that worked effectively to overcome economic difficulties during the 1980's. Both cities have revitalized former manufacturing plants to create contemporary arts facilities that will attract visitors from many other nations. These two cities have shared remarkably similar experiences, and I commend them both for their impressive success.

Last year, the City of North Adams welcomed Deputy Mayor Daniel Vachez of Noisiel. He visited the many cultural and historic treasures that make North Adams a wonderful example of New England's history and heritage. Mayor John Barrett III has done an outstanding job of supporting impressive development initiatives for the city, and I commend him for his leadership.

I'm sure that the new sister city relationship will be a successful initiative. The relationship is a tribute to the vision and dedication of Mayor Barrett, Deputy Mayor Vachez and the many others in both cities whose enthusiasm and energy have made this project possible. I'm confident that both North Adams and Noisiel will benefit significantly from this relationship, and that their program will be an outstanding example to cities worldwide. I congratulate them for their achievement, and I look forward to a very productive sister city relationship.●

## THE 70TH ANNIVERSARY OF ANTHONY WAYNE ELEMENTARY SCHOOL

● Mr. ABRAHAM. Mr. President, I rise today to recognize Anthony Wayne Elementary School in Detroit, Michigan, which on May 12, 2000, will officially celebrate its 70th Anniversary. Events have been scheduled throughout this week, providing administrators, teachers, students and parents an opportunity to reflect upon the history of their elementary school, and at the same time witness how far it has come in seventy years.

The roots of Wayne Elementary School lie in a two room portable building near the heart of Detroit, where Mrs. Jessie Baum and Ms. Etta Coetzer, under the guidance of Principal Ms. Florence Kessler, began teaching kindergarten through fifth grade students in March of 1928. Their efforts led to the construction of a six-room building at 10633 Courville Street in February of 1930, officially marking the birth of Wayne Elementary School.

Though the face and shape of the building have been forced to change often to accomodate a growing number of students, the teachers and administrators of Wayne Elementary School

still instill the same values into their students as did Ms. Kessler, Mrs. Coetzer, and Mrs. Baum: learning two different sets of three R's, not only the traditional writing, reading, and arithmetic, but also rights, responsibility, and respect.

To this end, Wayne Elementary School encourages parents and other members of the community to become involved with the education of their children. In 1998, working in cooperation with the Greening of Detroit and the Ford Motor company volunteers, the children planted trees, bushes and wild flowers during the month of May. The habitat area now serves as an outdoor classroom and each spring the students intend to plant more trees, bushes and flowers.

Two other important programs have recently been developed at Wayne Elementary School. Academic Games, started by Ms. Nicole Stewart, encourages learning achievement while at the same time demonstrating to students that learning can indeed be fun. And in 1995, two chess teams were formed by Mr. Carter and Mr. Cook, a primary team (K–3) and an upper elementary team of fourth and fifth graders. On May 11, these teams will send ten students to Dallas, Texas, to compete against the nation's best elementary school chess players. I would like to wish them the best of luck in that competition.

Mr. President, I applaud all of the teachers, parents, students and administrators whose hard work over the years has made this anniversary possible. On behalf of the entire United States Senate, I wish Anthony Wayne Elementary School a happy 70th birthday, and continued success in the coming years.●

## MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

## THE FISCAL YEAR 2000 BUDGET REQUEST FOR THE DISTRICT OF COLUMBIA COURTS—A MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Government Affairs.

*To the Congress of the United States:*

In accordance with the District of Columbia Code, as amended, I am transmitting the FY 2001 Budget Request of the District of Columbia Courts.

The District of Columbia Courts have submitted a FY 2001 budget request for $104.5 million for operating expenses, $18.3 million for capital improvements to courthouse facilities, and $41.8 for Defender Services in the District of Columbia Courts. My FY 2001 budget includes recommended funding levels of $98.0 million for operations, $5.0 million for capital improvements, and $38.4 million for Defender Services. My transmittal of the District of Columbia Courts' budget request does not represent an endorsement of its contents.

This transmittal also includes information on grants and reimbursements forwarded by the Courts in response to the request in Conference Report H. Rept. 106–479.

I look forward to working with the Congress throughout the FY 2001 appropriations process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 8, 2000*.

## MESSAGES FROM THE HOUSE

At 1:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 673. An act to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys.

H.R. 1106. An act to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York.

The message further announced that pursuant to the provisions of 22 U.S.C. 276h, the Speaker has appointed the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, appointed on February 14, 2000: Mr. BALLENGER of North Carolina, Vice Chairman, Mr. DREIER of California, Mr. BARTON of Texas, Mr. EWING of Illinois, Mr. BILBRAY of California, Mr. STENHOLM of Texas, Mr. PASTOR of Arizona, Mr. FILNER of California. Ms. ROYBAL-ALLARD of California, and Mr. FALEOMAVAEGA of American Samoa.

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At 3:34 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1744. An act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted.

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 673. An act to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys; to the Committee on Environment and Public Works.

H.R. 1106. An act to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources; to the Committee on Environment and Public Works.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 8, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 1744. An act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted.

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the act.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–491. A joint resolution adopted by the Legislation of the State of Idaho relative to the Northern Rockies Protection Act; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 6

Whereas, on February 2, 1999, H.R. 488, known as the ''Northern Rockies Ecosystem Protection Act,'' was introduced in the U.S. House of Representatives;

Whereas, the Act is far reaching and would designate wilderness, wild and scenic rivers, national park and preserve study areas, wildland recovery areas, and biological connecting corridors in five northwest states: Idaho, Montana, Oregon, Washington and Wyoming;

Whereas, the Act would create over eighteen million acres of new wilderness alone, approximately five million acres of which would be in Idaho, more than in any other state;

Whereas, the Act also designates over a million acres along the Idaho-Oregon border as the Hells Canyon/Chief Joseph National Preserve;

Whereas, the Act, a concept presented by the Montana-based environmental group, the

Alliance for the Wild Rockies, was first introduced in 1992 to oppose a bill designating wilderness areas only in the state of Montana;

Whereas, the members of the Idaho congressional delegation opposed the Act in 1992 and continue to oppose it now;

Whereas, the Act is also opposed by the majority of representatives in the Congress from the other affected states: Montana, Oregon, Washington and Wyoming;

Whereas, the lands addressed by the Act closely resemble those at issue in President Clinton's current roadless lands initiative, which is also opposed by the state of Idaho and the Idaho congressional delegation;

Whereas, setting aside so much acreage in Idaho as wilderness, wild and scenic rivers, national park and preserve study areas, wildland recovery areas, and biological connecting corridors would severely reduce employment and income in many areas of the state in which it is difficult to replace the lost money by other means, and would landlock thousands of acres of state endowment land, thereby reducing funds for public education in Idaho. Now, therefore, be it

*Resolved* by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress of the United States to oppose H.R. 488, known as the ''Northern Rockies Ecosystem Protection Act.'' Be it further

*Resolved,* that the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress of the United States to oppose H.R. 488, known as the ''Northern Rockies Ecosystem Protection Act.'' Be it further

*Resolved,* that the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, support natural resource planning and environmental management featuring site-specific management decisions made by local decision-makers, local citizens and parties directly and personally affected by land and resource management decisions. Be it further

*Resolved* that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

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POM–492. A joint resolution adopted by the Legislature of the State of Idaho relative to additional de facto wilderness in Idaho; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 7

Whereas, Idaho is a state which has sixty-six percent of its landmass controlled by the federal government; and

Whereas, access to Idaho's public lands is a vital part of Idaho's natural resource economy as well as an important part of our citizens heritage, recreation and enjoyment; and

Whereas, Idaho currently has 4,081,315 acres of wilderness which is sufficient; and

Whereas, President Clinton has proposed to establish another nine million acres of defacto wilderness in Idaho by declaring certain public lands in the state to be roadless; and

Whereas, Idaho Governor Dirk Kempthorne requested a longer comment period for Idaho citizens to study and comment on the roadless plan and his request was summarily denied by the United States Forest Service; and

Whereas, the state of Idaho has been compelled to initiate a lawsuit to protect its interests in Idaho land designated as public; and

Whereas, roadless areas prevent access to the forests of Idaho and negatively affect forest health by preventing intervention in disease, insect infestations and fire suppression. Now, therefore, be it

*Resolved* by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Congress of the United States is urged to pass legislation negating any Presidential Executive Order President Clinton may issue regarding additional defacto wilderness and instructing the United States Forest Service and the Bureau of Land Management to maintain roads and access into the public lands in Idaho. Be it further

*Resolved* that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

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POM–493. A joint resolution adopted by the Legislature of the State of Idaho relative to extending the deadline on the notice of intent to solicit comments on two draft environmental impact statements, one set of draft rules and a draft environmental assessment; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL NO. 105

Whereas, on October 19, 1999, the United States Forest Service announced a vast ''rulemaking process to propose the protection of the remaining roadless areas within the National Forest System.'' 64 FR 56306. This rulemaking purportedly includes two draft environmental impact statements, at least one set of draft rules, and a draft environmental assessment; and

Whereas, the Notice of Intent (NOI) solicits comments ''on the scope of the analysis that should be conducted'' and ''on the identification of alternatives to the proposal'' that will be set out in this multitude of documents. The NOI then provides prospective commentators with slightly more than sixty days to comment on this enormous and poorly defined proposal. The NOI is an unacceptable affront to the promise of meaningful public participation that is the centerpiece of the National Environmental Policy Act (NEPA); and

Whereas, more than forty million acres of land in the West could be affected by the actions contemplated in the NOI. A permanent moratorium on Forest Service road development will have a devastating impact on timber communities in the West. The proposed moratorium will destroy attempts to develop recreational economies in the West and deny access to huge areas of the West to all but the able-bodied. The sum, the moratorium will deny thousands of citizens the opportunity to use, enjoy and benefit from the land; and

Whereas, the process used by the Forest Service to consider such a potentially severe decision must reflect absolute fairness and deliberation. The NOI demonstrates neither of those traits. No specific proposals are identified. No preliminary findings are referenced; and

Whereas, these failures violate one of NEPA's primary objectives of encouraging and facilitating ''public involvement in decisions which affect the quality of the human environment.'' 40 CFR 1500.2(d); and

Whereas, the NOI states that it ''initiates the scoping process.'' 64 FR 56307. However, the NOI does not identify ''the significant issues related to [the] proposed action,'' as is required by federal regulations. 40 CFR 1501.7. The NOI does does not encourage ''the participation of affected federal, state and local agencies'' and the regulations implementing NEPA anticipate. 40 CFR 1501.7(a)(1); and

Whereas, the ambiguity and confusion that characterize the NOI are compounded by the fact that the comment period is so brief. Title II 40 CFR 1501.8(b)(1)(i)–(viii) specifically set out considerations that the Forest Service should be using in determining the time limits for soliciting comments on the NOI.

''(b) The agency may:

(1) Consider the following factors in determining time limits:

(i) Potential for environmental harm.

(ii) Size of the proposed action.

(iii) State of the art of analytic techniques.

(iv) Degree of public need for the proposed action, including the consequences of delay.

(v) Number of persons and agencies affected.

(vi) Degree to which relevant information is known and if not known the time required for obtaining it.

(vii) Degree to which the action is controversial.

(viii) Other time limits imposed on the agency by law, regulations or executive order.''; and

Whereas, it should be obvious that all of these factors support a careful, deliberate, consideration of the environmental impacts of the proposed permanent moratorium. The expedited deadline in the NOI is completely inconsistent with 40 CFR 1501.8(b); and

Whereas, in an October 28, 1999, letter to forest service managers, Mike Dombeck, Chief of the U.S. Forest Service suggested that the Forest Service is attempting to complete the environmental analysis of a permanent moratorium in a ''short time frame.'' The U.S. Forest Service should not be trying to ramrod a decision that will shut down forty million acres of western lands into ''a short time frame.'' You should be honoring the spirit, not to mention the clear mandate, of NEPA by providing meaningful opportunity for public participation and careful, principled, environmental analysis; and

Whereas, the closing date for public comments was set for December 20, 1999. With decisions on the management of over forty million acres of land in the West at stake, the time is clearly not adequate time for officials to thoroughly review and analyze the proposal, and to provide the Forest Service with informed and substantive comment. Now, therefore, be it

*Resolved* by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that the U.S. Forest Service extend the deadline to submit comments on the NOI by one hundred twenty days. An expedited consideration of this request is appreciated. Be it further

*Resolved* that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Chief of the United States Forest Service, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

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POM–494. A joint resolution adopted by the Legislature of the State of Idaho relative to a United States Forest Service proposed rule regarding forest service land and resource management planning; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL NO. 106

Whereas, the United States Forest Service (USFS) published in the Federal Register on October 5, 1999, a proposed rule regarding forest service land and resource management planning; and

Whereas, the Legislature of the State of Idaho advocates improvements to the forest planning regulations; and

Whereas, the USFS needs to simplify, clarify and otherwise improve the planning process as well as reduce the burdensome and costly procedural requirements, and strengthen collaborative relationships with the public and other governmental entities; and

Whereas, the USFS organic act calls for multiple use in managing the national forests with meaningful public input; and

Whereas, the proposed rules are inconsistent with the legislative direction for multiple uses and high-level sustained yield outputs of the renewable timber resource; and

Whereas, timber production must remain a primary use in the National Forest System; and

Whereas, the proposed rules would alter the multiple use and sustained yield mandate prescribed by Congress. Moreover, they reverse the multiple use priorities set by Congress by subordinating timber production to achievement of biological diversity and similar ecosystem goals; and

Whereas, no other law provides authority for the Forest Service to alter the course of management and primary purposes set by Congress for management of the National Forest System; and

Whereas, the proposed rules lack commitment to carrying out economic multiple uses; and

Whereas, the proposed rules fail to provide direction on which plan revisions and amendments require environmental impact statements. Procedures and standards should be revised for significant plan amendments; and

Whereas, the proposed rules provide no effective date for the adoption of an amendment or plan revision. Now, therefore, be it

*Resolved* by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request the United States Forest Service not move forward with final rule based on the October 5, 1999, proposal. Ecological sustainability must start looking at current conditions of the national forests and determining the desired future conditions, which should be healthy forests for the American people to use and enjoy. There should be aggressive, active management, rather than passive management, to restore the health of all land identified as being high risk to insect and disease infestation and/or catastrophic wildfire. Prohibiting management puts our forests at risk to insects, diseases and fire. These proposed rules will cause greater damage to our forests in the long run. Be it further

