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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Merciful God, we want to live our lives in grateful response to Your goodness. May Your goodness bind our hearts to You. There is no limit to what we are able to accomplish when love is our motivation. Help us to live this entire day as an expression of our love for You, for all the grace You have lavished upon us. Rather than living by obligation or oughts, may we do our work today as our way of telling You how much we love You. We are so thankful for Your care, for the privilege of living in this free land, for our families and friends, and for the opportunity to serve You in the formulation of public policy for the welfare and prosperity of all people. Our goal is to enjoy this day to the fullest. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Minnesota, is recognized.

Mr. GRAMS. I thank the Chair.

SCHEDULE

Mr. GRAMS. Today the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of S. 280, the education flexibility partnership bill. Under a previous order, the Senate will vote on the motion to invoke cloture on the Jeffords substitute amendment at 5 p.m. this evening. Therefore, Members have until 4 p.m. today to file second-degree amendments to the Jeffords amendment. As a reminder, a second cloture motion was filed last Friday, and therefore a cloture vote will occur tomorrow unless an agreement can be reached between the two sides on how to proceed expeditiously with this bill.

Mr. President, also under rule XXII, Members must file first-degree amendments today to qualify for the second cloture vote tomorrow. I thank my colleagues for their attention.

Mr. President, I believe, under a previous order, I have control of the floor for the next 30 minutes or until 12:30.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. The time between 12 noon and 12:30 p.m. shall be under the control of the Senator from Minnesota, Mr. GRAMS, or his designee.

The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair. I also expect to be joined in a few minutes by Senator TIM HUTCHINSON of Arkansas and also Senator ROBERT SMITH of New Hampshire, and I will yield time to them as they come to the floor this morning.

THE INCOME TAX ANNIVERSARY

Mr. GRAMS. I wanted to take a few moments this morning to talk a little bit about birthdays and anniversaries. As we know, basically they are happy remembrances of events we should celebrate. Eighty-six years ago today, the Internal Revenue Service began to levy and collect a personal income tax on the American people.

I believe this is nothing to celebrate. To borrow a phrase from Ronald Reagan, you will excuse the taxpayers if they don't celebrate the daily mugging that we call the Tax Code.

As we note the sad occasion, I rise to call upon Congress to take immediate action to end the Federal Tax Code as we know it and replace it with a new system that is fairer, simpler, and friendlier to the taxpayers. I also call upon Congress to take immediate action to reduce the ever-increasing tax burden by providing meaningful tax relief for every working American. Now, that, Mr. President, would be something to celebrate.

This great Nation was born out of a tax revolt. The revolt didn't come about because our Founding Fathers were selfish but because they didn't want to be shackled by Government regulations, intrusive bureaucracies, abusive taxing powers, and the unjust policies of their homeland. They didn't want to send their hard-earned money to an English Parliament that wasted every penny of it without any respect for those who earned it.

The Boston Tea Party was the result of a one-half of 1 percent tax that was levied on the Colonies. Put that in terms of today's tax burden.

This tax revolt was about freedom; it was about liberty; it was about a person being able to own more of the fruits of his labor rather than being strangled by the albatross of taxation.

Our Founding Fathers understood well that low taxes and freedom were directly related. To protect individual liberty from future abuses, they crafted clause 4 of article I, section 9 of the U.S. Constitution, that is, rejecting all direct income taxes that were not appropriated by each State by its population.

This clause, as originally adopted in the Constitution, reflected the genius, the wisdom, and the experience of our Founding Fathers—protecting individual liberty by limiting the Government's power to tax.

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

For more than 100 years following the founding of this Nation, the American people enjoyed tax freedom and did not pay any income taxes. The Supreme Court defended this freedom and held the income tax to be unconstitutional. Unfortunately, under the direct influence of the rise of socialism in Europe at that time, on February 3, 1913, the 16th amendment to the Constitution was ratified, giving the Government unlimited power to tax. And then on March 8, 1913, the IRS began collecting personal income tax. The ratification of the 16th amendment and the enactment of the first Tax Code fundamentally eroded our individual liberty. Initially, less than 1 percent of all Americans paid any kind of income tax. Only 5 percent of Americans paid any income tax as late as 1939 before the beginning of World War II.

Times, as we know, have changed dramatically. Today, the Federal tax burden is at a historic high. Federal taxes now consume nearly 21 percent of national income. A typical American family pays $9,000 a year in Federal tax. A median-income family can expect to give up nearly 40 percent of all of its income in Federal, State and local taxes. And that is more than it spends on food, clothing, transportation and housing combined.

Mr. President, every year the tax system pushes more and more Americans into higher and higher tax brackets, and that is to meet the demands of ever-increasing Government spending. It is an old saying, but it has never been more true, that ''Government is an endless pursuit of new ways to tax.''

The tax system has created a monstrous bureaucracy—the intrusive, abusive Internal Revenue Service. More than $7 billion in taxpayers' money annually goes to support the operations of the Internal Revenue Service. Those dollars have built a tax system that is extremely complicated and difficult for anyone to try to understand. The Tax Code originally was only 14 pages when it was first enacted, but today it has grown to more than 10,000 pages. And it costs hundreds of billions of dollars for taxpayers to comply with its dizzying requirements.

There is a growing national consensus that the current Tax Code is antifamily, it is antieconomic growth, it is unfair, it encourages abuse, waste and corruption, and it needs to be terminated.

I thank my colleague from Arkansas, who plans on introducing legislation—he did introduce legislation last year—that would do just that, that is, eliminate the Tax Code as we know it. I was proud to join him as an original cosponsor, and I look forward to supporting his efforts once again this year.

The next question to answer is, How will we replace the Tax Code since there is a need for Federal revenues to fund defense and foreign policy needs as well as some Federal programs?

Mr. President, I have been exploring alternative tax systems for quite a while. After considerable study of the issue, I believe the national sales tax plan that has been developed by Americans for Fair Taxation is the best replacement for the Tax Code.

Any new tax system must restore our fundamental principles of low taxes and limited taxing power. It must fairly and efficiently distribute the burden of funding our Government, promote economic growth, simplify compliance, and offer every American better economic opportunity.

The Fair Tax system, which I intend to introduce soon, meets these important criteria. It is a fairer, simpler, friendlier tax system. It will increase economic growth, investment, capital formation, and the creation of jobs and savings.

Under the Fair Tax system, working Americans keep 100 percent of their pay, pension, or Social Security check. They no longer need to file a tax return with the IRS. Their family's finances are not revealed to Government bureaucrats.

They will not be penalized for getting or staying married—or dying, for that matter. Everyone pays the same tax rate without loopholes for special interest groups. There will not be any hidden taxes and everyone will easily understand the tax and how much tax they are paying. And finally—the good news—it will abolish the IRS.

Mr. President, does this sound too good to be true? It may sound that way, but believe me, it is real. Let me briefly highlight how my Fair Tax legislation will achieve this.

First, the legislation will call for the repeal of the Constitutional Amendment that created the tax nightmare we find ourselves in today. As I noted earlier, the 16th Amendment is the root of all tax evil.

It abandons our Founding Fathers' core principle by giving the Government unlimited power to tax the private income of the American people. Without repeal of this Amendment, any tax system will eventually erode into the very system we have today.

Second, the legislation will repeal the income tax, the payroll tax, the estate tax, the gift tax, the capital gains tax, the self-employment tax, and the corporate tax.