*Resolved,* that the Legislature of the State of Idaho encourages the agency to readdress its entire approach to ecosystem management. The agency needs to streamline and clarify the forest planning and decision-making processes, strengthen relationships with the public, ensure long-term sustainability of forest ecosystems, and promote adaptive management. The proposed rules cannot accomplish these critical goals in its current form. Ecosystem management and forest planning cannot be successful if the process becomes the goal. Ecosystem management must instead be considered a tool to accomplish the goals which are set in law and through the development of forest plans. Be it further

*Resolved* that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

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POM–495. A joint resolution adopted by the Legislature of the State of Idaho relative to the Bureau of Land Management actions relating to grazing in Owyhee County; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL NO. 107

Whereas, a developing scenario in Owyhee County has been brought to the attention of the Legislature, and it is appropriate that public attention be drawn to this situation as representative of other similar events occurring in Idaho; and

Whereas, the Bureau of Land Management is charged with management of lands in Owyhee County known as the Cliffs Allotment; and

Whereas, the BLM has notified holders of grazing permits in the Cliffs Allotment that the grazing season will be reduced by two and one-half months which is a 53% reduction in the grazing allotment; and

Whereas, the area is managed to meet a requirement of six inch stubble height at the end of the grazing season, a goal which the BLM says has not been met despite photographic evidence and independent monitoring to the contrary; and

Whereas, federal law requires one year's notice before any significant reduction in grazing is ordered, a requirement which has clearly not been met in this case; and

Whereas, a reduction of the size now contemplated would effectively put five ranching families, with a long history in the Cliffs Allotment and evidence of management efforts which have actually improved the conditions of the allotment, out of business; and

Whereas, the BLM is acting with callous disregard of the local economy, the law, and the best interests of the land and the people of Idaho; and

Whereas, the BLM must be brought to recognize and consider all of the interests which are indigenous to the locale including the legitimate goals of citizens who make their living off the land. Now, therefore, be it

*Resolved* by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we join together with the citizens of Owyhee County in their grievance against the untenable action of the Bureau of Land Management in limiting grazing permits with a reduction of the grazing season by two and one-half months. Further, we urge thoughtful reconsideration not only of this decision, but the accumulating body of management decisions made by the Bureau of Land Management which are resulting in further reductions in the resources available to Idahoans who live off the land. Be it further

*Resolved* that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the Director of the Idaho Office of the Bureau of Land Management, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

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POM–496. A joint resolution adopted by the Legislature of the State of Idaho relative to agreements made at the Idaho-Canada Summit regarding agriculture; to the Committee on Finance.

HOUSE JOINT MEMORIAL NO. 9

Whereas, on January 19 and 20, 2000, an agricultural summit was held in Boise, Idaho, involving representatives from the governments of the United States and Canada, the provinces of Alberta, Manitoba, and Saskatchewan, and the states of Idaho, Oregon, Washington and Montana, and representatives from the beef and potato industries of those provinces and states; and

Whereas, through discussions, and the exchange of information and briefings from government and industry, a dialogue was initiated and consensus reached in certain areas of mutual concern; and

Whereas, both the Alberta and Idaho conference attendees agreed that they would communicate points of agreement to their national governments through a formal communication, which this memorial embodies and constitutes. Now, therefore, be it

*Resolved,* by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the agreements made at the Idaho-Canada Summit, and urge the United States Congress and the United States trade representative to meet with the Canadian government to review and reconcile their statistics concerning the cattle and beef industry, so that the industries on both sides of the border have access to accurate, comparable and timely data. Be it further

*Resolved,* That the states and provinces involved in the Pacific Northwest Cattle Project meet and develop a consistent set of cattle statistics and a single methodology for gathering and reporting these statistics, and also improve communication through regional meetings, tours and exchanges. Be it further

*Resolved,* That the United States Department of Agriculture and Agriculture Canada work towards the removal of federal certificates and federal endorsement requirements for the movement of cattle between Canada and the United States within the Northwest region. Be it further

*Resolved,* That the states and provinces involved should be encouraged to expand the Pacific Northwest Cattle Project for feeder cattle from six months to twelve months access and expand the project to include other classes of cattle. Be it further

*Resolved,* That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

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POM–497. A joint resolution adopted by the Legislature of the State of Idaho relative to shipments of potatoes between the United States and Canada; to the Committee on Finance.

HOUSE JOINT MEMORIAL NO. 8

Whereas, on January 19 and 20, 2000, an agricultural summit was held in Boise, Idaho, involving representatives from the governments of the United States and Canada, the provinces of Alberta, Manitoba and Saskatchewan, and the states of Idaho, Oregon, Washington and Montana, and representatives from the beef and potato industries of those provinces and states;

Whereas, through discussions, the exchange of information and briefings from government, industry and university personnel, a dialogue was initiated and consensus reached in certain areas of mutual concern;

Whereas, both the Alberta and Idaho conference attendees agreed that they would

communicate points of agreement to their national governments through a formal communication, which this memorial embodies and constitutes. Now, therefore, be it

*Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein,* That we support the agreements made at the Idaho-Canada Summit, and urge the United States Congress and the United States trade representative to urge the government of Canada to remove the prohibition on bulk shipment of potatoes between the United States and Canada; and to recognize that United States Department of Agriculture marketing orders should be considered as a quality assurance measure and not as a technical trade barrier. Be it further

*Resolved,* That the United States government should make every effort to quickly harmonize and equalize laboratory testing of potatoes so that there is mutual acceptance of each country's respective test results. Be it further

*Resolved,* That the dialogue initiated during these meetings should be continued through further meetings of smaller working groups comprised of industry, state and provincial representatives and that their recommendations should be given great weight by their respective national governments. Be it further

*Resolved,* That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

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POM–498. A joint resolution adopted by the Legislature of the State of Idaho relative to full deductibility from federal income taxes of health insurance premiums for individuals, the self-employed small groups; to the Committee on Finance.

SENATE JOINT MEMORIAL NO. 108

Whereas, the Health Insurance Premiums Task Force was established to identify, explore and address causes of the alarming increase in the costs of health insurance; and

Whereas, in the course of its examination the task force received extensive information, data and testimony from consumers, employers and representation of the health care industry, including carriers, agents, pharmaceutical manufacturers, pharmacists, hospitals, physicians and other health care providers; and

Whereas, the task force found that federal and state reforms and mandates, including those requiring guaranteed issue of insurance policies in the individual and small group insurance markets, have created a segment of high risk individuals who must be insured, causing the entire population, and particularly the healthy, to pay much more for health insurance; and

Whereas, the task force further found that the dramatic increase in premium rates has driven expanding numbers of healthy individuals into the ranks of the uninsured, resulting in even greater costs to insurers to provide required coverage for the high risk unhealthy population, and greater costs to the remaining insured population; and

Whereas, the task force also determined that costs to provide health care and treatment for uninsured individuals is another significant factor in the high cost of health insurance; and

Whereas, the task force concluded that among other possible solutions, providing full deductibility from federal income taxes of health insurances premiums for individuals, the self-employed and small employers would bring the healthy back into the insured market, lower costs to employers who must provide coverage, reduce the uninsured population, and restore a balance of risk in the market that will make health insurance more affordable and accessible. Now, therefore, be it

*Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein*, That federal legislation be enacted providing full deductibility from federal income taxes of health insurance premiums for individuals, the self-employed and small groups. Be it further

*Resolved,* That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this memorial to the President and Vice President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the state of Idaho in the Congress of the United States, the President of the Senate and the Speaker of the House of Representatives of each State Legislature, and to the presidential candidates.

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POM–499. A resolution adopted by the Senate of the General Assembly of the State of Illinois relative to Social Security; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 32

Whereas, Social Security provides American workers and their families with universal, contributory, wage-related, inflation-adjusted benefits in the event of the retirement, disability or death of a wage earner; and

Whereas, Social Security is more than a retirement program, it is a family program; without Social Security, about 54 percent of the population aged 65 and over, and more than 15 million beneficiaries overall, would be living in poverty; about 98 percent of children under age 18 can count on monthly cash benefits if a working parent dies; seven and a half million Americans with disabilities currently benefit from the program; and

Whereas, throughout its existence as a federal program, Social Security's trustees and administrators have carefully modified the benefit and financing structure to ensure the program's viability in light of demographic and economic developments; and

Whereas, congressional leaders and the President are seeking to engage the American people in a dialogue about Social Security that could lead toward enactment of bipartisan legislation ensuring Social Security's long-term solvency; and

Whereas, Social Security is not in crisis and, without any changes, could pay full benefits until 2032 and 75 percent of benefits thereafter based on the most recent projections of the Social Security Board of Trustees; and

Whereas, the long-term solvency of Social Security can be ensured for future generations with measured and timely adjustments to the program made by Congress; and

Whereas, the federal Medicare program provides health care for the nation's citizens who qualify for Medicare benefits; and

Whereas, Medicare benefits are the subject of reform discussions in the United States Congress; and

Whereas, participants in the federal Medicare program do not currently enjoy full coverage for prescription medication; therefore, be it

*Resolved, by the Senate of the ninety-first general assembly of the State of Illinois, the House of Representatives concurring herein,* That the Congress of the United States of America is hereby petitioned to preserve Social Security as a contributory social insurance system where risk is pooled among all workers and participation is mandatory within a covered group; and be it further

*Resolved,* That the Congress of the United States of America be urged to ensure the long-term financial viability of Social Security, as described above, and restore public confidence in the future of the program; and be it further

*Resolved,* That Social Security must continue as a federal program, having a unified program allows for the portability of benefits, disability and family support protections, and maximum retirement security for low and moderate wage earners; and be it further

*Resolved,* That we urge the Congress of the United States of America to provide full benefit coverage for prescription medication under the federal Medicare program; and be it further

*Resolved,* That suitable copies of this resolution be delivered to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Illinois congressional delegation.

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POM–500. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to the Internal Revenue Code; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, The State of West Virginia has an aggregate unfunded liability in its pension programs of some four billion dollars; and

Whereas, The Governor of West Virginia has proposed to the West Virginia Legislature and the West Virginia Legislature has enacted Senate Bill 175 providing for the issuance of pension bonds to fund the retirement plans of the State of West Virginia and to fix the amortization of the current, unfunded liability; and

Whereas, If all of the bonds to be issued pursuant to this legislation could be issued as ''tax-exempt'' bonds, so that the income received therefrom by the holders of said bonds were exempt from federal income taxes, then the bonds could be issued at substantially lower interest rates than they will pay as taxable bonds, resulting in the savings of tens of millions of dollars to the citizens of West Virginia; and

Whereas, In this area of large federal budgetary surpluses, it seems reasonable that the United States of America could take this modest action to assist West Virginia, whose citizens, while being patriotic Americans, still enjoy lower per capita incomes than do the citizens of most other sister states; therefore, be it

*Resolved by the Legislature of West Virginia:* That the West Virginia Legislature does hereby respectfully request that the United States Congress will enact appropriate legislation to amend the Internal Revenue Code to permit the pension bonds to be issued and sold as ''tax-exempt'' bonds, so that the income received from said bonds by the holders thereof would be exempt from federal income taxes; and, be it

*Further Resolved,* That the Clerk of the West Virginia House of Delegates is directed to forward copies of this resolution to the Clerk of the United States Senate and the Clerk of the United States House of Representatives and to the members of the West Virginia Congressional Delegation including The Honorable Robert C. Byrd, The Honorable John D. Rockefeller, IV, The Honorable Alan B. Mollohan, The Honorable Robert E. Wise, Jr. and The Honorable Nick Joe Rahall, II.

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POM–501. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Mortgage Revenue Bonds; to the Committee on Finance.

SENATE RESOLUTION NO. 139

Whereas, State and local governments sell tax-exempt Mortgage Revenue Bonds (MRBs) and pass on the interest savings in discount mortgages to low income first-time home buyers for rehabilitation and energy improvements for existing homes, and to older home owners to use to draw on their home equity for living costs; and

Whereas, Each state's annual supply of MRBs is grouped under a more than 12-year-old limit with tax-exempt bonds for industrial development, public-private partnerships for municipal services, redevelopment of blighted areas, and student loans. This limit is $50 per state resident and has never been adjusted for inflation. Last session, the federal Omnibus Appropriations Act contained partial, phased-in cap relief, but it does not take full effect until 2007; and

Whereas, Since 1986, when the limit was enacted, the economy has doubled in size, home prices for first-time buyers have nearly doubled, and inflation has increased by 50 percent. As a result, MRBs have lost nearly 50 percent of their purchasing power. Moreover, the bond limit is curtailing Michigan's ability to meet its housing needs; and

Whereas, More than 67 percent of low and moderate income renters desperately want to own their own homes. Yet, millions of teachers, fire fighters, police officers, and industrial, service, and agriculture workers are denied the opportunity of home ownership because their incomes are insufficient; and

Whereas, MRBs have made first-time home ownership possible for 2 million low-income families, about 125,000 every year. A typical MRB mortgage saves as much as $100 a month in comparison to a conventional mortgage. MRBs also provide low-income workers with down payment and closing cost assistance; and

Whereas, Raising the bond limit would cost just over $1 billion of the $143 billion budget surplus the Congressional Budget Office projects over the next 5 years. These additional bonds will create thousands of jobs and generate billions in wages and tax revenues, paying back a significant portion of their cost to the United States Department of Treasury; now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to enact legislation to increase the state ceiling on Mortgage Revenue Bonds and index it in accordance with the Consumer Price Index; and be it further

*Resolved*, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and members of the Michigan congressional delegation.

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POM–502. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to protecting senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 163

Whereas, throughout our nation's history, older generations of Americans have contributed greatly to the prosperity of the United States; and

Whereas, older Americans have always recognized the value of the economic freedoms that our forefathers fought to ensure; and

Whereas, older Americans have always been leaders in the realms of business and industry, serving as mentors and teachers to ensure that younger generations would have the knowledge and skills to carry on; and

Whereas, throughout their toil and enduring commitment to the principles of freedom, older Americans have laid the foundation for the economic prosperity and financial security of all Americans; and

Whereas, during the early years of the twentieth century, the current generation of older Americans have worked hard to ensure that their families and communities could continue to enjoy this financial security for generations to come; and

Whereas, they endured the struggle of the Great Depression, undergoing countless hardships as they rebuilt this nation, by the sweat of their brows, both economically and spiritually; and

Whereas, they fought in wars to preserve the liberties that have enabled our nation to earn its place as the economic leader in the world; and

Whereas, throughout those hardships, the current generation of older Americans learned to appreciate the importance of preserving assets—the homes, land, durable goods, and ''nest eggs'' they had managed to hold onto despite the economic challenges they had faced; and

Whereas, today, these personal assets help them maintain the dignity, independence, and health they so cherish as Americans; and

Whereas, with nursing home care now costing an average of $40,000 to $50,000 per year, long-term care expenses can have a catastrophic effect on families, wiping out a lifetime of savings; and

Whereas, steps need to be taken to inform the public about the financial risks posed by rapidly increasing long-term care costs and about the need for families to plan for their long-term care; and

Whereas, the federal laws governing the rules of qualification for federal medical and long-term care benefits force many older Americans to liquidate their assets, including their homes and life savings; and

Whereas, these confiscatory policies impose unjust and inequitable burdens on older Americans who have contributed so much to our economic security; and

Whereas, widespread use of private long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on the federal government to provide medical and long-term care benefits; now, therefore, be it

*Resolved by the Senate, the House of Delegates concurring*, That the Congress of the United States be urged to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; and be it

*Resolved further*, That the Congress of the United States be urged to ensure that persons who purchase long-term care insurance policies will be able to protect their assets equal in value to the policy purchased; and be it

*Resolved finally*, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

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POM–503. A joint resolution adopted by the Legislature of the State of Idaho relative to increased Medicare reimbursements; to the Committee on Finance.

SENATE JOINT MEMORIAL NO. 109

Whereas, alarming increases in the costs of health care and health insurance have caused a health care crisis of epidemic proportions;

Whereas, the Idaho Health Insurance Premiums Task Force was established to identify, explore and address the causes of this crisis; and

Whereas, in the course of its examination the task force received extensive information, data and testimony from consumers, employers, and representatives of the health care industry, including carriers, agents, pharmaceutical manufacturers, pharmacists, hospitals, physicians and other health care providers; and

Whereas, the task force found that among the factors contributing to inflated health care and insurance costs are an aging population, new and more expensive technologies, advancements in drug therapy and greater reliance upon costly designer pharmaceuticals, as well as increasing consumer demand, utilization and expectations with respect to health care services; and

Whereas, the task force further determined that reimbursements to providers for health care services furnished to patients receiving Medicare are significantly below the actual costs to the provider to furnish these health care services; and

Whereas, providers are finding it necessary to recoup losses incurred to serve Medicare patients from other sources, including shifting costs to non-Medicare patients, which leads to higher claims expenses to insurers and increased premium rates to the insured; and

Whereas, some providers are no longer taking Medicare patients because of the providers' inability to recover their costs, thus reducing provider availability and limiting access to health care for many who are most in need of health care services. Now, therefore, be it

*Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein*, That federal legislation be enacted to increase Medicare reimbursements to levels allowing providers to fully recover the actual costs of providing necessary health care services to Medicare eligible patients. Be it further

*Resolved*, That the members of the Idaho Legislature respectfully suggest that if the President and Congress are sincere in their resolve to find solutions to the health care crisis they should start by funding Medicare at appropriate levels. Be it further

*Resolved*, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the state of Idaho in the Congress of the United States, to the President of the Senate and the Speaker of the House of Representatives of each State Legislature, and to the presidential candidates.

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POM–504. A joint resolution adopted by the Legislature of the State of Idaho relative to the Coeur d'Alene Basin; to the Committee on Environment and Public Works.

SENATE JOINT MEMORIAL NO. 111

Whereas, the United States Environmental Protection Agency (EPA) continues to engage in unilateral actions regarding efforts to expand the existing twenty-one square mile Superfund site to include the entire 1,500 square mile Coeur d'Alene River Basin; and

Whereas, the EPA staff members working on Coeur d'Alene Basin issues continue to disregard the views of Idaho's citizens and elected officials; and

Whereas, the EPA has already spent many millions of dollars in the Coeur d'Alene

Basin outside the existing Superfund site without any meaningful cleanup to date; and

Whereas, the EPA has undertaken the steps to complete a Remedial Investigation/Feasibility Study (RI/FS) even though the basin is not listed on the national priorities list; and

Whereas, the state of Idaho has been previously granted the leadership role in the Human Health Risk Assessment portion of the RI/FS; and

Whereas, the EPA efforts to bifurcate the RI/FS process appear detrimental to current settlement discussions among all of the parties; and

Whereas, the state of Idaho, the Governor and the Director of the Department of Environmental Quality, have taken the leadership role in development of a plan to remediate the problems in the basin and have actively gained support of local units of government, local citizens, tribal members and responsible parties. Now, therefore, be it

*Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein,* That we strongly support efforts by the Idaho Department of Environmental Quality to assert and maintain the leadership role in designing and implementing a solution to the multiple dilemmas in the Coeur d' Alene Basin. Be it further

*Resolved,* That we request the Environmental Protection Agency to use its authority to support efforts by the Idaho Department of Environmental Quality to resolve this problem and to refrain from any strategic delays, unilateral decisions or media manipulation. Be it further

*Resolved,* That we request a letter be sent from the Administrator of the Environmental Protection Agency to the Region 10 office of the EPA instructing the region to fully support and cooperate with the Governor of the State of Idaho and the Director of the Idaho Department of Environmental Quality in reaching a settlement in these matters. Be it further

*Resolved,* That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the Administrator of the United States Environmental Protection Agency, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

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POM–505. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Southern Dairy Compact and the federal Clean Water Act; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 255

Whereas, the dairy industry is an essential agricultural activity of the South, and dairy farms and associated suppliers, marketers, processors, and retailers are an integral component of the region's economy; and

Whereas, the ability of dairy producers to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the Commonwealth and region; and

Whereas, milk is Virginia's number two livestock commodity in terms of cash receipts, and dairy farms are an integral part of the Commonwealth's rural communities; and

Whereas, the United States has lost two-thirds of its dairy farms since 1975; and

Whereas, because of the perishable nature of milk and the fact that milk production is capital intensive and generates a low profit margin based on equity, dairy farmers are uniquely vulnerable to fluctuations in market prices; and

Whereas, the price of milk dropped forty percent on one month during the spring of 1999; and

Whereas, recognizing the interstate character of the southern dairy industry, Virginia and several other southern states have enacted the Southern Dairy Compact, for the purpose of taking such steps as are necessary to ensure the continued viability of dairy farming in the South, and to assure consumers of an adequate, local supply of pure and wholesome milk; and

Whereas, Congress has not yet approved the Southern Dairy Compact; and

Whereas, the federal Clean Water Act requires states to develop Total Maximum Daily Loads (TMDLs), which must be approved by the United States Environmental Protection Agency (EPA); and

Whereas, TMDLs are written plans and analyses established to ensure that a particular impaired water body will attain and maintain water quality standards; and

Whereas, the EPA may require that Virginia's TMDLs impose requirements on farmers to control nonpoint source pollution; and

Whereas, both the failure of Congress to approve the Southern Dairy Compact and the threat of environmental regulation of farms add to the uncertain future of dairy farming in Virginia; now, therefore, be it

*Resolved by the Senate, the House of Delegates concurring,* That Congress be urged to protect Virginia's dairy industry by approving the Southern Dairy Compact and ensuring that the federal Clean Water Act is implemented in a way that does not place an undue burden on farmers; and, be it

*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

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POM–506. A joint resolution adopted by the Legislature of the State of Idaho relative to water quality goals; to the Committee on Environment and Public Works.

HOUSE JOINT MEMORIAL NO. 10

Whereas, the state of Idaho is fully committed to achieving and maintaining water quality for public use and recreation and the protection and aquatic ecosystem; and

Whereas, substantial progress has already been made toward this objective nationwide through the investment of almost one trillion dollars by the municipal and industrial sectors of the economy and an effective federal, state and local partnership with the private sector, in which the states have primary and lead authority; and

Whereas, the state's direct experience demonstrates that achievement of water quality goals depends upon the use of sound science and quality of data, an interative approach to water quality management, a commitment to accommodating economic development, and careful investment of limited resources to maximize environmental benefits, and broad-based public support; and

Whereas, the state's direct experience also demonstrates that the remaining water quality challenges are complex, difficult and site-specific, requiring tailored solutions, better science and monitoring data; and

Whereas, the state has many effective regulatory and cooperative programs underway that are achieving better and greater protection of water quality that can be achieved with a prescriptive federal approach; and

Whereas, Section 303(d) of the Clean Water Act, pertaining to total maximum daily loads (TMDLs), is but one of the many tools that the state and local government have to assure effective water quality management and is not always the most efficient and effective; and

Whereas, the U.S. Environmental Protection Agency's recently proposed TMDL regulations exceed their authority; impose upon the states many new prescriptive, costly, unattainable and often unnecessary requirements; position the U.S. Environmental Protection Agency to arbitrarily take over state program activities; and halt economic development in many waters far into the future; and

Whereas, the proposed regulations impose ''unfunded mandates'' on the state agencies; and

Whereas, the proposed regulations circumvent the state-based best management practices approach under Section 319 of the Clean Water Act to managing nonpoint source runoff from land-based activities, such as forestry, and superimpose a federal regulatory program on millions of landowners, reversing more than two decades of precedent under the Clean Water Act; and

Whereas, the proposed regulations contain inconsistent and vague terminology that will lead to more state and federal litigation and misallocation of resources while stifling creativity and development of more cost-effective approaches at the state level. Now, therefore, be it

*Resolved by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein,* That the United States Environmental Protection Agency should, in partnership with the states, reconsider and significantly revise its TMDL proposed regulations and guidance, while taking a more reasonable approach that:

1. Recognizes the limits of the TMDL statutory tool and relies on the many effective approaches states have undertaken under the Clean Water Act and other statutory authorities in partnership with local government, federal agencies and the private sector;

2. Uses Section 303(e) rather than Section 303(d) to inventory water quality generally and establishes a more focused basis for listing of waters under Section 303(d);

3. Provides states the ability to deal, in the most reasonable, cost-effective manner possible, with complex or difficult water quality situations, such as where legacy pollutants, air deposition and nonpoint sources contribute to impairment;

4. Provides fair and workable procedures for issuing new or renewed permits, which allow flexibility in making reasonable progress in reducing loadings, without imposing unnecessary restrictions stifling economic growth;

5. Postpones the April 2000 listing of 303(d) waters for which TMDLs will be required until two years after promulgation of changes to the existing regulations;

6. Is performance based, enabling states to take alternative ''functionally equivalent'' approaches through regulatory and other means states deem appropriate so long as their water quality standards will be achieved; and

7. Focuses the federal government on the priority need for better funding of state monitoring and watershed technical assistance. Be it further

*Resolved* That we request the congressional authorizing committees and other interested committees to conduct comprehensive hearings on the proposed rules and the Section 303(d) program in general, and ensure that a comprehensive analysis of the economic and program impacts of the entire TMDL program is completed; and be it further

*Resolved* That due to the continued proliferation of lawsuits, court orders and consent decrees that are placing an onerous burden on many states, the U.S. Environmental Protection Agency should support state efforts to renegotiate those requirements based on improvements made to the national program. Be it further

*Resolved* That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

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POM–507. A joint resolution adopted by the Legislature of the State of Idaho relative to the establishment of an Idaho State Veterans Cemetery; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 46

Whereas, Idaho is the only state in the nation without a state or federally-supported cemetery for its wartime veterans; and

Whereas, Thirty-two states currently have, or are planning, the construction of a state cemetery; and

Whereas, Idaho World War II veterans are dying at an alarming rate and deserve to be laid to rest in a field of honor befitting their sacrifices; and

Whereas, the federal government will commit funding for one hundred percent of planning, construction and support equipment costs for the establishment of a state veterans cemetery for Idaho; and

Whereas, the state of Idaho is obligated to provide the land and perpetual funding for operation and maintenance of the cemetery; and

Whereas, a land donor has committed sufficient acreage in the Hidden Hollow subdivision of Boise, Idaho, located north of Dry Creek Cemetery, west of old Highway 55; and for the purposes of applicable taxes, the real property, when accepted by the state of Idaho, shall be considered a gift with the understanding that the property shall revert to the donor if a veterans cemetery is not constructed on such property; and

Whereas, funding for the continued operation and maintenance of the state veterans cemetery shall be derived from veterans motor vehicle license plates; and

Whereas, preliminary estimates gained through proposed bids for operation and maintenance of the cemetery are less than one hundred thousand dollars annually. Now, therefore, be it

*Resolved* by the members of the Second Regular Session of the Fifty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we support the establishment and perpetual maintenance and operation of an Idaho state veterans cemetery. Be it further

*Resolved* That it is the intent of the Legislature that two hundred thousand dollars be appropriated for fiscal year 2001 for cemetery design, and that such amount be reimbursed to the state of Idaho by the federal Veterans Administration. Be it further

*Resolved* That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this resolution to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

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POM–508. A joint resolution adopted by the Legislature of the State of Washington relative to the National World War II Veterans' Memorial; to the Committee on Veterans' Affairs.

Whereas, The people of the State of Washington, have dedicated a wonderful World War II memorial to honor our committed citizens who lived and died through this period of history to ensure freedom and prosperity to future generations; and

Whereas, The people of the State of Washington wish to participate with the Congress at the national level to add their sincere thanks to all American veterans of World War II for their courage, patriotism, and sacrifice;

Now, therefore, Your Memorialists respectfully pray that the Congress accept the support of the people of the State of Washington for the National World War II Veterans' Memorial, a most well-deserved and worthy project.

*Be it resolved,* That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

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POM–509. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to redefinition of Federal Aviation Administration district boundaries; to the Committee on Commerce, Science, and Transportation.

POM–510. A resolution adopted by the Counsel of the City of Cincinnati, Ohio relative to implementation of voluntary noise mitigation measures at the Kenton County Airport; to the Committee on Commerce, Science, and Transportation.

POM–511. A resolution adopted by the Counsel of the City of Cincinnati, Ohio relative to implementation of noise mitigation measures in historic structures, places of worship, education and public accommodation in the Ohio/Kentucky/Indiana region; to the Committee on Commerce, Science, and Transportation.

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POM–512. A resolution adopted by the Senate of the General Assembly of the State of Illinois relative to submission to the states for their ratification an amendment to the Constitution to restrict the ability of the Supreme Court to mandate any state or political subdivision of the state to levy or increase taxes; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 216

Whereas, Unfunded mandates by the United States Congress and the executive branch of the federal government increasingly strain already tight state government budgets if the states are to comply; and

Whereas, To further compound this assault on state revenues, federal district courts, with the blessing of the United States Supreme Court, continue to order states to levy or increase taxes to supplement their budgets to comply with federal mandates; and

Whereas, The court's actions are an intrusion into a legitimate legislative debate over state spending priorities and not a response to a constitutional directive; and

Whereas, The Constitution of the United States of America does not allow, nor do the states need, judicial intervention requiring tax levies or increases as solutions to potentially serious problems; and

Whereas, This usurpation of legislative authority begins a process that over time could threaten the fundamental concept of separation of powers that is precious to the preservation of the form of our government embodied by the Constitution of the United States of America; and

Whereas, Fifteen states, including Alabama, Alaska, Arizona, Colorado, Delaware, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota, Tennessee and Utah, have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America that reads as follows:

''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes.''; therefore, be it

*Resolved, by the Senate of the Ninety-First General Assembly of the State of Illinois,* That this legislative body respectfully requests and petitions the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States of America to restrict the ability of the United States Supreme Court or any inferior court of the United States to mandate any state or political subdivision of the state to levy or increase taxes; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and the members of the Illinois Congressional delegation.