Third, the legislation will impose a single rate on all new goods and services at the point of final purchase for consumption, and it provides a universal rebate in an amount equal to the sales tax paid on essential goods and services, to help lower-income individuals.

Every American will be better off under the Fair Tax system than they are under the system that today holds them captive. I believe it will create expanded economic opportunities for our Nation and for our people.

I realize it will take some time to pass tax reform, so in the meantime, I strongly support reducing the tax burdens of overtaxed Americans.

The American people have good reason to ask for a tax cut.

Since 1993, Federal taxes have increased by 50 percent. They have grown twice as much as Government spending and as a result, Americans today have the largest tax burden since World War II, and it is still growing.

What is most devastating is the ''middle-class tax squeeze.'' More and more middle-income workers are being thrown into higher tax brackets. There is no excuse to continue taxing middle-income Americans at such a high rate in an era of budget surpluses.

More Americans are working harder and are earning more today. But a large share of the higher incomes of hard-working Americans are not being spent on their families' priorities, but are instead being siphoned off by Washington.

This is not fair. People work hard and are then penalized for their work. With punitive taxes, Washington makes the American dream of working hard for a better life more difficult to achieve for many—and impossible for some.

That is why Congress needs to take immediate action to provide meaningful tax relief for all working Americans.

Our exceptionally strong economy will generate an enormous non-Social Security surplus over the next 10 years.

This surplus enables us to provide a broad-based tax cut for overtaxed Americans—again, without new red ink, and without spending any of the Social Security surplus. The surplus will also allow Congress to retire some of the national debt every year.

If we do not return the surplus to the taxpayers, Washington will spend every penny of it to expand the Government.

In addition, broad-based tax relief is an insurance policy for the American economy, helping to keep it strong and healthy.

Most economists, including Chairman Greenspan, agree that an across-the-board tax cut is good for America. I will be addressing S. 3, my 10 percent across-the-board tax cut legislation, later this week in more detail.

Today, I want to remind my colleagues about the anniversary of the income tax and the hardship the Tax Code has placed on our people—again, an anniversary I do not think worth celebrating.

So, I urge my colleagues to join me in a pledge that we will not let another anniversary come and go before we dedicate ourselves to replacing the Tax Code with a better system, and at the same time do everything we can to reduce the existing tax burden on the overtaxed American people.

Mr. President, I see my colleague from Arkansas is on the floor. I would like to yield to him, Senator HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I commend the Senator from Minnesota. I don't know of a Senator who has been more consistent, more persistent, more

determined, more resolute in trying to reduce the tax burden under which the American people labor, trying to simplify this very onerous Tax Code under which we operate, than Senator ROD GRAMS of Minnesota. I am glad to associate myself with his comments today.

I suppose it is inappropriate to say, ''Happy anniversary,'' because the anniversary we remember today is not one that is a source of happiness. Mr. President, 86 years ago today—March 8, 86 years ago today—the Federal Government implemented the 16th amendment, ratified in 1913, and began at that point eating away at the income of the American worker.

Perhaps that date, March 8, is a day that ought to ''live in infamy.'' But, then, maybe we should not be too hard on those who enacted the income tax amendment. I believe they could never have envisioned, they never could have imagined, what would have happened under the guise of the income tax. In fact, I understand there was actually a proposal during the time that was being debated in Congress to cap what the income tax could ever reach—a ceiling—and it was dismissed because it was concluded that Congress would never raise the income tax to such an exorbitant level.

During the 1930s, Federal income taxes never, never were more than 1.4 percent of the Gross National Product—1.4 percent. In the 1990s the income tax now represents, as a percentage of the GNP, about 9 percent. So it has just skyrocketed.

The amendment originally passed said this:

> The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census of enumeration.

That is the way it began—just a little sliver, just a small portion from Americans' wallets, at the turn of the century. That has turned into an enormous chunk of the pie, of the American family's reward for a hard day's work.

According to the Office of Management and Budget, individual income taxes constituted only 14.6 percent of the total revenue of the Federal Government in 1935. Less than 15 percent of all revenues generated for the Federal Government came from the Federal income tax in 1935. Today, individual income taxes constitute a whopping, staggering 45 percent of the total Federal revenue, better than three times what it was in the 1930s.

The rate has grown so rapidly, the Tax Code has become so onerous, that Senator GRAMS and I are black-marking this day in American tax history. It is only a prelude to the dreaded date, April 15. It is only in May, on or about May 7, that hard-working Americans can breathe a sigh of relief, on what is called Tax Freedom Day. Only on that day, May 7, can Americans begin to keep their hard-earned money, after having spent 4 months working to pay Uncle Sam's tax bill. It is for no small reason that Alexander Hamilton, in Federalist Paper No. 36, stated:

> Many spectres have been raised out of this power of internal taxation, to excite the apprehensions of the people.

That was written 210 years ago. Today, we know exactly what Alexander Hamilton meant. The Federal Government has used the power of internal taxation to create broad distrust in the American people and create a Tax Code 7,500 pages in length containing over 800,000 words. We in the Senate have an opportunity to replace these dreadful anniversaries with a new one—the elimination of the present Tax Code on December 31, 2003. The Tax Code Termination Act, which I will, as Senator GRAMS alluded, introduce in the near future, would eliminate, terminate, sunset the existing Tax Code by December 31, 2003.

Congress, the President, and the American people would then replace the current Tax Code with a leaner, simpler, fairer, and more honest tax system by no later than Independence Day, July 4, 2003, the beginning of a new era of freedom in this country. Senator GRAMS will be introducing a simpler, fairer tax system; others have proposed other alternatives. I will make my decision. I say this: The Tax Code Termination Act, the sunsetting of the Tax Code, is not relying upon which kind of solution, it does not determine which direction we should go, but, I assert, we cannot do worse than the current inexplicable, incomprehensible Tax Code by which we are governed.

I applaud and commend Senator GRAMS for being bold enough, creative enough and, I might add, courageous enough to introduce a very broad, comprehensive proposal to replace the current, clearly inequitable tax system. For too long the American people have suffered under the heavy chains of the oppressive regime we call our Tax Code. Each year, Americans spend over 5.4 billion hours slaving away to comply with tax provisions. That 5.4 billion hours is the equivalent amount of time it takes to produce all the cars, all the trucks, and all the airplanes in this country in 1 year. All of that energy, all of that productivity going to comply with the Tax Code.

A humble family of four will spend the equivalent of 2 weeks for Tax Code compliance. Ironically, every year $13.7 billion of the money that taxpayers struggle to pay the Federal Government is expended in enforcing the code. They pay their taxes. They pay their tax bill, $13.7 billion of which goes to enforce that code. Yet the IRS, a bureaucracy of 110,000 people in over 650 offices around the country, provides misinformation one out of every four times a taxpayer calls to seek assistance.

It is time that we act. We have made the Tax Code ever more complex. In 1997, Senator GRAMS was very much involved in this. I am sure if Senator SESSIONS had been in the U.S. Senate at the time, he would have been involved in it. We made a serious attempt to ease the tax burden on the American people. Senator GRAMS and I, on the House side, introduced the $500-per-child tax credit. We said working families deserved to have that; that the cost of rearing a child has increased and was never indexed for inflation. The per-child tax deduction nowhere near compensated for what it cost. We, in effect, said public policy did not really value families, and we didn't really value children. We pushed for that, not only the $500-per child tax credit, but this Senate and this Congress, for the first time in 16 years, reduced the tax burden on working Americans.