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POM–513. A resolution adopted by the Senate of the General Assembly of the State of Illinois relative to the 2000 Census; to the Committee on Government Affairs.

SENATE RESOLUTION NO. 39

Whereas, The U.S. Constitution requires an actual enumeration of the population every ten years, and entrusts Congress with overseeing all aspects of each decennial enumeration; and

Whereas, The sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

Whereas, An accurate and legal decennial census is necessary to properly apportion U.S. House of Representatives seats among the 50 states and to create legislative districts within the states; and

Whereas, An accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

Whereas, Article 1, Section 2 of the U.S. Constitution, in order to ensure an accurate count and to minimize the potential for political manipulation, mandates an ''actual enumeration'' of the population,which requires a physical headcount of the population and prohibits statistical guessing or estimates of the population; and

Whereas, Title 13, Section 195 of the U.S. Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the U.S. population for the purpose of reapportioning the U.S. House of Representatives; and

Whereas, Legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

Whereas, The United States Supreme Court, in No. 98–404, Department of Commerce, et al. v. United States House of Representatives, et al., together with No. 98–564, Clinton, President of the United States, et al. v. Glavin, et al. ruled on January 25, 1999, that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

Whereas, In reaching its findings, the United States Supreme Court found the use

of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of ''one-person, one-vote''; and

Whereas, Consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the U.S. House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate ''one-person, one-vote'' legal protections, thus exposing the State of Illinois to protracted litigation over legislative redistricting plans at great cost to the taxpayers of the State of Illinois, and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference; and

Whereas, Consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration; and

Whereas, Consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs, as well as a provision for post census local review; therefore; be it

*Resolved, by the Senate of the Ninety-First General Assembly of the State of Illinois,* That we call on the Bureau of the Census to conduct the 2000 decennial census consistent with the aforementioned United Supreme Court ruling and constitution mandate, which require a physical headcount of the population and bars the use of statistical sampling to create or in any way adjust the count; and be it further

*Resolved,* That the Illinois Senate opposes the use of P.L. 94–171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; and be it further

*Resolved,* That the Illinois Senate demands that it receive P.L. 94–171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the U.S. House of Representatives consistent to the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create or in any way adjust the count; and be if further

*Resolved,* That the Illinois Senate urges Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and be it further

*Resolved,* That a copy of this resolution be presented to the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the Vice President of the United States, and the President of the United States.

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POM–514. A resolution adopted by the Council of Bar Harbor Village, Florida relative to the redevelopment of Homestead Air Force Base as Homestead Regional Airport; to the Committee on Armed Services.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself and Mr. BIDEN):

S. 2516. A bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2517. A bill to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to allow school personnel to apply appropriate discipline measures to all students in cases involving weapons, illegal drugs, and assaults upon teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 2518. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. BIDEN):

S. 2516. A bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service; to the Committee on the Judiciary.

FUGITIVE APPREHENSION ACT OF 2000

Mr. THURMOND. Mr. President, I rise today to introduce legislation on behalf of myself and Senator BIDEN that will help address the growing problem of fugitives by giving the U.S. Marshals Service tools they need to apprehend fugitives from justice. Senator BIDEN and I have worked together many times over the years in support of Federal law enforcement.

Fugitives are those who the courts have found warrant prosecution or have already been found guilty, but are attempting to beat the system. These are individuals who, by their conduct, have indicated a complete lack of respect for our Nation's criminal justice system. This situation represents not only an outrage to the rule of law but also a threat to the safety and security of Americans. Fugitives from justice often continue to commit additional crimes while running free on the streets.

According to some estimates, there are approximately 45,000 fugitives from justice in Federal felony cases. The number of serious Federal offense warrants received by the U.S. Marshals Service has increased each year for the past 4 years. Also, over one-half million fugitives in State and local felony cases have been entered into the database of the National Crime Information Center or NCIC. This number is up from 340,000 reported in 1990. Also, the NCIC receives only about 20 percent of all outstanding State and local felony warrants in the country. If the NCIC estimates are correct, then there could be over 2.5 million State local fugitive warrants in felony cases alone. This does not even include misdemeanor warrants.

Mr. President, this is a serious problem. We must do more to address the growing threat of fugitives on the State and Federal level. It is critical to our fight against crime.

Task forces have been shown to be successful in tracking fugitives. This legislation would create more multi-agency task forces around the country to locate and apprehend the enormous number of fugitives nationwide. The marshals involved would be directed by headquarters, so they would not be diverted to tasks such as courtroom security. Also, the task forces would be a joint effort, staffed by U.S. Marshals and State and local law enforcement authorities. These task forces would share case workload and intelligence to locate and apprehend fugitives wanted in their jurisdictions.

Fugitives are the one investigative priority of the U.S. Marshals Service. Because of this expertise, the marshals have been able to specialize their personnel and investigative techniques to deal with this one critical mission. Conducting an investigation to make a criminal case against someone is nothing like trying to find a person who does not want to be found. The same techniques used to conduct criminal investigations cannot be used successfully in fugitive investigations. This puts the majority of law enforcement agencies at a disadvantage, especially State and local law enforcement, who are forced to put their resources into a wide variety of normal police duties. These task forces can help State and local law enforcement develop greater expertise in this area so they can be more efficient and successful in tracking fugitives.

Fugitive investigations are very fluid and time sensitive. The difference between locating and apprehending a fugitive or missing the individual can be merely a matter of minutes.

The time-sensitive nature of these investigations often creates problems under current Federal law. As a general matter, if there is no intent to indict the fugitive for escape, which is true in most fugitive cases, investigators may not use a grand jury subpoena to obtain information on the fugitive. Although investigators can get information through application to the court, the time necessary in seeking Federal court orders can make the difference between apprehension and further flight of the fugitive.

This bill would remedy this deficiency in the law by providing the U.S. Marshals Service administrative subpoena authority in fugitive investigations. This subpoena authority is based on the same authority current law already provides to the Drug Enforcement Administration in drug investigations.

In summary, this bill would help bring to justice dangerous fugitives that are roaming the streets of America. I hope my colleagues will support this important initiative.

I ask unanimous consent to print into the RECORD a copy of the bill and a section-by-section explanation of its provisions.

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

S. 2516

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Fugitive Apprehension Act of 2000''.

**SEC. 2. FUGITIVE APPREHENSION TASK FORCES.**

(a) IN GENERAL.—The Director of the United States Marshal Service shall establish permanent Fugitive Apprehension Task Forces in areas of the United States as determined by the Director to locate and apprehend fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Marshal Service to carry out the provisions of this section $32,100,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $8,000,000 for fiscal year 2003.

**SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.**

(a) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

**''§ 1075. Administrative subpoenas to apprehend fugitives**

''(a) In this section—

''(1) the term 'fugitive' means a person who—

''(A) having been indicted under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

''(B) having been indicted under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

''(C) escapes from lawful Federal or State custody after having been indicted or having been convicted of committing a felony under Federal or State law; or

''(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073;

''(2) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075;

''(3) the term 'State' means a State of the United States, the District of Colombia, and any commonwealth, territory, or possession of the United States; and

''(4) the term 'relevant or material' means there are articulable facts that show the fugitive's whereabouts may be discerned from the records sought.

''(b) In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds relevant or material in the investigation. The attendance of witnesses and the production of records may be required from any place in any State or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

''(c) A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

''(d) In the case of the contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered. Any failure to obey the order of the court may be punishable by the court as contempt thereof. All process in any such case may be served in any judicial district in which the person may be found.

''(e) This section shall be construed and applied in a manner consistent with section 2703 and with section 1102 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3402).

''(f) The United States Marshals Service shall report to the Attorney General on a quarterly basis regarding administrative subpoenas issued pursuant to this section. The Attorney General shall transmit the report to Congress.

''(g) The Attorney General shall issue guidelines governing the issuance of administrative subpoenas by the United States Marshals Service. Such guidelines shall mandate that administrative subpoenas shall issue only after review and approval of the Director of the Marshals Service or his designee in a position of Assistant Director or higher.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

''1075. Administrative subpoenas to apprehend fugitives.''.

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SECTION-BY-SECTION ANALYSIS—FUGITIVE APPREHENSION ACT OF 2000

*Section 1. Short title*

The title is the ''Fugitive Apprehension Act of 2000.''

*Section 2. Fugitive apprehension task forces*

The purpose of this provision is to assist Federal, state and local law enforcement authorities by forming several multiagency task forces around the country to locate and apprehend fugitives wanted by their jurisdictions.

The bill would authorize to be appropriated to the U.S. Marshal Service funds to establish new permanent Fugitive Apprehension Task Forces and supplement task forces already operating in areas throughout the United States. The task forces would be totally dedicated to locating and apprehending fugitives under the direction of a National Director and not under a specific District to insure that they are not utilized for other USMS missions.

*Section 3. Administrative subpoena authority*

As a general matter, under Federal law, if there is no intent to seek Federal indictment—as is true in a great majority of fugitive apprehension investigations—law enforcement officers may not use a grand jury subpoena to obtain information relevant to a fugitive investigation. Indeed, to do so would constitute abuse of the grand jury process. Although there are some mechanisms to obtain this information through application to the court, time spent by law enforcement seeking state and federal court orders to obtain the release of information can make the difference between apprehension or further flight of a fugitive.

This provision would remedy the current deficiency in the law by providing for administrative subpoena authority in fugitive investigations. The provision is based on the administrative subpoena authority provided in title 21, United States Code, Section 876, which authorizes the Attorney General to issue administrative subpoenas in controlled substance related criminal investigations and administrative proceedings. However, this provision incorporates significant restrictions on its use in order to satisfy concerns over an expansion in the use of administrative subpoenas.

First, this is more narrowly tailored than Title 21, United States Code, Section 876. The proposed section 1075 authorizes the Attorney General to obtain only documents in response to the subpoena, not testimony.

Second, the statute is limited in its application to fugitives in Federal and state felony cases, not just those suspected of committing crimes. The authority would only apply to those who had been indicted.

Third, the statute strictly controls any delegation of the Attorney General's authority to issue such subpoenas, by requiring that any such delegation be accomplished only through formal Attorney General guidelines that would be subject to scrutiny. These guidelines would require that an official at the level of Assistant Director in the Marshals Service must approve any such subpoena.

Fourth, the statute requires that before a subpoena can be issued, the Attorney General must find that the records sought are ''relevant or material,'' i.e., there are ''articulable facts'' that show the fugitive's whereabouts may be discerned from the records sought.

Fifth, the statute makes clear that an administrative subpoena issued under this section does not ''trump'' protections accorded records under existing statutes, such as electronic records whose production is covered by section 2703 of Title 18 and financial records whose production is covered by section 3402 of Title 12. Rather, this statute is to be construed and applied consistent with such existing statutes.

Sixth, the statute requires the Marshals Service to report to the Attorney General quarterly regarding the number of administrative subpoenas issued, and this report will be submitted to the Congress.

This provision would help bring to justice the larger number of federal fugitives whom the government has already decided merit prosecution insofar as they have been charged with and or convicted of a Federal felony offense or have escaped after having been convicted of such an offense. By their conduct, these individuals have indicated a complete lack of respect for our nation's criminal justice system. As to these fugitives, the government does not need proof that they have moved in interstate commerce prior to issuing a subpoena.

The provision also would allow Federal law enforcement officials to issue an administrative subpoena to assist state law enforcement officials in apprehending state fugitives when they affect interstate commerce or when there is a request for assistance from the appropriate state official, and the Attorney General finds that the request gives rise to a Federal interest sufficient to warrant the exercise of Federal jurisdiction under section 1705. This portion of the statute is modeled on similar provisions in Title 28 U.S.C. sections 540 and 540a. It responds to the need of state officials to use the unique, nationwide detection and enforcement capabilities of Federal law enforcement agencies in apprehending fugitives, many of whom cross state lines to avoid capture. It also recognizes the importance of, and provides additional support for, ongoing cooperation between state and Federal officials in capturing fugitives, particularly in joint Federal/state task forces.

Under Title 28 U.S.C. Section 566(e)(1)(B), the U.S. Marshal Service has authority to investigate fugitive matters ''as directed by the Attorney General.'' The FBI has authority to investigate fugitive matters (in violation of Title 18 U.S.C. section 1073) under Title 28 U.S.C. section 533(1). This bill would neither increase nor decrease the Attorney General's authority under those statutory provisions to direct the activities of the Marshal Service and the FBI.

Finally, it would provide investigators a mechanism to obtain documentary information in cases alleging a violation under the Unlawful Flight to Avoid Prosecution (UFAP) statute for fugitives fleeing from the testimonial responsibilities or to avoid lawful process, 18 U.S.C. section 1073(2) and (3). For this lower priority category of fugitives, it incorporates by reference the UFAP interstate movement requirement.

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By Mr. ASHCROFT:

S. 2517. A bill to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to allow school personnel to apply appropriate discipline measures to all students in cases involving weapons, illegal drugs, and assaults upon teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SCHOOL SAFETY ACT OF 2000

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2517

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''School Safety Act of 2000''.

**SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

(a) PROCEDURAL SAFEGUARDS.— Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

''(n) DISCIPLINE BY LOCAL AUTHORITY WITH RESPECT TO WEAPONS, DRUGS, AND TEACHER ASSAULTS.—

''(1) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO WEAPONS, DRUGS, AND TEACHER ASSAULTS.—Notwithstanding any other provision of this title, school personnel may discipline (including expel or suspend) a child with a disability in the same manner in which such personnel may discipline a child without a disability if the child with a disability—

''(A) carries or possesses a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

''(B) threatens to carry, possess, or use a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency;

''(C) possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or

''(D) assaults or threatens to assault a teacher, teacher's aid, principal, school counselor, or other school personnel, including independent contractors and volunteers.

''(2) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary action described in paragraph (1), school personnel have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

''(3) DEFENSE.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) from asserting a defense that the alleged act was unintentional or innocent.

''(4) FREE APPROPRIATE PUBLIC EDUCATION.—

''(A) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), or any other provision of this title, a child expelled or suspended under paragraph (1) shall not be entitled to continued educational services, including a free appropriate public education, under this subsection, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

''(B) PROVIDING EDUCATION.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (1) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

''(i) nothing in this subsection shall be construed to require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

''(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

''(5) RELATIONSHIP TO OTHER REQUIREMENTS.—

''(A) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this subsection.