Even after that successful effort, the tax burden remains so high that the average American family will spend more on taxes at the Federal, State, and local level than they will spend for food, for clothing, for housing, education and recreation all combined. That is how much we are taking.

Even in 1997, when we sought to reduce the tax burden on the American people, we had an undesired consequence. We were unwitting contributors to the complexity of the Tax Code, and we created even new complications, new deductions, new credits at that time when we were trying to reduce taxes.

Mr. President, in the Senate we have a number of options before us in 1999. We can ignore the plight of the American taxpayer, continue to celebrate, so-called, these tax anniversaries. That is one option that we have. No one has suggested we should not meet a full commitment to Social Security. Sixty-two percent of the projected revenue surplus should be set aside for Social Security. There is no debate about that. Both parties agree about that.

We need to do much more. We need to take the opportunity with the remainder not to create new spending programs, but to lessen the burden upon the American people. We cannot ignore the plight of the American taxpayer. We can continue with the status quo, or we can implement incremental reforms and try our best to make repairs to a house built on shifting sand, as we have almost every year for the last 12 years.

Finally, we can lay a solid foundation for a new house by voting for real reform. We can sunset the existing Tax Code, and we can pass a fairer and simpler and more understandable tax system, one that the American people deserve.

I thank my colleague for his leadership. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I thank my colleague from Arkansas for joining me this morning in talking about anniversary, as he mentioned, as not really a time to celebrate but to remember. As Senator HUTCHINSON noted, it was he and I who, back in 1993 when

we were both in the House, worked to enact the $500-per-child tax credit. We first introduced it in 1993, and finally got it signed into law in 1997. Today it makes up about 75 or 80 percent of all tax relief this Congress has enacted in 4 years. It is just a small start, I think, of what we really need to do as far as reform and additional tax relief. I thank him for his help and all his support in getting it passed.

Again, I will just remind people why we are here talking about this. It was in 1913, 86 years ago today, that the first income tax was levied in this country, despite provisions laid out in the Constitution against that. It was passed in 1913. At that time it was only, as Senator HUTCHINSON said, a minor tax. Only about 1 percent of the people in this country came under this income tax provision.

The first Tax Code was only 14 pages long. Today, as we know, it is well over 10,000 pages, so complicated that even the most sophisticated tax lawyers cannot figure it out. As the Senator from Arkansas mentioned, if one calls the IRS for information or a question, they have about a 50/50 chance of getting a correct answer. What we have is a Tax Code, a tax system that is so complex, so abusive that it is no longer efficient. To try and make even some minor reforms or adjustments to it, I always say, is like trying to put lipstick on a pig. We cannot make it pretty. The thing we need to do is change it completely. We have talked about pulling it out by the roots and replacing it. The Senator from Arkansas will be introducing the Tax Code Elimination Act which would sunset the current Tax Code as we know it and the IRS by January 1 of the year 2003. Some people may say that is a little irresponsible because we don't have a Tax Code system with which to replace it.

We have many ideas. I will be introducing a fair tax plan that would be basically a national sales tax plan. It would eliminate all the payroll, the income tax, the estate tax, the corporate taxes, capital gains tax. It would basically eliminate all of those and replace them with one simple tax at the point of sale, a consumption tax. One would never have to file a tax return again. We wouldn't consume those billions of dollars worth of hours it takes just to comply with the IRS regulations.

When people say we are irresponsible because we should have a Tax Code in place before we repeal the code, I always say that Congress loves to spend so much that it would not go 1 day without the ability to tax. If we can eliminate the Tax Code, Congress will work overtime to get a new Tax Code in place. I think it is something we need to start doing and working on today.

Our income tax now has generated not the 1 percent of taxpayers, but over 21 percent of this Nation's income now goes to taxes. As I referred to earlier, the Boston Tea Party was over one-half of 1 percent. Taxation without representation led to the tax revolt which built this country. Yet today, we are taxed at these high rates.

I see my colleague from New Hampshire is here. I would like to recognize him for any time remaining.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time is remaining in morning business, Mr. President?

The PRESIDING OFFICER. Under a previous order, the Senator from Minnesota has 1 minute remaining, after which the Senator from Ohio will have 30 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to have 5 minutes extending beyond the morning business time, no more than 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator is recognized for 5 minutes.

Mr. SMITH of New Hampshire. Thank you very much, Mr. President. I thank my colleague, Mr. VOINOVICH, for not objecting.

I would like to compliment my colleague, the Senator from Minnesota, for his support on this issue. Mr. President, 1999 is the eighty-sixth anniversary of the Sixteenth Amendment and the collection of income taxes by the Federal government. It is not an anniversary that we really, in my view, ought to celebrate. As a matter of fact, I propose that we mark the occasion by throwing out our existing tax code and starting over from scratch.

The Tax Code Termination Act, which I am pleased to join with my colleague, Senator TIM HUTCHINSON, and others to soon introduce, would accomplish just that goal. Our bill would sunset the Internal Revenue Code by December 31, 2003.

This year provides a good opportunity for the Senate to reexamine the income tax and consider how the tax code has changed. As stated in the Salt Lake Tribune of Wednesday, January 27, 1999, the income tax is a relatively new development:

> France had an income tax in 1793 and Britain in 1799. With a couple of short-lived exceptions, the United States generally managed to get by without one until 1913. An income tax was levied during the Civil War, but it was dropped after a few years. Congress passed a 2 percent income tax on individuals and business in 1894, but it was ruled unconstitutional. The Constitution barred the federal government from levying direct taxes except in proportion to population. In 1913, the 16th Amendment to the Constitution changed the rules, and an income tax was instituted.

Shortly after the Sixteenth Amendment was ratified in 1913, Congress passed the first income tax law. The Internal Revenue Service, then an obscure government agency, enforced the new law and collected the income taxes.

Back then, the taxpayers got to keep most of their earnings. In 1913, the income tax rate of 1 percent applied only to those making over $3,000 per year. Those making more than $20,000 paid a slightly higher surtax. The highest rate of seven percent was imposed on all income above $500,000. According to Peter Cleary of Americans for Tax Reform, in 1994 dollars, the one-percent income tax would apply on all income up to $250,000, while the seven percent rate would apply only to income above $6 million.

Few people had to file returns in 1913. Only about 1 in 250 Americans did.

Moreover, the original Form 1040 was brief and simple. As noted in yesterday's Washington Post Magazine, it consisted of just four pages, including one of instructions, and you would have finished calculating your income by Line 7.

Since 1913, things have gotten more than a little out of hand. Consider these statistics:

Close to half of all Americans file a tax return today. Instead of one form, there are many.

According to economist J.T. Young, the average family pays about 25% of its income in Federal, state and local taxes, and ''30 percent of every additional dollar earned by a four-person median income household of $55,000 will go to pay taxes. Individuals and families earning $50,000 and above already pay 82 percent of total taxes and 91 percent of income taxes.''

The average middle-income taxpayer now has to work until at least May of each year just to meet all the federal, state and local taxes due.

The Tax Foundation has estimated that collectively, individuals devote close to 2 billion hours to preparing tax returns each year.

It's no wonder that Americans dislike the current tax code. It is unnecessarily complex and overly burdensome.

Some of my constituents are especially upset about the fact that tax revenues last year grew 9 percent, or twice as fast as the economy. Consider these comments from a man in Exeter, New Hampshire:

> I have been reading and hearing about the tremendous budget surpluses we can expect over the next ten years. . . . Where is this money coming from and who authorized collecting it? It seems to me that if the government has a surplus it's because they're collecting more than they're spending. If that's the case, why are they collecting more than they're spending? I hope you realize that things like this are what disenfranchise American citizens from their government.

How did we get to this point? Much of the blame lies with Congress. We have changed the Federal tax code many times since 1913, turning it into a tangled cobweb that few can understand. The changes have become more complex and the tax rates have increased over the years.

What can we do about it? We can abolish the existing tax code and promptly adopt a new one that adheres to some basic rules:

First, we should have a tax code that is simple and fair.

Second, our tax code should encourage savings and investment. The current code distorts investment by creating incentives for Americans to use tax loopholes, rather than invest their money in more profitable ways.

We should provide greater tax relief to the overburdened American taxpayers. Tax cuts would provide American workers with more incentives to produce, because workers would be able to keep more of their earnings.

In closing, Mr. President, I want to urge my colleagues to support the Tax Code Termination Act.

Mr. President, I yield the floor.

Mr. GRAMS. I thank my colleague from New Hampshire for talking about the creative ways of taxing. This Congress has been so creative in figuring out new ways to tax; I hope we can be creative in figuring out ways to get rid of the tax.

Mr. President, I know we are out of time. I thank you very much. I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Ohio.

WE OWE IT TO OUR CHILDREN

Mr. VOINOVICH. Mr. President, I have devoted more than 30 years of my life to public service. I have held elected office as mayor of the city of Cleveland, and I served as Governor of the State of Ohio. Now I am privileged to serve the citizens of Ohio as one of their U.S. Senators. I am deeply honored by the confidence they have bestowed upon me.

They have placed their faith in my ability and my judgment to consider and vote upon and bring to the forefront issues of national significance. It is for this reason that I have come to the Senate floor to discuss what I consider to be the most serious financial and economic threat facing our Nation today.

Through the tough choices made by Congress in passing the 1997 Balanced Budget Act, and through our continued strong economy, the days of escalating, crushing budget deficits appear to be coming to an end. In Washington, politicians are saying we have turned the corner, and for the first time in 30 years, we have a budget that shows a surplus.

If it is true, it would be brand new territory for many Americans. Tens of millions were not even born yet when we had our last surplus. However, it is my contention that we do not yet have honest budget surpluses, and unless we take bold steps, our actions will continue to leave our younger citizens and future generations liable for three decades of massive deficits and a national debt that has made us the greatest debtor nation in the world.

Prior to 1968, surpluses were not uncommon. But through President Lyndon Johnson's expansion of the Vietnam war and the implementation of the Great Society, we started to lose fiscal restraint.

A budget trick was implemented by the Johnson administration. It took the off-budget Social Security trust funds, which were in true surplus, and commingled them with the regular budget which at that time was showing a deficit. In this manner, Congress and subsequent Presidents were able to mask annual budget deficits that contributed to a rising national debt.

I would just like to point out, however, the years Social Security has masked the true budget deficit that we have had and how it has improved our budget situation.

If you go back to 1995, we reported that we had a budget deficit of $164 billion. The fact of the matter is we had a budget deficit of $226 billion. And what we did was we reduced it by using the Social Security surplus of $62 billion.

In 1996, we reported that we had a deficit of $107 billion. The fact is our budget deficit was $174 billion, and again we used Social Security to reduce that deficit.

Then, in 1997, we reported, oh, it is wonderful news, we had just a minus $22 billion deficit. The fact of the matter is we had a $103 billion deficit, and we plastered it over with $81 billion of Social Security money.

Then, in 1998, we had the great celebration, the great surplus that we talked about. The fact of the matter is that even in 1998, when we reported the first unified budget surplus, we still had a real deficit of $30 billion. Again, we used the $99 billion Social Security budget surplus to hide the fact that we had a $30 billion deficit.

Again, this year, we are reporting we will have a $111 billion surplus. The fact of the matter is, even this year, we will have a $16 billion deficit; and again that has been covered over by the using of Social Security.

And for the year 2000—the budget we are working on right now—we are reporting we will have a $133 billion surplus. The fact of the matter is, even this year, we are going to have a $5 billion deficit on budget. We have covered that $5 billion up with $138 billion of surplus in the Social Security trust fund.

And next year we are celebrating the idea that maybe we are going to have our first real honest to goodness on-budget surplus of $11 billion. The fact of the matter is—and we will report a unified budget surplus of $156 billion—but the truth is that we only have a real—real—surplus of $11 billion.

Rather than attempting to enact policies that would bring us back to surpluses, 30 years of financial gimmicks have ensued, so much that we ran up a debt of $5.6 trillion in those intervening years from the time of Lyndon Johnson. Since the time my wife and I got married in 1962, interest payments on the debt have gone from 6 cents on the dollar to 14 cents on the dollar this past year. If we had had the same 6-percent interest payment when we got married in 1962, Americans would have saved $140 billion this year.

As the debt grew during the 1970s and 1980s, attempts were made to bring it under control. In 1985, Congress passed the Gramm-Rudman-Hollings Act which required the unified budget to be split and the Social Security trust funds kept separate. When Gramm-Rudman passed, I was encouraged that finally we were going to get some truth in budgeting.

At that time, I was mayor of Cleveland and I was serving as president of the National League of Cities. In 1985, the debt was $1.8 trillion. We mayors felt the need to do our part to help reduce the debt. We did our share when we lost the CETA program, revenue sharing, one half of our community development block grant, and a complete loss of the Urban Development Action Grant Program. When I left office after 10 years as mayor of the City of Cleveland, we had $79 million less a year from the Federal Government than we had when I came into office in 1979.

In order to make up that difference, first of all we did everything we could to reduce costs. In many instances, cities across this country had to increase their local income taxes or local taxes by over 50 percent to compensate for the loss of these Federal dollars. Much to our chagrin, our sacrifice did little to help reduce our annual deficits or shrink our national debt. Indeed, the debt was $1.8 trillion in 1985; today it is $5.6 trillion. If you go back to when I became mayor in 1979, the national debt was $780 billion; today, 20 years later, it is $5.6 trillion. Listen to this: A 700-percent increase in the country's national debt in a 20-year period.

We have a law that says Social Security trust funds are supposed to be off budget, and we have the Budget Enforcement Act of 1990 that removes Social Security from deficit targets and other enforcement calculations. But it was another law, the Balanced Budget Act of 1997, that forced tough spending choices on Congress and on the administration, making them live within their means for the first time in decades.

I congratulate the Members of Congress, those who supported the balanced budget agreement of 1997. It is this law more than any other that has given us the tools to help us now put our financial house in order. As a result, we are seeing a decrease in the on-budget deficit, we are cutting down on spending, people are projecting surpluses, and the Social Security trust funds are growing. There is a light at the end of the tunnel. But to get there, we must maintain our discipline and continue doing those things that will bring down our debt and honor our commitments to our citizens.