''(B) PROCEDURE.—None of the procedural safeguards or disciplinary procedures of this Act shall apply to this subsection, and the relevant procedural safeguards and disciplinary procedures applicable to children without disabilities may be applied to the child with a disability in the same manner in which such safeguards and procedures would be applied to children without disabilities.

''(6) DEFINITIONS.—In this subsection:

''(A) THREATEN TO CARRY, POSSESS, OR USE A WEAPON.—The term 'threaten to carry, possess, or use a weapon' includes behavior in which a child verbally threatens to kill another person.

''(B) WEAPON, ILLEGAL DRUG, CONTROLLED SUBSTANCE, AND ASSAULT.—The terms 'weapon', 'illegal drug', 'controlled substance', 'assault', 'unintentional', and 'innocent' have the meanings given such terms under State law.''.

(b) CONFORMING AMENDMENTS.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) in subsection (f)(1), by striking ''Whenever'' and inserting the following: ''Except as provided in section 615(n), whenever''; and

(2) in subsection (k)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) In any disciplinary situation except for such situations as described in subsection (n), school personnel under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would apply to children without disabilities).'';

(B) by striking paragraph (3) and inserting the following:

''(3) Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

''(A) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

''(B) include services and modifications designed to address the behavior described in paragraphs (1) or (2) so that it does not recur.'';

(C) in paragraph (6)(B)—

(i) in clause (i), by striking ''(i) In reviewing'' and inserting ''In reviewing''; and

(ii) by striking clause (ii);

(D) in paragraph (7)—

(i) in subparagraph (A), by striking ''paragraph (1)(A)(ii) or'' each place it appears; and

(ii) in subparagraph (B), by striking ''paragraph (1)(A)(ii) or''; and

(E) by striking paragraph (10) and inserting the following:

''(10) SUBSTANTIAL EVIDENCE.—The term 'substantial evidence' means beyond a preponderance of the evidence.''.

**SEC. 3. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.**

Subsection (c) of section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended to read as follows:

''(c) SPECIAL RULE.—Notwithstanding any other provision of this section, this section shall be subject to section 615(n) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(n)).''.

**SEC. 4. APPLICATION.**

The amendments made by sections 2 and 3 shall not apply to conduct occurring prior to the date of enactment of this Act.

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By Mr. MCCAIN:

S. 2518. A bill to provide for the technical integrity of hte FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FM RADIO ACT OF 2000

● Mr. MCCAIN: Mr. President, I rise today to introduce a bill to resolve the controversy that has erupted over the Federal Communications Commission's creation of a new, noncommercial low-power FM radio service.

As you undoubtedly known, the FCC's low-power FM rules will allow the creation of thousands of new noncommercial FM radio stations with coverage of about a mile or so. Although these new stations will give churches and community groups new outlets for expression of their views, commercial FM broadcasters as well as National Public Radio oppose the new service. They argue that the FCC ignored studies showing that the new low-power stations would cause harmful interference to the reception of existing full-power FM stations.

Mr. President, legislation before the House of Representatives would call a halt to the institution of low-power FM service by requiring further independent study of its potential for causing harmful interference to full-power stations, and Senator GREGG has introduced the same legislation in the Senate. While this would undoubtedly please existing FM radio broadcasters, it understandably angers the many parties who are anxious to apply for the new low-power licenses. Most importantly, it would delay the availability of whatever new programming these new low-power licensees might provide, even where the station would have caused no actual interference at all had it been allowed to operate.

With all due respect to Senator GREGG and to the supporters of the House bill, I think we can reach a fairer result, and the bill I am introducing, the FM Radio Act of 2000, is intended to do just that.

Unlike Senator GREGG'S bill, the FM Radio Act would allow the FCC to license low-power FM radio stations. the only low-power FM stations that would be affected would be those whose transmissions are actually causing harmful interference to a full-power radio station. The National Academy of Sciences—an expert body independent of the FCC—would determine which stations are causing such interference and what the low-power station must do to alleviate it.

It gives full-power broadcasters the right to sue any low-power FM licensee for causing harmful interference, and stipulates that the costs of the suit shall be borne by the losing party. Finally, to make sure that the FCC does not relegate the interests of full-power radio broadcasters to secondary importance in its eagerness to launch the new lower-power FM service, the bill requires the FCC to complete all rulemakings necessary to implement full-power stations' transition to digital broadcasters no later than June 1, 2001.

Mr. President, this legislation strikes a fair balance by allowing non-interfering low-power FM stations to operate without further delay, while affecting only those low-power stations that an independent scientific body finds to be causing harmful interference in their actual, everyday operations. This is totally consistent with the fact that low-power FM is a secondary service which, by law, must cure any interference caused to any primary, full-power service. This legislation will provide an efficient and impartial means to detect and resolve harmful interference. By providing a judicial remedy with costs assigned to the losing party, the bill will discourage the creation of low-power stations most likely to cause harmful interference even as it discourages full-power broadcasters from making unwarranted interference claims. And for these reasons it will provide a more definitive resolution of opposing interference claims than any number of further studies ever could.

Mr. President, in the interests of would-be new broadcasters, existing broadcasters, but, most of all, the listening public, I urge the enactment of the FM Radio Act of 2000.●

## ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 577

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to interstate transportation of intoxicating liquor.

S. 890

At the request of Mr. WELLSTONE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 1921

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. CRAPO), and the Senator from Maryland (Mr. SARBANES) were added as a cosponsors of S. 1921, supra

S. 1988

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1988, a bill reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 2005

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2232

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2232, a bill to promote primary and secondary health promotion and disease prevention servicers and activities among the elderly, to amend the XVIII of the Social Security Act to add preventive benefits, and for other purpose.

S. 2241

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. CRAIG), the Senator from North Carolina (Mr. HELMS), the Senator from Kansas (Mr. ROBERTS), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2241, a bill to amend title XVIII of the Social Security Act to adjust wages and wage-related costs for certain items and services furnished in geographically reclassified hospitals.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to

provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2277

At the request of Mr. ROTH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2330

At the request of Mr. BREAUX, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2334

At the request of Mr. L. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2334, a bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remediation costs for an additional 6 years and to include sites in metropolitan statistical areas.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from North Carolina (Mr. HELMS), the Senator from Wyoming (Mr. THOMAS), and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2387

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2387, a bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2478

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2478, a bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes.

S. 2494

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2494, a bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes.

S. CON. RES. 109

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Mr. LEVIN), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Con. Res. 109, a concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of the Iran Jewish community.

S. CON. RES 110

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Oregon (Mr. SMITH), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Colorado (Mr. CAMPBELL), were added as cosponsors of S. Con. Res. 110, a concurrenct resolution congratulating the Republic of Latvia on the tenth of anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

## AMENDMENTS SUBMITTED

### EDUCATIONAL OPPORTUNITIES ACT

### LUGAR AMENDMENT NO. 3125

(Ordered to lie on the table.)

Mr. LUGAR submitted an amendment intended to be proposed by him to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 23, line 3, strike ''$200,000,000'' and insert ''$500,000,000''.

### LOTT AMENDMENT NO. 3126

Mr. COVERDELL (for Mr. LOTT) proposed an amendment to the bill, S. 2, supra; as follows:

On page 210, strike lines 18 through 21 and insert the following:

''(1) Recruiting and hiring highly qualified certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size or address the shortage of highly qualified teachers in specific academic subjects or grades, or hiring special education teachers.

On page 215, strike line 13 and all that follows through page 217, line 13, and insert the following:

''(c) ACCOUNTABILITY.—

''(1) IN GENERAL.—At the end of each fiscal year, a State shall determine whether a local educational agency in the State, in carrying out activities under subpart 2 or this subpart during the fiscal year, has failed to achieve—

''(A) improved student performance, as determined by the State; or

''(B) an increased percentage of classes in core academic subjects that are taught by highly qualified teachers.

''(2) TECHNICAL ASSISTANCE.—If the State determines, under paragraph (1), that a local educational agency has failed to achieve the improved performance or increased percentage described in subparagraph (A) or (B) of paragraph (1), the State may provide technical assistance in order to provide the opportunity for the agency to make progress in achieving the improved performance or increased percentage.

''(3) ELIGIBILITY FOR FUNDS IN 4TH YEAR.—If a local educational agency applies for funds under this part for a 4th year (including applying for funds under subpart 2 as part of a partnership), the agency may receive the funds for that fiscal year only if the State determines that the agency, in carrying out activities under subpart 2 or this subpart, as appropriate, during the past 3 fiscal years, has achieved the improved student performance or increased percentage described in subparagraph (A) or (B) of paragraph (1).

''(4) STATE CONTROL OF FUNDS.—If the State determines, under paragraph (3), that a local educational agency has failed to achieve the improved performance or increased percentage described in subparagraph (A) or (B) of paragraph (1), the State shall receive the funds for which the agency is eligible under section 2012(c) and shall expend the funds in accordance with subpart 2 or this subpart, as appropriate.

On page 217, strike lines 18 through 24 and insert the following:

''(a) PAYMENTS.—

''(1) IN GENERAL.—A local educational agency receiving funds to carry out this subpart may provide payments directly to a teacher or a group of teachers seeking opportunities to participate in a professional development activity of their choice that meets the criteria set forth in subsections (a) and (b) of section 2032.

''(2) REQUESTS.—On request by a group of teachers in schools served by the local educational agency, the agency shall use a portion of the funds provided to the agency to carry out this subpart, to provide payments in accordance with this section.

On page 221, between lines 2 and 3, insert the following:

''(7) A description of the manner in which the local educational agency will collaborate with (as applicable) institutions of higher education or other entities in providing high quality professional development activities under this subpart.

On page 242, line 3, strike ''part G'' and insert ''part I''.

On page 248, strike line 9 and insert the following: ''years.

**''PART G—CAREERS TO CLASSROOMS**

**''SEC. 2521. CAREERS TO CLASSROOMS.**

''(a) DEFINITIONS.—In this section:

''(1) ALTERNATIVE CERTIFICATION PROGRAM.—The term 'alternative certification program' means a State-approved program that—

''(A) provides the education and training necessary to enable an individual to be eligible for teacher certification in the State within a reduced period of time, compared to the time typically required to receive such certification; and

''(B) relies upon an individual's experience, expertise, academic qualifications, or other factors in lieu of traditional course work for eligibility to receive a degree in the field of education.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual—

''(A) who has submitted an application described in subsection (d) to be a certified teacher through a State-approved alternative certification program in an elementary or secondary school;

''(B) who has an associate, baccalaureate, or advanced degree from an accredited institution of higher education;

''(C) who—

''(i) has substantial, demonstrable career experience and competence in math, natural science, computer science, engineering, foreign language or another field of expertise determined by the State to be a field for which there is a significant shortage of qualified teachers and teacher applicants in that State; or

''(ii) within 5 years of the date on which the individual submits an application described in subparagraph (A)—

''(I) has received a baccalaureate or advanced degree from an accredited institution of higher education in a field of expertise described in clause (i); and

''(II)(aa) has graduated with at least a 3.0 grade point average (or equivalent average on a different scale) in the major or graduate program for which the individual obtained the degree;

''(bb) has graduated at least in the top 50 percent of the individual's undergraduate or graduate class;

''(cc) can demonstrate a high level of competence through a high level of academic performance in core academic coursework and through successful passage of academic subject tests required by the State under its alternative certification program; and

''(dd) meets any additional academic or other standards or qualifications established by the State;

''(D) in the case of an individual receiving a stipend under this section, who agrees to, in good faith, seek employment and to consider offers of employment in the individual's subject matter of expertise in a high need elementary or secondary school within that State; and

''(E) who meets any additional teacher certification or other requirements that may be established by the State.

''(3) HIGH NEED ELEMENTARY OR SECONDARY SCHOOL.—The term 'high need elementary or secondary school' means a school—

''(A)(i) in which the percentage of students from families below the Federal poverty level (as determined by the Secretary) is 20 percent or more; and

''(ii) that the State determines has experienced a significant period in which teacher vacancies have remained unfilled due to greater than normal difficulty in recruiting or retaining qualified teachers;

''(B) is within the top quartile of schools statewide with regard to the number of unfilled, available teacher positions; or

''(C) is located in an area, other than a metropolitan statistical area, that the State determines has a high percentage of students from low-income families or is one that has experienced greater than normal difficulty in recruiting or retaining teachers.

''(b) PROGRAM AUTHORIZED.—The Secretary may award, on a competitive basis, grants to States to enable such States to carry out the following activities:

''(1) Teacher recruitment, education, training, referral, placement, and retention activities to place eligible individuals as certified teachers in public schools through State-approved alternative certification programs.

''(2) To award stipends (in an amount not to exceed the lesser of $5,000 per person or an amount equal to the total costs of the types described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 incurred by the eligible individual in obtaining alternative certification under this section) to eligible individuals who—

''(A) are enrolled in a State authorized alternative certification program; and

''(B) agree to—

''(i) seek certification through teacher certification programs in that State; and

''(ii) teach in a high need school in that State;

with a preference being given to individuals who are deemed financially in need of such assistance by the State.

''(3) To provide grants, in a manner prescribed by the State, in an amount not to exceed $5,000 per eligible individual, per year, to high need elementary and secondary schools to offset the teacher mentoring, alternative certification, and other direct costs associated with accepting eligible individuals under this section.

''(4) To develop, or to award grants to accredited institutions of higher education for the development of, alternative certification programs, with preference given to programs tailored to eligible individuals under this section.

''(5) Other activities determined by the State to be reasonably necessary to carry-out the purposes of this section.

''(c) CRITERIA FOR AWARDING OF GRANTS.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section a State shall—

''(A) submit to the Secretary an application that contains—

''(i) a description of the manner in which the State will carry out activities under this section; and

''(ii) a description of the alternative certification program of the State or a description of the manner in which the State is attempting to implement an alternative certification program;

''(B) provide assurances to the Secretary that the State will submit to the Secretary, at the end of the grant period, a report on how the activities carried out with funds made available under the grant were utilized, including a description of—

''(i) the manner in which the funds were used to increase the number of qualified teachers hired in the State;

''(ii) the manner in which the funds improved teacher quality;

''(iii) the number of teachers hired under the grant;

''(iv) the professional experience and field of expertise of each teacher hired under the grant; and

''(v) the manner in which the funds were used to meet other objectives of this section or other objectives of the State with regard to teacher hiring, quality, retention, and student performance;

''(C) provide assurances that amounts received under the grant will be used to supplement and not supplant other Federal, State, and local funds expended to provide services for individuals and entities eligible to receive funds under this section; and

''(D) provide assurances to the Secretary that amounts received under the grants will be expended within 3 years of the receipt of such funds and agree to return unused funds to the Secretary.