As this chart shows, if we stick to our guns, if we honor the caps in the 1997 budget agreement, we might have an on-budget surplus starting in the year 2001 and a growing surplus thereafter. Here is what it looks like: In 1999, if we stick to the balanced budget agreement, if we don't invade the budget caps we have for the first time in 30

years, we can begin the new century by having a true, real budget surplus that will continue to grow.

But along comes the President with his fiscal year 2000 budget and projections for 15 years into the future. In one fell swoop, he proposes a continuation of the ill-conceived policies that got us in trouble in the first place. Under his budget, we still have unified budget totals and the President has proposed to continue to use Social Security to pay for other government programs for at least the next 15 years. We can't even show the 5 years beyond 2009 because there are no hard numbers from the administration so the Congressional Budget Office can make projections. This is not truth in budgeting that the American people expect or deserve, and I think it will lead to disastrous consequences.

This chart shows what will happen if we follow the President's proposal to deal with the unified budget. In 1999, we will start developing annual budget deficits that will take us down this crimson path to where we have been for the last 5 or 6 years.

Let me point out where we are going: The red line on the chart is the deficit; this is the real deficit. Because we have had self-discipline, because we are honoring the budget agreement, we are seeing these red deficit numbers get smaller. If the President's proposal goes into effect, we are going to go back to the old days. Instead of having this scenario at the beginning of the next decade, this scenario will be had under the President's program.

Why is this important? First, the President says we have a budget surplus in fiscal year 2000. This is simply not true. If you look at the chart titled ''Real Budget Surplus,'' you will see again that fiscal year 2000 shows a real budget deficit of $5 billion. In fact, if you look at the chart, we don't have a surplus this year—rather, a $16 billion deficit.

What the President does is take the off-budget Social Security trust funds and continue to use them to mask the deficit while saying he is saving Social Security. It is a fraud. The President's surplus for this fiscal year, the next fiscal year, in fact, and for 14 fiscal years after that, continues the gimmick of using the unified budget. It is disingenuous. It continues to use billions of dollars of the Social Security trust fund to mask the true size of the budget and allows the President to put off making those tough budget decisions that we must make. If we allow this to happen—the tough budget choices we have to make today—we are in deep trouble.

We have a growing economy and we have the lowest unemployment we have seen at any time. If we can't as a nation make the tough decisions that we need to make to turn things around and to have an on-budget surplus, if we can't do it now, we will never do it.

Second, the President not only busts the spending caps agreed upon in the 1997 budget deal, he destroys them. These targeted caps are meant to keep our spending in check. But even before we debate a budget resolution for the coming fiscal year, we learn from Congressional Budget Office Director Dan Crippen that the President proposes to increase, or ''blast,'' the caps by $30 billion—$30 billion. In fiscal year 2000, we are supposed to face budget caps that will force us to cut $28 billion. It will take tough choices to meet these caps, but we must show restraint if we are ever to bring our finances in order.

This is why I am pleased that the Republican leadership has given their assurance to maintain the caps so that we may demonstrate to the American people that we are serious about the commitment. The Republicans have also—this is really important, folks—committed to restoring truth in budgeting by ensuring that 100 percent of Social Security trust funds are protected and not used for additional spending or tax cuts. In other words, the Social Security trust fund is off, it is off. We are locking it up. There will not be any tax reductions or new spending with Social Security surpluses.

Third, the President is skirting a moral obligation that has been made to our seniors and all future generations to fully preserve the sanctity of the Social Security system. Social Security is a sacred trust between the Federal Government and every American.

That is why I firmly believe we need to get away from treating Social Security funds as part of the budget and wall it off from any temptation to use it for purposes other than Social Security. As I say, we need to ''put it in a lockbox.''

The President, on the other hand, wants to use the Social Security trust funds to show that he has a budget surplus. As I said, there are billions and billions of dollars meant for the Social Security trust fund that are supposed to be off budget. But he can't resist trying to make those funds a part of the budget so he can mask the size of the deficit and use any so-called surplus to pay for his agenda.

We have been playing games with Social Security for far too long. Do you know what? It is time to stop.

Under the President's plan, only 62 percent of the unified surplus would be devoted to Social Security. In fact, recently, the head of the Senate Budget Committee said only 58 percent of the unified surplus is going to be used to protect Social Security. This represents an actual decrease from what we would allocate to Social Security if we were to treat it as an off-budget item.

This is budgetary sleight of hand, and the President knows it. It is unconscionable for him to say that he is ''protecting and preserving'' Social Security, when in reality he is taking money away from it and using it to pay for other programs. No matter how well intentioned those programs are, it is not the right thing to do.

Fourth, the President hinges his plan on budget surpluses that are calculated far into the future.

As our Nation's premier economist, Federal Reserve Chairman Alan Greenspan, testified before the Senate Budget Committee:

> We cannot confidently project large surpluses in our unified budget over the next 15 years, given the inherent uncertainties of budget forecasting.

Greenspan goes on to say:

> How can we ignore the fact that virtually all forecasts of the budget balance have been wide of the mark in recent years?

In a January 1999 report to Congress, the Congressional Budget Office wrote that an error on the projection of the budget surplus in 2009, and based on previous averages, could be ''equal to 13 percent of projected outlays [and] would produce a swing of $300 billion.''

The Cincinnati Post, in an editorial on February 10, said: ''There's one thing wrong with budget forecasts: they are inevitably wrong.''

Is it prudent to take that kind of risk with our children's future? I don't think so. If we go along with these four points, we will have no credibility with the American people. And to regain credibility, we must put an end to the game playing and restore truth in budgeting.

When we—the Congress and the administration—are forced to make the hard choices that we were sent here to make, we often try to do what we believe our constituents want us to do. However, what they want, I think, is quite simple; they want us to tell the truth. They want us to stop using smoke and mirrors to say that the Nation's financial house is in order. They want us to give them enough credit to know the distinction between what we do and what we say. The American people want us to make the tough choices.

Two weeks ago, I was faced with one of those tough choices. The Senate debated legislation that would expand the pay and retirement benefits of our men and women in uniform. I want you to know that there is nobody who supports our Armed Forces more than I, and no one believes more than I that we should provide as many incentives as possible to retain these quality troops in our military.

However, we cannot continue to pass legislation without first dealing with its consequences. That bill would have authorized an increase in our country's financial liabilities by approximately $55 billion over the next 10 years. Because we had no idea how to pay for it or if it would fall within the budget caps, I felt it necessary to vote ''no.'' It was a tough choice, but I felt it was necessary.

When I became mayor of Cleveland, the city was in default. It was the first city in America to go into default since the depression. To get the city out of its financial abyss, I had to make tough choices. As a result of our actions, we were able to turn the city's default into a surplus, and Cleveland

now enjoys an economic renaissance it has not seen in generations.

As Governor, I again had to make hard choices in each and every budget in order to meet our constitutional obligation to balance our budget. When I became Governor of Ohio in 1991, our State faced an over $1 billion budget deficit. In order to balance the budget, I had to make four cuts over 2 years totaling $711 million. I was picketed by college students—5,000 of them outside the State House, who were told by the university people that I was cutting higher education and their tuition costs were going to go up. And I was picketed, at the same time, by welfare recipients who marched on the capitol because we cut out general assistance for able-bodied people. But we had to get our financial house in order. Somebody had to make the tough decisions.

As a result, today Ohio is spending a record amount of money on programs to help children. In addition, we have been able to cut State income taxes for 3 straight years, including an almost 10-percent across-the-board tax cut this year. In other words, when the taxpayers of Ohio, this year, file their 1998 returns, their income tax will be almost 10 percent less than it would have been without our good management.