''(2) PREFERENCE.—The Secretary shall give preference in the awarding of grants under this section to States that have developed, or that are developing, alternative certification programs that—

''(A) rapidly place quality certified teachers into the classroom;

''(B) emphasize subject matter content; and

''(C) lead to the certification and placement of a large number of teachers in relation to the number of public elementary school and secondary school teachers in the State.

''(3) LIMITATIONS.—A grant under this section may be made for a period of up to 3 years, and may not exceed $10,000,000 per year.

''(4) GEOGRAPHIC DIVERSITY.—To the extent practicable, the Secretary shall award grants under this section to support programs in different geographic regions of the United States.

''(d) APPLICATION BY ELIGIBLE INDIVIDUALS.—To be eligible to participate as an eligible individual under this section, an individual shall submit an application to the State, or to an entity or individual designated by the State to receive such applications. Such application shall include—

''(1) a description of the academic, professional, and other qualifications of the individual, including the academic or professional subject matter expertise of the individual;

''(2) a description of the subject matter area, and, if applicable, the grade level, in which the individual desires to teach;

''(3)(A) a description of whether the individual is seeking a stipend under this section (if offered by the State); and

''(B) if the individual is seeking such a stipend, a description of the willingness of the individual to teach in a high need school for at least 2 years under this section; and

''(4) any other information or documentation that may be required by the State.

''(e) STIPENDS.—

''(1) COUNTED FOR ELIGIBILITY PURPOSES.—A stipend received by an eligible individual

under this section shall be taken into account in determining the eligibility of the individual for Federal student-based financial assistance.

''(2) REPAYMENT.—The recipient of a stipend under this section shall repay amounts received under such stipend to the State from which the stipend was received if—

''(A) the recipient fails to complete the applicable alternative certification program;

''(B) the recipient rejects a bona fide offer of employment during the 1-year period beginning on the date on which the individual completes the applicable alternative certification program; or

''(C) the recipient fails to teach for at least 2 years in a public elementary or secondary school within that State during the 5-year period beginning on the date on which the individual completes the applicable alternative certification program.

''(3) ADDITIONAL PROCEDURES.—A State that receives a grant under this section may establish additional procedures and rules with respect to the reimbursement of the State of any stipend funds under paragraph (2), and shall retain such reimbursed funds to carry out activities under this section.

''(4) EXCEPTIONS.—Paragraphs (2) and (3) shall not apply during the period of time in which an eligible individual is—

''(A) pursuing a full-time course of study;

''(B) serving on active duty as a member of the Armed Forces;

''(C) temporarily totally disabled for a period of time not to exceed 3 years;

''(D) not able to secure employment for a period of not more than 12 months by reason of the care required by a spouse who is disabled; or

''(E) otherwise exempted from the requirements of such paragraphs as may be provided by the Secretary.

''(f) PUBLIC AWARENESS.—The Secretary shall disseminate and otherwise make available information concerning the program under this section, including—

''(1) through the posting of a website on the Internet to enable interested persons to easily find information and application material for participation in activities under this section, that contains a nationwide, publicly searchable data bank of all State programs and all available public elementary and secondary teaching positions the Secretary is able to practicably ascertain, and a means by which individuals may apply to, or inquire of, multiple States' alternative certification programs under this section;

''(2) providing information to every State about the program under this section, including the criteria for State and individual eligibility; and

''(3) conducting other activities, either directly or through contract with other appropriate entities, to broaden awareness and participation in the program under this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 in fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2006.

## ''PART H—TEACHER LIABILITY PROTECTION

**''SEC. 2531. SHORT TITLE.**

''This part may be cited as the 'Teacher Liability Protection Act of 2000'.

**''SEC. 2532. FINDINGS AND PURPOSE.**

''(a) FINDINGS.—Congress makes the following findings:

''(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

''(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

''(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

''(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

''(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

''(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

''(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

''(b) PURPOSE.—The purpose of this part is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

**''SEC. 2533. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.**

''(a) PREEMPTION.—This part preempts the laws of any State to the extent that such laws are inconsistent with this part, except that this part shall not preempt any State law that provides additional protection from liability relating to teachers.

''(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

''(1) citing the authority of this subsection;

''(2) declaring the election of such State that this part shall not apply, as of a date certain, to such civil action in the State; and

''(3) containing no other provisions.

**''SEC. 2534. LIMITATION ON LIABILITY FOR TEACHERS.**

''(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

''(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

''(2) the actions of the teacher were carried out in conformity with local, State, or Federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

''(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

''(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

''(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

''(A) possess an operator's license; or

''(B) maintain insurance.

''(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

''(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

''(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

''(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

''(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

''(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

''(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

''(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

''(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

''(1) IN GENERAL.—The limitations on the liability of a teacher under this part shall not apply to any misconduct that—

''(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

''(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

''(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

''(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect subsection (a)(3) or (d).

**''SEC. 2535. LIABILITY FOR NONECONOMIC LOSS.**

''(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

''(b) AMOUNT OF LIABILITY.—

''(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount

of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

''(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

**''SEC. 2536. DEFINITIONS.**

''For purposes of this part:

''(1) ECONOMIC LOSS.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

''(2) HARM.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(3) NONECONOMIC LOSSES.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

''(4) SCHOOL.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965), or a home school.

''(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

''(6) TEACHER.—The term 'teacher' means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

**''SEC. 2537. EFFECTIVE DATE.**

''(a) IN GENERAL.—This part shall take effect 90 days after the date of enactment of the Teacher Opportunities Act.

''(b) APPLICATION.—This part applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this part, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.''.

## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 7, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 2300, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; S. 2069, a bill to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Kathleen Elder or Mike Menge (202) 224–6170.

## FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

AMENDMENT TO 4TH QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1999

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator John Kerry: | | | | | | | | | |
| Thailand | Dollar | | | | 3,420.86 | | | | 3,420.86 |
| Senator Gordon Smith: | | | | | | | | | |
| Austria | Dollar | | | | | | 428.76 | | 428.76 |
| Frank Jannuzi: | | | | | | | | | |
| Singapore | Dollar | | 1,182.75 | | | | | | 1,182.75 |
| Indonesia | Dollar | | 741.00 | | | | | | 741.00 |
| Australia | Dollar | | 636.00 | | | | | | 636.00 |
| United States | Dollar | | | | 8,466.69 | | | | 8,466.69 |
| James Jones: | | | | | | | | | |
| India | Dollar | | | | | | 276.63 | | 276.63 |
| Roger Noriega: | | | | | | | | | |
| Nicaragua | Dollar | | 262.50 | | | | | | 262.50 |
| Mexico | Dollar | | 1,866.75 | | | | | | 1,866.75 |
| United States | Dollar | | | | 1,602.27 | | | | 1,602.27 |
| Nancy Stetson: | | | | | | | | | |
| India | Dollar | | | | | | 276.62 | | 276.62 |
| Elizabeth Stewart: | | | | | | | | | |
| Austria | Dollar | | | | | | 428.75 | | 428.75 |
| Senator Christopher Dodd: | | | | | | | | | |
| Colombia | Dollar | | 50.00 | | | | | | 50.00 |
| Venezuela | Dollar | | 50.00 | | | | | | 50.00 |
| Ecuador | Dollar | | 225.00 | | | | | | 225.00 |
| Senator Russell Feingold: | | | | | | | | | |
| South Africa | Dollar | | 95.00 | | | | | | 95.00 |
| Zimbabwe | Dollar | | 21.00 | | | | | | 21.00 |
| Zambia | Dollar | | 20.00 | | | | | | 20.00 |
| Rwanda | Dollar | | 31.00 | | | | | | 31.00 |
| Uganda | Dollar | | 22.00 | | | | | | 22.00 |
| United States | Dollar | | | | 1,478.49 | | | | 1,478.49 |
| Senator John Kerry: | | | | | | | | | |
| Burma | Dollar | | 164.00 | | | | | | 164.00 |
| Thailand | Dollar | | 344.00 | | | | | | 344.00 |
| United States | Dollar | | | | 5,144.00 | | | | 5,144.00 |
| Senator Gordon Smith: | | | | | | | | | |
| United Kingdom | Dollar | | 1,524.00 | | | | | | 1,524.00 |
| Luxembourg | Dollar | | 139.00 | | | | | | 139.00 |
| Slovenia | Dollar | | 220.00 | | | | | | 220.00 |
| Austria | Dollar | | 132.00 | | | | | | 132.00 |
| United States | Dollar | | | | 6,072.29 | | | | 6,072.29 |
| Stephen Biegun: | | | | | | | | | |
| United Kingdom | Dollar | | 1,524.00 | | | | | | 1,524.00 |
| United States | Dollar | | | | 4,784.69 | | | | 4,784.69 |
| Michele DeKonty: | | | | | | | | | |
| Switzerland | Dollar | | 1,060.55 | | | | | | 1,060.55 |

AMENDMENT TO 4TH QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1999—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| United States | Dollar | | | | 2,905.03 | | | | 2,905.03 |
| Heather Flynn: | | | | | | | | | |
| France | Dollar | | 283.00 | | | | | | 283.00 |
| Ivory Coast | Dollar | | 1,027.00 | | | | | | 1,027.00 |
| United States | Dollar | | | | 5,540.50 | | | | 5,540.50 |
| Michelle Gavin: | | | | | | | | | |
| South Africa | Dollar | | 86.00 | | | | | | 86.00 |
| Zimbabwe | Dollar | | 21.00 | | | | | | 21.00 |
| Zambia | Dollar | | 20.00 | | | | | | 20.00 |
| Rwanda | Dollar | | 20.00 | | | | | | 20.00 |
| Uganda | Dollar | | 22.00 | | | | | | 22.00 |
| United States | Dollar | | | | 1,478.49 | | | | 1,478.49 |
| Sherry Grandjean: | | | | | | | | | |
| Georgia | Dollar | | 2,950.00 | | | | | | 2,950.00 |
| United States | Dollar | | | | 5,888.45 | | | | 5,888.45 |
| Garrett Grigsby: | | | | | | | | | |
| Argentina | Dollar | | 850.00 | | | | | | 850.00 |
| Haiti | Dollar | | 528.00 | | | | | | 528.00 |
| United States | Dollar | | | | 4,307.00 | | | | 4,307.00 |
| Michael Haltzel: | | | | | | | | | |
| Germany | Dollar | | 512.00 | | | | | | 512.00 |
| Russia | Dollar | | 950.00 | | | | | | 950.00 |
| Ukraine | Dollar | | 30.00 | | | | | | 30.00 |
| United States | Dollar | | | | 5,936.48 | | | | 5,936.48 |
| James Jones: | | | | | | | | | |
| United Kingdom | Dollar | | 400.00 | | | | | | 400.00 |
| India | Dollar | | 500.00 | | | | | | 500.00 |
| Burma | Dollar | | 167.00 | | | | | | 167.00 |
| Thailand | Dollar | | 498.00 | | | | | | 498.00 |
| United States | Dollar | | | | 8,321.25 | | | | 8,321.25 |
| Kirsten Madison: | | | | | | | | | |
| Mexico | Dollar | | 1,144.50 | | | | | | 1,144.50 |
| United States | Dollar | | | | 964.27 | | | | 964.27 |
| Janice O'Connell: | | | | | | | | | |
| Colombia | Dollar | | 50.00 | | | | | | 50.00 |
| Venezuela | Dollar | | 50.00 | | | | | | 50.00 |
| Ecuador | Dollar | | 75.00 | | | | | | 75.00 |
| United States | Dollar | | | | 378.35 | | | | 378.35 |
| Nancy Stetson: | | | | | | | | | |
| United Kingdom | Dollar | | 309.00 | | | | | | 309.00 |
| India | Dollar | | 75.00 | | | | | | 75.00 |
| Burma | Dollar | | 65.00 | | | | | | 65.00 |
| Thailand | Dollar | | 498.00 | | | | | | 498.00 |
| Indonesia | Dollar | | 619.00 | | | | | | 619.00 |
| Singapore | Dollar | | 292.00 | | | | | | 292.00 |
| Australia | Dollar | | 591.00 | | | | | | 591.00 |
| United States | Dollar | | | | 9,734.71 | | | | 9,734.71 |
| Elizabeth Stewart: | | | | | | | | | |
| United States | Dollar | | | | 3,695.00 | | | | 3,695.00 |
| United Kingdom | Dollar | | 1,474.00 | | | | | | 1,474.00 |
| Luxembourg | Dollar | | 200.00 | | | | | | 200.00 |
| Slovenia | Dollar | | 200.00 | | | | | | 200.00 |
| Austria | Dollar | | 75.00 | | | | | | 75.00 |
| United States | Dollar | | | | 5,449.29 | | | | 5,449.29 |
| Natasha Watson: | | | | | | | | | |
| Hong Kong | Dollar | | 257.00 | | | | | | 257.00 |
| Vietnam | Dollar | | 366.00 | | | | | | 366.00 |
| Japan | Dollar | | 250.00 | | | | | | 250.00 |
| United States | Dollar | | | | 4,045.19 | | | | 4,045.19 |
| Michael Westphal: | | | | | | | | | |
| Georgia | Dollar | | 2,950.00 | | | | | | 2,950.00 |
| United States | Dollar | | | | 5,888.45 | | | | 5,888.45 |
| Total | | | 24,026.05 | | 82,011.93 | | | | 106,037.98 |

JESSE HELMS,
Chairman, Committee on Foreign Relations, Feb. 10, 2000.