Ohio has a general revenue rainy day fund of over $935 million and a Medicaid rainy day fund of $100 million, so in the future we can avoid deep cuts in vital services or tax increases just in case there is a downturn in the economy. Ohio is in better shape today because we were able to make the hard choices.

Every day, millions of Americans have to make hard spending choices, too. They have to pay their bills, pay their mortgages, put food on the table, and buy clothes for their children. They have budgets and they know they have to live within their means. Unlike the administration, when most people have extra money, they don't go out and start to spend it wildly. They tend to their finances, they save, they pay off their credit cards and loans, and they invest in homes and businesses.

That brings us back to what we would do with whatever on-budget surplus we achieve. What are we going to do with it if we get it? The first thing is, I will believe it when I see it. I am a ''doubting Thomas'' about whether we really will see it. But if we do get an on-budget surplus, what we need to do is be wise and leave it alone. Why the rush to spend it? Why the rush to lower taxes? We don't even know if we have it. If we do get it, we should leave it alone and give it a chance to accumulate.

If we cannot guarantee—and we cannot—that we are going to have an on-budget surplus, then we have no right to start committing dollars that we don't have.

If and when we get an on-budget, or ''real,'' surplus, it is our moral obligation to our children to pay them back by using any such surplus to pay down our current debt. We have stuck these pages who are standing in front of me with a big bill. We have an obligation to pay that debt down so part of the income taxes they pay in the future aren't to pay off the interest on debts they had nothing to do with during their time of growing up.

I want you to know that this isn't just my opinion about paying down the debt. It is the opinion of experts like Federal Reserve Chairman Alan Greenspan, CBO Director Dan Crippen, and GAO Comptroller David Walker. They agree that it is the best use of these funds—pay down the national debt.

Not only is it a moral obligation, but this course of action makes great economic sense for four reasons. I think this is really important because a lot of people say: ''Reduce the taxes'' and ''This is really going to be the thing that is going to make a big difference.'' I say: Reduce the deficit, bring it down, and here are the reasons why.

First of all, it will decrease the overall interest paid on the debt, and that is important because paying off the debt lowers the interest. When you lower the interest, what do you do? You lower the cost of Government, and that makes more money available for other purposes.

No. 2, Alan Greenspan will tell you that it helps allow the economy to expand.

No. 3, it lowers the interest rate for individual citizens, which is a big deal. According to Alan Greenspan, it lets people afford to buy homes or refinance their mortgages, and it puts real money into the pockets of tens of millions of Americans.

Just think about it. As we got our house in order and interest rates came down, think of the millions of Americans who have refinanced their homes, and those who are able to buy automobiles today because interest rates are down. If we bring the national debt down and don't follow what the President wants to do, to use the unified surplus, we will keep those interest rates down. That is real money in your pocket.

Last but not least, paying down the debt lowers the amount of taxes the Government would need from the American people, according to the Business Roundtable.

Using only on-budget surplus funds for debt reduction prevents us from making false promises to the American people. One of the biggest assumptions associated with the treatment of surplus funds is an indefinite continuation of our current period of economic growth.

Blending that assumption with the use of a unified budget surplus is a volatile mix since no one can predict how long this period of growth will last. Optimistic surplus estimates could fluctuate wildly over the next few years, with unknown consequences.

As most of my colleagues know, within ten years, the ''baby-boomers'' will start to become eligible for Social Security and the sheer size of their numbers will present a challenge to maintain the viability of the Social Security system. In order to honor the contract we entered into with these individuals, it is our obligation to ensure that we have the necessary funds.

A unified budget surplus raids the ''offbudget'' Social Security funds and replaces them with hundreds of billions of dollars worth of IOU's for our children and grandchildren. This is not the legacy we should leave.

We are bankrupting the futures of generations yet unborn because we have a hard time saying no. Well, it is time to start owning-up to our obligations and meeting our responsibilities, because ladies and gentlemen, Social Security is a sacred trust.

Unfortunately, too many people have become cynical that we don't have a commitment to Social Security. For example, citizens like my son, George—people in their 20's, their 30's and even their 40's—don't ever expect to see a dime of Social Security in their lifetime.

What they know is that Uncle Sam has been taking money out of one pocket via payroll taxes, and taking money out of the other pocket via income taxes and the Government just puts it all together and uses it for what it wants.

They've been told that their money is ''in there'' for them when they retire, but when Congress and the Administration play shell games with the trust funds, no one believes it.

It is a sad commentary that there is such little faith in the promises made by our government. However, this cynicism is given credence when we continue to use Social Security trust funds to hide our excesses.

I firmly believe that it is our moral obligation to honor the commitments we have made to our citizens on Social Security, instill truth-in-budgeting, clean up the financial messes we have made and provide for all of the generations that follow, a nation that is better than we received.

Behind my desk on my computer, I have a screen-saver picture of my 2-year-old granddaughter, Mary Faith. She is the joy of our lives. She is a wonderful little girl. We have lots of hope and promise for her. But she has no idea the decisions we are making now are going to affect her financial future. And those decisions are being made by her grandfather, other Members of the Senate and Congress and the administration.

She has no idea that on the day she was born—Mary Faith was born on December 29, 1996—she immediately became responsible for a whopping $187,000 bill from the Federal Government on interest that she is going to have to pay over her lifetime. And that is on a debt her grandfather's generation ran up for our own benefit.

I prefer the picture of Mary Faith on my screen saver, this picture right here, which says ''Sentenced to

Repay.'' That is the next generation of Americans—''Sentence to Repay'' the debt we didn't have the guts to pay for during our lifetime.

Any day this week Mary Faith is going to have a new brother or sister. And, Mr. President, we are actually expecting her brother or sister on Friday of this week, and I want to let you know that for sure I will not be here if we have any rollcall votes on Friday.

While nothing can surpass the joy our family will feel on this special day, I can't help but think that like my granddaughter, Mary Faith, he or she is going to receive a bill from this Government for the interest on the debt that he or she had nothing to do with. And that bill is going to be even larger than the one we gave to Mary Faith 2 years ago.

We have been reaping all the benefits and putting the future of all our children and grandchildren in jeopardy through a ''we buy now, you pay later'' philosophy. I cannot convey how wrong I think it is to saddle them with such an excessive financial burden that we now, this Congress, have the ability to correct.

That is why I feel debt repayment is the wisest use of any on-budget surplus. It is plain common sense, and it would be the greatest gift we could ever give to our future generations.

Mr. President, each year, on the anniversary of President George Washington's birthday, a U.S. Senator is given the privilege of reading Washington's Farewell Address on the floor of this Senate. It is a tradition that dates back nearly 100 years. This year, I had the distinct honor to read this wonderful document, the first Ohioan who has had the privilege of reading that farewell address since Bob Taft gave it back in 1939, 60 years ago.

As I prepared for the speech and I read through his words, Washington's words, I was particularly taken by the relevance today of one of President Washington's admonitions to a young United States of America. Here is what he said 200 years ago.

> [avoid] the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

Those were very, very wise words of President Washington, and they ring true today as well as they rang true during his day. I believe it is our duty to heed them. We owe that to all our Nation's children and our grandchildren.

Thank you, Mr. President.

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

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I ask unanimous consent to speak for about 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

THE INTERNATIONAL CHILD WELFARE PROTECTION ACT

Mr. GRASSLEY. Mr. President, last Friday, on behalf of Senator BOB KERREY and myself, I introduced legislation that will chart a new United States approach to the terrible problem of child exploitation in overseas labor markets.

This legislation, S. 553, the International Child Welfare Protection Act, will target new, additional trade benefits to countries that comply with the provisions of the International Labor Organization's Convention No. 138 concerning the minimum age for admission to employment, also known as the Minimum Age Convention.

The aim of the Minimum Age Convention is to abolish child labor throughout the world by establishing a minimum age at which children may be employed.

Our legislation will do two things:

It will give the President the authority to grant a country that complies with the Minimum Age Convention up to a 50-percent tariff rate cut on items produced in that country that would not otherwise be eligible for preferential tariff rates.

It will also permit the President to waive current limitations on the amounts of additional goods that countries complying with the Minimum Age Convention may export to the United States.

In the unlikely event the President finds that domestic industries are hurt because of these special, targeted trade benefits, the President also has the authority to suspend, limit, or withdraw the benefits.

This legislation is important for three reasons.

First, it is a tragic fact that child labor is rampant in many places in the world, despite more laws aimed at stopping this inhumane practice. International Labor Organization statistics show that between 100 and 200 million children worldwide are engaged in providing goods and services. Ninety-five percent of these children, according to the ILO, work in developing countries. Why are children pressed into service as low-paid or unpaid workers? Because, according to the ILO, children are ''generally less demanding, more obedient, and less likely to object to their treatment or conditions of work.'' It is very obvious that we must all do what we can to stop this unconscionable practice.

The second reason we need this legislation is because it is clear that regulation and enforcement alone will not work. Incentives are needed as well. The reason that it is so tough to enforce child labor standards is that it is often very difficult to trace specific products to specific plants in specific countries. The Department of Labor's Bureau of International Labor Affairs says that quantifying the extent of child labor in a particular country's export industry ''can seldom be done with specificity.'' If you can't even trace the goods or services with certainty, you can't expect enforcement alone to be the answer. Hence the incentives that are in our legislation.

Finally, we need this legislation because even though the ILO Minimum Age Convention was adopted in 1973, only 21 developing country member states out of 173 ILO member states have ratified the Convention to stop child labor. Out of the 21 developing country member states that have ratified the Convention, none is from Asia, where over half of all working children are to be found. If even one additional ILO member state ratifies the Convention because of the trade incentives this legislation offers, we will have achieved a great deal.

I am on the floor today stating again what is obvious but also to remind my colleagues, with the introduction of this bill by Senator KERREY of Nebraska and myself on Friday, you have an opportunity to cosponsor this bill, and I hope you will do so. I hope then that we have results from legislation which we have already on the books to enforce regulation, but we also have results from these efforts that are presented in our legislation for a more market-oriented approach to helping solve this bad economic situation of very young child labor.

I ask unanimous consent that S. 553 be printed in the RECORD.

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

S. 553

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 ''International Child Welfare Protection Act''.

SEC. 2. ADDITIONAL BENEFITS FOR CERTAIN BENEFICIARY COUNTRIES.

(a) IN GENERAL.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended by adding at the end the following new subparagraph:

''(D) ADDITIONAL BENEFITS FOR ILO ELIGIBLE BENEFICIARY COUNTRIES.—Notwithstanding any other provision of this title, the President may proclaim a rate of duty that is equal to 50 percent of the rate of duty that would otherwise apply under this title with respect to any article referred to in subsection (b)(1) (A), (C), (E), (F), or (G), if the article is an article originating in an ILO eligible beneficiary country.

(b) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of such Act (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRY; ILO ELIGIBLE BENEFICIARY COUNTRY.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary developing country that is an ILO eligible beneficiary country.''.

(c) WITHDRAWAL, SUSPENSION, OR LIMITATION OF ADDITIONAL BENEFITS.—Section 503 of such Act (19 U.S.C. 2463) is amended by adding at the end the following new subsection:

''(g) WITHDRAWAL, SUSPENSION, OR LIMITATION OF ADDITIONAL BENEFITS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the President may withdraw, suspend, or limit the designation of any country as an ILO eligible beneficiary country for purposes of the benefits described in subsection (a)(1)(D) if the President determines that—

''(A) the country no longer meets the criteria set forth in section 507(6); or

''(B) imports of the article to which such additional benefits have been granted have increased in such amounts as to cause, or threaten to cause, injury to a domestic industry producing an article like or directly competitive with the article.

''(2) EFFECTIVE DATE OF WITHDRAWAL, ETC.; ADVICE TO CONGRESS.—

''(A) EFFECTIVE DATE.—A country shall cease to be an ILO eligible beneficiary country on the day on which the President issues an Executive order or Presidential proclamation revoking the designation of such country under this title.

''(B) ADVICE TO CONGRESS.—The President shall, as necessary, advise Congress on the application of subsection (a)(1)(D) and the actions the President has taken to withdraw, to suspend, or to limit the application of preferential treatment with respect to any country which has failed to adequately meet the criteria described in section 507(6).''.

(d) DEFINITIONS.—Section 507 of such Act (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) ILO ELIGIBLE BENEFICIARY COUNTRY.—The term 'ILO eligible beneficiary country' means a least-developed beneficiary developing country or a beneficiary developing country that—

''(A) the President determines, after consultation with the Secretary of Labor, is implementing and enforcing the provisions of Convention No. 138 of the General Conference of the International Labor Organization; and

''(B) has requested the additional benefits described in section 503(a)(1)(D).

''(7) ARTICLE ORIGINATING IN AN ILO ELIGIBLE BENEFICIARY COUNTRY.—An article is an article originating in an ILO eligible beneficiary country if the article meets the rules of origin for an article set forth in section 503(a)(2), except that in applying section 503(a)(2), any reference to a beneficiary developing country shall be deemed to refer to an ILO eligible beneficiary country.''.

Mr. GRASSLEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mrs. MURRAY. Mr. President, in a short while we will begin the debate again on the Ed-Flex bill that has been on the floor for the last several weeks. It is a bipartisan bill. Democrats and Republicans alike are supporting this bill. It is a simple bill, essentially, that will allow some of our school districts to be more flexible with their education dollars; for the liability for some of the waivers to be transferred from the Department of Education directly to the Governors, so the Governors in our States can provide some of the waivers based on some specific clauses that are in the bill. Essentially, it is a matter of paperwork being moved from the Nation's Capital to the Governors' desks. It is a bill, again, that is supported broadly.

I have come to the floor numerous times over the last week to talk about an amendment which I hope to offer today regarding class size reduction. A year ago, the President talked about the most important goal in education, one of the most important goals we have—that of reducing class size in grades 1 through 3. Studies have shown us consistently that reducing class size in those grades makes a tremendous difference in the learning of young children—in their math, reading, language scores, and in their ability to go on to college. It improves discipline problems, as shown by numerous studies that I, again, hope to be able to talk about once my amendment comes to the floor.

We talked about this amendment all last year during the session. Then, in a bipartisan bill last October, in the budget process we passed the beginning phase of reducing class size and began a commitment to this country that we would help our schools across this country begin to reduce class sizes in grades 1 through 3, where it makes a difference. It was a bipartisan effort last year. It should be a bipartisan effort this year.