AMENDMENT TO 4TH QUARTER 1999 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1999

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Max Baucus | | | 621.00 | | 5,109.45 | | | | 5,730.45 |
| Lorenzo Goco | | | 621.00 | | 5,129.19 | | | | 5,750.19 |
| Ira Wolfe | | | 621.00 | | 4,690.45 | | | | 5,311.45 |
| Senator Mike DeWine | | | 144.13 | | | | | | 144.13 |
| James Barnett | | | 371.00 | | | | | | 371.00 |
| Barbara Schenck | | | 371.00 | | | | | | 371.00 |
| Senator Richard Shelby | | | 957.98 | | 5,302.32 | | | | 6,260.30 |
| Kathleen Casey | | | 1,764.00 | | 5,302.32 | | | | 7,066.32 |
| C. Nicholas Rostow | | | 1,587.12 | | 5,877.57 | | | | 7,464.69 |
| Peter Dorn | | | 2,649.00 | | 9,942.00 | | | | 12,591.00 |
| Peter Cleveland | | | 2,338.00 | | 11,054.73 | | | | 13,392.73 |
| Linda Taylor | | | 2,338.00 | | 11,054.73 | | | | 13,392.73 |
| James Wolfe | | | 2,649.00 | | 9,942.00 | | | | 12,591.00 |
| Total | | | 17.032.23 | | 73,404.76 | | | | 90,436.99 |

RICHARD SHELBY,
Chairman, Committee on Intelligence, Apr. 12, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Charles R. Ross, Jr: | | | | | | | | | |
| United States | Dollar | | | | 1,529.30 | | | | 1,529.30 |
| Argentina | Dollar | | 1,563.00 | | | | | | 1,563.00 |
| Uruguay | Dollar | | 873.00 | | | | | | 873.00 |
| Total | | | 2,436.00 | | | 1,529.30 | | | 3,965.30 |

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition and Forestry, Apr. 11, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Ted Stevens: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |
| Italy | Lire | 2,691,397 | 1,434.00 | | | | | 2,691,397 | 1,434.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Senator Thad Cochran: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |
| Italy | Lire | 2,691,397 | 1,434.00 | | | | | 2,691,397 | 1,434.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Senator Fritz Hollings: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |
| Italy | Lire | 2,691,397 | 1,434.00 | | | | | 2,691,397 | 1,434.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Jennifer Chartrand: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |
| Italy | Lire | 2,691,397 | 1,434.00 | | | | | 2,691,397 | 1,434.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Charlie Houy: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |
| Italy | Lire | 2,691,397 | 1,434.00 | | | | | 2,691,397 | 1,434.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Lila Helms: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |
| Italy | Lire | 2,691,397 | 1,434.00 | | | | | 2,691,397 | 1,434.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Senator Ben N. Campbell: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |
| Italy | Lire | 2,691,397 | 1,434.00 | | | | | 2,691,397 | 1,434.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Steve Cortese: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |
| Italy | Lire | 2,691,397 | 1,434.00 | | | | | 2,691,397 | 1,434.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Sid Ashworth: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |
| Italy | Lire | 2,691,397 | 1,434.00 | | | | | 2,691,397 | 1,434.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Senator Patrick Leahy: | | | | | | | | | |
| Canada | Dollar | | | | 584.05 | | | | 584.05 |
| Tim Rieser: | | | | | | | | | |
| Canada | Dollar | | | | 584.05 | | | | 584.05 |
| Jonathan Kamarck: | | | | | | | | | |
| Costa Rica | Colon | | 675.00 | | 3,928.90 | | | | 4,603.90 |
| Chile | Pesos | | 675.00 | | | | | | 675.00 |
| Cheh Kim: | | | | | | | | | |
| Costa Rica | Colon | | 675.00 | | 3,928.90 | | | | 4,603.90 |
| Chile | Pesos | | 675.00 | | | | | | 675.00 |
| Senator Kay B. Hutchison: | | | | | | | | | |
| Portugal | Escudo | 48,960 | 255.00 | | | | | 48,960 | 255.00 |
| Spain | Peseta | 196,989 | 1,213.00 | | | | | 196,989 | 1,213.00 |
| Tunisia | Dinar | 470.79 | 374.00 | | | | | 470.79 | 374.00 |
| Morocco | Dirham | 5,940 | 595.00 | | | | | 5,940 | 595.00 |
| Total | | | 31,102 | | 9,025.90 | | | | 40,127.90 |

TED STEVENS,
Chairman, Committee on Appropriations, Apr. 13, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Pat Roberts: | | | | | | | | | |
| Morocco | Dirham | 3,720.00 | 372.00 | | | | | | 372.00 |
| Italy | Lira | 354,942 | 189.00 | | | | | | 189.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | | 274.00 |
| Senator James M. Inhofe: | | | | | | | | | |
| Denmark | Dollar | | 239.00 | | | | | | 239.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Switzerland | Dollar | | 616.00 | | | | | | 616.00 |
| United Kingdom | Dollar | | 762.00 | | | | | | 762.00 |
| Italy | Dollar | | 660.00 | | | | | | 660.00 |
| Germany | Dollar | | 386.00 | | | | | | 386.00 |
| Spain | Dollar | | 259.00 | | | | | | 259.00 |
| Senator Tim Hutchinson: | | | | | | | | | |
| Japan | Dollar | | 147.85 | | | | | | 147.85 |
| South Korea | Dollar | | 235.44 | | | | | | 235.44 |
| Taiwan | Dollar | | 126.63 | | | | | | 126.63 |
| Michael P. Ralsky: | | | | | | | | | |
| Japan | Dollar | | 113.92 | | | | | | 113.92 |
| South Korea | Dollar | | 239.33 | | | | | | 239.33 |
| Taiwan | Dollar | | 126.63 | | | | | | 126.63 |
| Senator Joseph I. Lieberman: | | | | | | | | | |
| Russia | Dollar | | 177.89 | | | | | | 177.89 |
| Germany | Dollar | | 371.95 | | | | | | 371.95 |
| Senator Jack Reed: | | | | | | | | | |
| Russia | Dollar | | 364.94 | | | | | | 364.94 |
| Germany | Dollar | | 454.00 | | | | | | 454.00 |
| Frederick M. Downey: | | | | | | | | | |
| Russia | Dollar | | 167.36 | | | | | | 167.36 |
| Germany | Dollar | | 312.83 | | | | | | 312.83 |
| Total | | | 6,577.77 | | | | | | 6,577.77 |

JOHN WARNER,
Chairman, Committee on Armed Services, Mar. 31, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Phil Gramm: | | | | | | | | | |
| Portugal | Escudo | 48,960 | 255.00 | | | | | | 255.00 |
| Spain | Peseta | 196,989 | 1,213.00 | | | | | | 1,213.00 |
| Tunisia | Dinar | 470.79 | 374.00 | | | | | | 374.00 |
| Morocco | Dirham | 4,318 | 341.80 | | | | | | 341.80 |
| Ruth Cymber: | | | | | | | | | |
| Portugal | Escudo | 48,960 | 255.00 | | | | | | 255.00 |
| Spain | Peseta | 196,989 | 1,213.00 | | | | | | 1,213.00 |
| Tunisia | Dinar | 470.79 | 374.00 | | | | | | 374.00 |
| Morocco | Dirham | 2,100 | 210.00 | | | | | | 210.00 |
| Senator Mike Enzi: | | | | | | | | | |
| Japan | Dollar | | 318.00 | | | | | | 318.00 |
| South Korea | Dollar | | 271.00 | | | | | | 271.00 |
| Taiwan | Dollar | | 265.00 | | | | | | 265.00 |
| Total | | | 5,089.80 | | | | | | 5,089.80 |

PHIL GRAMM,
Chairman, Committee on Banking, Housing and Urban Affairs, Apr. 14, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EXPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Robert W. Corbisier: | | | | | | | | | |
| Canada | Dollar | | 359.94 | | 695.29 | | | | 1,055.23 |
| William B. Woolf: | | | | | | | | | |
| Russia | Dollar | | 1,140.37 | | 4,686.20 | | | | 5,826.57 |
| Canada | Dollar | | 309.19 | | 793.75 | | | | 1,102.94 |
| Total | | | 1,809.50 | | 6,175.24 | | | | 7,984.74 |

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Apr. 10, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Daniel Bob: | | | | | | | | | |
| Australia | Dollar | 2,074.65 | 1,364.00 | | 1,670.73 | | | | 2,927.65 |
| Senator William V. Roth: | | | | | | | | | |
| Australia | Dollar | 2,467.00 | 1,622.00 | | 7,267.01 | | | | 8,333.72 |
| Richard Chriss: | | | | | | | | | |
| Switzerland | Swiss Franc | 1,961.16 | 1,180.00 | | 1,901.00 | | | | 2,782.59 |
| Total | | | 4,166.00 | | 10,838.74 | | | | 14,043.96 |

WILLIAM V. ROTH,
Chairman, Committee on Finance, Apr. 5, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Joseph Biden: | | | | | | | | | |
| Germany | Dollar | | 454.00 | | | | | | 454.00 |
| France | Dollar | | 333.00 | | | | | | 333.00 |
| United States | Dollar | | | | 5,442.03 | | | | 5,442.03 |
| Senator Sam Brownback: | | | | | | | | | |
| India | Dollar | | 375.00 | | | | 509.32 | | 884.32 |
| Pakistan | Dollar | | 250.00 | | | | 682.31 | | 932.31 |
| Nepal | Dollar | | 236.00 | | | | 225.08 | | 461.08 |
| United States | Dollar | | | | 7,115.25 | | | | 7,115.25 |
| Senator Christopher Dodd: | | | | | | | | | |
| United States | Dollar | | | | 3,214.08 | | | | 3,214.08 |
| Senator Chuck Hagel: | | | | | | | | | |
| Russia | Dollar | | 188.28 | | | | | | 188.28 |
| Germany | Dollar | | 323.23 | | | | | | 323.23 |
| Marshall Billingslea: | | | | | | | | | |
| Malta | Dollar | | 452.00 | | | | | | 452.00 |
| Greece | Dollar | | 404.00 | | | | | | 404.00 |
| Turkey | Dollar | | 729.00 | | | | | | 729.00 |
| Azerbaijan | Dollar | | 754.00 | | | | | | 754.00 |
| United States | Dollar | | | | 6,644.61 | | | | 6,644.61 |
| Michael Coulter: | | | | | | | | | |
| Russia | Dollar | | 380.00 | | | | | | 380.00 |
| Germany | Dollar | | 303.33 | | | | | | 303.33 |
| James Doran: | | | | | | | | | |
| China | Dollar | | 1,446.00 | | | | | | 1,446.00 |
| Taiwan | Dollar | | 255.00 | | | | | | 255.00 |
| United States | Dollar | | | | 5,102.36 | | | | 5,102.36 |
| Richard Fontaine: | | | | | | | | | |
| Lebanon | Dollar | | 225.00 | | | | | | 225.00 |
| Israel | Dollar | | 990.00 | | | | | | 990.00 |
| Syria | Dollar | | 630.00 | | | | | | 630.00 |
| United States | Dollar | | | | 5,250.35 | | | | 5,250.35 |
| Michael Haltzel: | | | | | | | | | |
| Russia | Dollar | | 365.00 | | | | | | 365.00 |
| Germany | Dollar | | 259.00 | | | | | | 259.00 |
| Slovenia | Dollar | | 650.00 | | | | | | 650.00 |
| U.S.A. | Dollar | | | | 5,253.39 | | | | 5,253.39 |
| James Jones: | | | | | | | | | |
| Switzerland | Dollar | | 1,550.00 | | | | | | 1,550.00 |
| United States | Dollar | | | | 5,643.50 | | | | 5,643.50 |
| Mark Lagon: | | | | | | | | | |
| China | Dollar | | 1,446.00 | | | | | | 1,446.00 |
| Taiwan | Dollar | | 255.00 | | | | | | 255.00 |
| United States | Dollar | | | | 5,102.36 | | | | 5,102.36 |
| Marcia Lee: | | | | | | | | | |
| Colombia | Dollar | | 522.00 | | | | | | 522.00 |
| United States | Dollar | | | | 667.80 | | | | 667.80 |
| LouAnn Linehan: | | | | | | | | | |
| Russia | Dollar | | 216.97 | | | | | | 216.97 |
| Germany | Dollar | | 347.97 | | | | | | 347.97 |
| Brian McKeon: | | | | | | | | | |
| Colombia | Dollar | | 571.00 | | | | | | 571.00 |
| United States | Dollar | | | | 667.80 | | | | 667.80 |
| Patricia McNerney: | | | | | | | | | |
| Namibia | Dollar | | 306.00 | | | | | | 306.00 |
| Botswana | Dollar | | 521.00 | | | | | | 521.00 |
| United States | Dollar | | | | 8,106.00 | | | | 8,106.00 |
| Canada | Dollar | | 705.00 | | | | | | 705.00 |
| United States | Dollar | | | | 358.00 | | | | 358.00 |
| Michael Miller: | | | | | | | | | |
| Namibia | Dollar | | 506.24 | | | | | | 506.24 |
| Botswana | Dollar | | 521.00 | | | | | | 521.00 |
| Zimbabwe | Dollar | | 990.00 | | | | | | 990.00 |
| United States | Dollar | | | | 7,853.11 | | | | 7,853.11 |
| Sean Moore: | | | | | | | | | |
| Colombia | Dollar | | 600.00 | | | | | | 600.00 |
| United States | Dollar | | | | 667.80 | | | | 667.80 |
| Kenneth Peel: | | | | | | | | | |
| Canada | Dollar | | 1,410.00 | | | | | | 1,410.00 |
| United States | Dollar | | | | 368.50 | | | | 368.50 |
| Danielle Pletka: | | | | | | | | | |
| Lebanon | Dollar | | 225.00 | | | | | | 225.00 |
| Israel | Dollar | | 990.00 | | | | | | 990.00 |
| Syria | Dollar | | 630.00 | | | | | | 630.00 |
| United States | Dollar | | | | 5,250.35 | | | | 5,250.00 |
| Christina Rocca: | | | | | | | | | |
| India | Dollar | | 375.00 | | | | 509.31 | | 884.31 |
| Pakistan | Dollar | | 250.00 | | | | 682.31 | | 932.31 |
| Nepal | Dollar | | 236.00 | | | | 225.07 | | 461.31 |
| United States | Dollar | | | | 7,115.25 | | | | 7,115.25 |
| Elizabeth Stewart: | | | | | | | | | |
| Russia | Dollar | | 225.48 | | | | | | 225.48 |
| Germany | Dollar | | 454.00 | | | | | | 454.00 |
| Marc Thiessen: | | | | | | | | | |
| China | Dollar | | 1,446.00 | | | | | | 1,446.00 |
| Taiwan | Dollar | | 225.00 | | | | | | 225.00 |
| United States | Dollar | | | | 5,102.36 | | | | 5,102.36 |
| Total | | | 25,556.50 | | 84,924.90 | | 2,833.40 | | 113,314.80 |

JESSE HELMS,
Chairman, Committee on Foreign Relations, Apr. 10, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Susan Collins: | | | | | | | | | |
| Japan | Yen | 33,501 | 318.00 | | | | | 33,501 | 318.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Korea | Won | 310,840 | 271.00 | | | | | 310,840 | 271.00 |
| Taiwan | Dollar | 32,648 | 265.00 | | | | | 32,648 | 265.00 |
| Richard Kessler: | | | | | | | | | |
| United States | Dollar | | | | 1,188.52 | | | | 1,188.52 |
| United Kingdom | Pound | 232.50 | 381.00 | | | | | 232.50 | 381.00 |
| Austria | Schilling | 5,952.27 | 436.00 | | | | | 5,952.27 | 436.00 |
| Senator Fred Thompson: | | | | | | | | | |
| Russia | Ruble | | 203.56 | | | | | | 203.56 |
| Germany | Mark | | 425.83 | | | | | | 425.83 |
| Senator Susan Collins: | | | | | | | | | |
| Russia | Ruble | | 167.36 | | | | | | 167.36 |
| Germany | Mark | | 339.53 | | | | | | 339.53 |
| Mark Esper: | | | | | | | | | |
| Russia | Ruble | | 178.30 | | | | | | 178.30 |
| Germany | Mark | | 454.00 | | | | | | 454.00 |
| Senator George Voinovich: | | | | | | | | | |
| United States | Dollar | | | | 5,247.79 | | | | 5,247.79 |
| Croatia | Dollar | | 167.00 | | | | | | 167.00 |
| Macedonia | Dollar | | 485.00 | | | | | | 485.00 |
| Belgium | Franc | | 228.00 | | | | | | 228.00 |
| Aric Newhouse: | | | | | | | | | |
| United States | Dollar | | | | 5,247.79 | | | | 5,247.79 |
| Croatia | Dollar | | 150.00 | | | | | | 150.00 |
| Macedonia | Dollar | | 347.00 | | | | | | 347.00 |
| Belgium | Franc | 8,112 | 197.00 | | | | | | 197.00 |
| Total | | | 5,013.58 | | 11,684.10 | | | | 16,697.68 |

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, Apr. 7, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Richard Shelby | | | 4,177.00 | | 645.91 | | 9,274.93 | | 1,4097.84 |
| Senator Richard Bryan | | | 3,598.00 | | | | | | 3,598.00 |
| Kathleen Casey | | | 4,002.00 | | | | | | 4,002.00 |
| C. Nicholas Rostow | | | 4,027.00 | | | | | | 4,027.00 |
| Alfred Cumming | | | 3,881.00 | | | | | | 3,881.00 |
| Thomas Young | | | 2,798.00 | | | | | | 2,798.00 |
| Senator Frank Lautenberg | | | 1,284.00 | | 7,613.03 | | | | 8,897.03 |
| Lorenzo Goco | | | 678.00 | | 7,655.60 | | | | 8,333.60 |
| Frederic Baron | | | 1,507.00 | | 7,608.03 | | | | 9,115.03 |
| Senator Jon Kyl | | | 350.14 | | | | | | 350.14 |
| Total | | | 26,302.14 | | 23,522.57 | | | | 59,099.64 |

RICHARD SHELBY,
Chairman, Committee on Intelligence, Apr. 12, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM JAN 1, TO MAR. 31 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Leah Belaire: | | | | | | | | | |
| Colombia | | | 757.00 | | | | | | 757.00 |
| Peru | | | 679.00 | | | | | | 679.00 |
| United States | | | | | 661.80 | | | | 661.80 |
| Total | | | 1,436.00 | | 661.80 | | | | 2,097.00 |

ORRIN HATCH,
Chairman, Committee of Judiciary, Apr. 3, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JAN. 1, TO MAR 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Scott A Giles: | | | | | | | | | |
| United States | Dollar | | 600.00 | | 2,072.80 | | | | 2,672.80 |
| Jennifer M. Luray: | | | | | | | | | |
| United States | Dollar | | 696.50 | | 1,853.01 | | | | 2,549.51 |
| Senator Barbara A. Mikulski: | | | | | | | | | |
| United States | Dollar | | 696.50 | | 1,853.01 | | | | 2,549.51 |
| Total | | | 1,993.00 | | 5,778.82 | | | | 7,771.82 |

JIM JEFFORDS,
Chairman, Committee on Health, Education, Labor and Pensions, Apr. 13, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| David J. Urban: | | | | | | | | | |
| Morocco | Dollar | | 372.00 | | | | | | 372.00 |
| Italy | Dollar | | 189.00 | | | | | | 189.00 |
| Tunisia | Dollar | | 273.60 | | | | | | 273.60 |
| Israel | Dollar | | 805.00 | | | | | | 805.00 |
| Total | Dollar | | 1,639.60 | | | | | | 1,639.60 |

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Mar. 31, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL DASCHLE FOR TRAVEL FROM JAN. 6, TO JAN. 17, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Tom Daschle: | | | | | | | | | |
| Italy | Lire | 443,208 | 236.00 | | | | | 443,208 | 236.00 |
| Bahrain | Dinar | 107.45 | 285.00 | | | | | 107.45 | 285.00 |
| India | Rupee | 37,845 | 872.00 | | | | | 37,845 | 872.00 |
| Nepal | Rupee | 16,154 | 236.00 | | | | | 16,154 | 236.00 |
| Pakistan | Rupee | 20,641 | 412.00 | | | | | 20,641 | 412.00 |
| Egypt | Pound | 1,131 | 327.00 | | | | | 1,131 | 327.00 |
| United States | Dollar | | | | 9,011.50 | | | | 9,011.50 |
| Senator Christopher Dodd: | | | | | | | | | |
| Italy | Lire | 443,208 | 236.00 | | | | | 443,208 | 236.00 |
| Bahrain | Dinar | 107.45 | 285.00 | | | | | 107.45 | 285.00 |
| India | Rupee | 37,845 | 872.00 | | | | | 37,845 | 872.00 |
| Nepal | Rupee | 16,154 | 236.00 | | | | | 16,154 | 236.00 |
| Pakistsan | Rupee | 20,641 | 412.00 | | | | | 20,641 | 412.00 |
| Egypt | Pound | 1,131 | 327.00 | | | | | 1,131 | 327.00 |
| United States | Dollar | | | | 8,812.00 | | | | 8,812.00 |
| Senator Harry Reid: | | | | | | | | | |
| Italy | Lire | 443,208 | 236.00 | | | | | 443,208 | 236.00 |
| Bahrain | Dinar | 107.45 | 285.00 | | | | | 107.45 | 285.00 |
| India | Rupee | 37,845 | 872.00 | | | | | 37,845 | 872.00 |
| Nepal | Rupee | 16,154 | 236.00 | | | | | 16,154 | 236.00 |
| Pakistan | Rupee | 20,641 | 412.00 | | | | | 20,641 | 412.00 |
| Egypt | Pound | 1,131 | 327.00 | | | | | 1,131 | 327.00 |
| United States | Dollar | | | | 9,011.50 | | | | 9,011.50 |
| Senator Daniel Akaka: | | | | | | | | | |
| Italy | Lire | 443,208 | 236.00 | | | | | 443,208 | 236.00 |
| Bahrain | Dinar | 107.45 | 285.00 | | | | | 107.45 | 285.00 |
| India | Rupee | 37,845 | 872.00 | | | | | 37,845 | 872.00 |
| Nepal | Rupee | 16,154 | 236.00 | | | | | 16,154 | 236.00 |
| Pakistan | Rupee | 20,641 | 412.00 | | | | | 20,641 | 412.00 |
| Egypt | Pound | 1,131 | 327.00 | | | | | 1,131 | 327.00 |
| United States | Dollar | | | | 9.011.50 | | | | 9,011.50 |
| Randy DeValk: | | | | | | | | | |
| Italy | Lire | 400,014 | 213.00 | | | | | 400,014 | 213.00 |
| Bahrain | Dinar | 75.15 | 223.00 | | | | | 75.15 | 223.00 |
| India | Rupee | 34,806 | 802.00 | | | | | 34,806 | 802.00 |
| Nepal | Rupee | 12,047 | 176.00 | | | | | 12,047 | 176.00 |
| Pakistan | Rupee | 15,581 | 311.00 | | | | | 15,581 | 311.00 |
| Egypt | Pound | 1,021 | 273.00 | | | | | 1,021 | 273.00 |
| United States | Dollar | | | | 6,277.50 | | | | 6,277.50 |
| Ranit Schmelzer: | | | | | | | | | |
| Italy | Lire | 400,014 | 213.00 | | | | | 400,014 | 213.00 |
| Bahrain | Dinar | 88.22 | 234.00 | | | | | 88.22 | 234.00 |
| India | Rupee | 34,806 | 802.00 | | | | | 34,806 | 802.00 |
| Nepal | Rupee | 12,047 | 176.00 | | | | | 12,047 | 176.00 |
| Pakistan | Rupee | 15,581 | 311.00 | | | | | 15,581 | 311.00 |
| Egypt | Pound | 1,021 | 273.00 | | | | | 1,021 | 273.00 |
| United States | Dollar | | | | 6,277.50 | | | | 6,277.50 |
| Sally Walsh: | | | | | | | | | |
| Italy | Lire | 443,208 | 236.00 | | | | | 443.208 | 236.00 |
| Bahrain | Dinar | 107.45 | 285.00 | | | | | 107.45 | 285.00 |
| India | Rupee | 33,504 | 772.00 | | | | | 33,504 | 772.00 |
| Nepal | Rupee | 16,154 | 236.00 | | | | | 16,154 | 236.00 |
| Pakistan | Rupee | 15,631 | 312.00 | | | | | 15,631 | 312.00 |
| Egypt | Pound | 1,131 | 327.00 | | | | | 1,131 | 327.00 |
| United States | Dollar | | | | 6,277.50 | | | | 6,277.50 |
| Delegation expenses: [1] | | | | | | | | | |
| Italy | | | | | | | 1,329.58 | | 1,329.58 |
| Bahrain | | | | | | | 1,301.90 | | 1,301.90 |
| India | | | | | | | 8,697.64 | | 8,697.64 |
| Nepal | | | | | | | 2,395.83 | | 2,395.83 |
| Pakistan | | | | | | | 4,073.62 | | 4,073.62 |
| Egypt | | | | | | | 1,552.28 | | 1,552.28 |
| Total | | | 15,647.00 | | 54,679.00 | | 19,350.85 | | 89,676.85 |

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Mar. 20, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Eizabeth Letchworth: | | | | | | | | | |
| Morocco | Dirham | 3,720 | 372.00 | | | | | 3,720 | 372.00 |

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000—Continued

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Italy | Lire | 354,942 | 189.00 | | | | | 354,942 | 189.00 |
| Tunisia | Dinar | 342 | 274.00 | | | | | 342 | 274.00 |
| Israel | Shekels | | 805.00 | | | | | | 805.00 |
| Total | | | 1,640.00 | | | | | | 1,640.00 |

TRENT LOTT,
Majority Leader, Apr. 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DEMOCRATIC LEADER FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Ernest F. Hollings: | | | | | | | | | |
| Syria | Dollar | | 500.00 | | | | | | 500.00 |
| Lebanon | Dollar | | 300.00 | | | | | | 300.00 |
| Jordan | Dinar | 328.51 | 464.00 | | | | | 328.51 | 464.00 |
| Israel | Dollar | | 571.00 | | | | | | 571.00 |
| Israel | Shekels | 1738.39 | 437.00 | | | | | 1738.39 | 437.00 |
| United Kingdom | Pound | 841.00 | 1,404.00 | | | | | 841.00 | 1,404.00 |
| Joab M. Lesesne: | | | | | | | | | |
| Syria | Dollar | | 455.00 | | | | | | 455.00 |
| Lebanon | Dollar | | 300.00 | | | | | | 300.00 |
| Jordan | Dinar | 328.51 | 464.00 | | | | | 328.51 | 464.00 |
| Israel | Dollar | | 571.00 | | | | | | 571.00 |
| Israel | Shekel | 1738.39 | 437.00 | | | | | 1738.39 | 437.00 |
| United Kingdom | Pound | 823.00 | 1,374.00 | | | | | 823.00 | 1,374.00 |
| Senator Robert Kerrey: | | | | | | | | | |
| Syria | Dollar | | 390.98 | | | | | | 390.98 |
| Lebanon | Dollar | | 150.00 | | | | | | 150.00 |
| Jordan | Dinar | 227.55 | 321.40 | | | | | 227.55 | 321.40 |
| Israel | Dollar | | 466.53 | | | | | | 466.53 |
| United Kingdom | Pound | 305.94 | 510.93 | 1,536 | 2,430.33 | | | 1,841.94 | 2,941.26 |
| Christopher Straub: | | | | | | | | | |
| Syria | Dollar | | 365.00 | | | | | | 365.00 |
| Lebanon | Dollar | | 150.00 | | | | | | 150.00 |
| Jordan | Dinar | 231.51 | 327.54 | | | | | 231.51 | 327.54 |
| Israel | Dollar | | 494.97 | | | | | | 494.97 |
| United Kingdom | Pound | 298.00 | 498.97 | 1,536 | 2,430.33 | | | 1,834.78 | 2,929.30 |
| Total | | | 10,953.32 | | 4,860.66 | | | | 15,813.98 |

THOMAS DASCHLE,
Democratic Leader, Apr. 25, 2000.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. GRASSLEY. For the leader, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 470 and 471. I ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The following named officer for appointment as Commander, Pacific Area, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

*To be vice admiral*

Rear Adm. Ernest R. Riutta, 0000

The following named officer for appointment as Vice Commandant, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 47:

*To be vice admiral*

Vice Adm. Thomas H. Collins, 0000

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## EXPRESSING THE SENSE OF THE CONGRESS ON THE DEATH OF JOHN CARDINAL O'CONNOR, ARCHBISHOP OF NEW YORK

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con Res. 317, just received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 317) expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRASSLEY. I ask unanimous consent the concurrent resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 317) was agreed to.

The preamble was agreed to.

## ORDERS FOR TUESDAY, MAY 9, 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, May 9. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin debate on the Lieberman amendment to S. 2, the Elementary and Secondary Education Act.

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

Mr. GRASSLEY. Further, I ask consent that the Senate stand in recess from the hour of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

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

## PROGRAM

Mr. GRASSLEY. Tomorrow morning the Senate will begin debate on the Lieberman alternative amendment to the Elementary and Secondary Education Act at 10 o'clock. By previous consent, the vote on the Gregg amendment regarding teacher quality will occur at 2:15 p.m., immediately following the weekly party luncheons. It is hoped that a vote on the Lieberman amendment can be scheduled to immediately follow the vote on the Gregg amendment. Therefore, Senators can expect votes tomorrow afternoon and possibly into the evening.

For the information of all Senators, it is expected the Senate will begin consideration of the conference report to accompany H.R. 434, the African trade legislation, prior to tomorrow's adjournment.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Tuesday, May 9, 2000, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 8, 2000:

DEPARTMENT OF STATE

OWEN JAMES SHEAKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE). (NEW POSITION)

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 8, 2000:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

*To be vice admiral*

REAR ADM. ERNEST R. RIUTTA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

*To be vice admiral*

VICE ADM. THOMAS H. COLLINS, 0000

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.