This is a critical issue right now in this country, today, where school boards across our country are looking for whether or not we just made some kind of political offering last October, right before the elections, or whether we really meant it when we said we were going to join with our schools across this country in this commitment to reduce class size.

It is extremely timely that this Senate go on record right now with a commitment to our school districts, to let them know that we are there for them, that this wasn't just a fly-by-night political operation in October, it was a commitment from us at the Federal level to work hand in hand with schools across this country to begin to reduce class size. My amendment will authorize this program for the next 6 years. It is extremely important, because our school boards right now are putting their budgets together. They are determining what kind of money they will have.

They want to know, is this real or is this not, because they begin right now the process of hiring teachers to begin next fall. They do not want to hire a teacher, find out we did not really mean it last October, and make that commitment. They want to know whether we stand there ready, confirmed, and committed to this process. That is why it is so critical that we go on the record now with the class size authorization bill.

I hope to offer that today. I am looking forward to working with my Republican colleagues, again, in a bipartisan effort to let our school boards know we are with them in this critical process. We will obviously have other times to talk about this, certainly in the appropriations committees, as we did last year. I know we will have a big discussion on it in the budget. It is extremely important that we make this kind of commitment now.

I have heard my colleagues from the Republican side say that Ed-Flex needs to go cleanly right now, because it is bipartisan and because it is timely. The same goes for class size reduction. It is timely, so school boards can make those commitments, and it is bipartisan, if we all believed what we said and how we voted last October.

I really hope I can work with my Republican colleagues to, again, put this amendment up this afternoon or whenever the majority leader agrees, have a time commitment to it. I am willing to negotiate that. If it can be done quickly, that is fine by me. We need to have an up-or-down vote on this amendment, and we need to do it as quickly as possible.

I, too, want the Ed-Flex bill to pass. This is an amendment I think is critical and important and timely, and I hope to work with my Republican colleagues to make sure it happens today. I am looking forward to our discussion, which will begin in about a half hour. I hope to offer my amendment and to work with all of our colleagues on the floor to send a message that we do believe in this U.S. Senate that reducing class size in 1 through 3 is a commitment we can and should make.

KNOW-YOUR-CUSTOMER AMENDMENT

Mr. LEVIN. Mr. President, on Friday, an amendment was offered to the Ed-Flex bill to block implementation of certain regulations which the banking regulators had proposed for financial institutions to establish Know-Your-Customer programs. That amendment is still pending before the Senate. On Friday, my colleague from the Banking Committee, Senator SARBANES, made a number of thoughtful comments about the pending amendment. Today, I would like I to express some concerns about it as well.

First, like Senator SARBANES, I am struck by the irony of dealing with an amendment that addresses banking issues wholly unrelated to education, at the same time Democrats are being denied an opportunity to offer amendments on educational issues much more relevant to the Ed-Flex bill before us.

Be that as it may, this banking issue has been put before us. And like all of

my colleagues, I voted on Friday against tabling the pending amendment. I voted against tabling, because I think the amendment properly criticizes the proposed regulations for failing to protect ordinary law-abiding citizens from possibly unreasonable and invasive scrutiny by their financial institutions.

At the same time, my vote against tabling was not a general endorsement of the amendment. To the contrary, like the proposed regulations it criticizes, the amendment is not drafted as carefully as it should be.

The first part of the amendment prohibits the banking agencies from publishing ''in final form'' the flawed regulations proposed in December. I support that prohibition. But the second part of the amendment goes much farther. It also prohibits the banking agencies from proposing any regulation ''which is substantially similar to'' the proposals condemned in the first part.

The question is what ''substantially similar'' means.

If it means that the banking agencies should not propose know-your-customer regulations without including adequate privacy protections, that is fine. But if means that the agencies may not propose any know-your-customer regulations, no matter how finely tuned and protective of privacy, then the amendment is a serious mistake. If it means that agencies are not only prohibited from issuing regulations but should also start dismantling their existing know-your-customer practices, the amendment is a disaster.

I say that because know-your-customer programs are today a key part of law enforcement efforts to stop money laundering. Virtually all major financial institutions operating in the United States today have well developed know-your-customer programs, and U.S. bank examiners already routinely test the adequacy and effectiveness of these programs. For example, existing examination procedures testing bank compliance with the most important anti-money laundering statute on the books, the Bank Secrecy Act, already spell out the elements of an adequate know-your-customer program and test that program as part of its ''core analysis.''

The purpose of these know-your-customer programs is to stop financial institutions from unwittingly helping criminals to launder illegal proceeds.

Ten or twenty years ago, if an individual walked into a U.S. bank with a million dollars stuffed into a duffel bag and asked the bank to wire the money to an offshore account in a foreign country, most banks would have done so with few or no questions asked. And the bank would have collected a nice fee for arranging the wire transfer.

But that was before the United States embarked upon a world-wide, intensive effort to educate banks and foreign governments about the benefits of battling crime by stopping money laundering. The goals are to make banks wary of moving funds for criminals, to seize illegal funds in the banking system, and to put money launderers in jail and out of business.

Congress has played a key role in the advancement of this law enforcement strategy. For example, the subcommittee on which I am the ranking minority member, the Permanent Subcommittee on Investigations, held landmark hearings 15 years ago on how criminals were using financial institutions in the United States to launder their funds. The House and Senate Banking Committees have held numerous hearings over the years outlining the problem and proposing legislation to detect and stop money laundering.

In the last Congress, the House Banking Committee held a series of hearings and the Congress passed H.R. 1756, the Money Laundering and Financial Crimes Strategy Act. In this Congress, the leading crime bill proposed by the majority, S. 5, the Drug-Free Century Act, contains an entire title devoted to ''money laundering deterrence.'' Still another bill, H.R. 4005, the Money Laundering Deterrence Act of 1998, which passed the House by voice vote last year but was not brought before the Senate actually directed the banking agencies to propose know-your-customer regulations within 120 days.

That's because virtually all money-laundering experts will tell you that know-your-customer programs are one of the most important tools financial institutions have to prevent money laundering. Two examples explain why as well as illustrate how a sensible idea can be pushed too far.

First, suppose a stranger walks into a bank with a million dollars in small bills and asks the bank to wire the cash to a foreign bank account. Should the bank wire the money and then, after the customer is gone, report the transaction to law enforcement, or should the bank first determine who the customer is and, if not satisfied, decline to transfer the money? To me, the answer is clear that the bank should determine who the customer is before moving any money.

Second example. Suppose a longtime customer of the bank with a modest savings account deposits $3,000 into that savings account. Should the bank report that $3,000 deposit to law enforcement? To me, the answer is obviously no. That type of report would unreasonably invade the customer's privacy, as well as be a waste of time for law enforcement.

Surely, we can design regulations that distinguish between these two examples. At a minimum, different rules should apply to customers holding assets or conducting transactions below a specified threshold. We already do that with currency transaction reports, and the same could and should be done with know-your-customer programs. Additional privacy protections should be provided to prohibit banks from using know-your-customer data for purposes other than law enforcement, such as to sell products to the customer or sell the customer's personal data to third parties.

I do not support the current know-your-customer proposals, because they do not include these and other privacy protections.

Unfortunately, the amendment before the Senate, in its zeal to condemn the proposed regulations, goes too far. The first section, which prohibits the banking agencies from finalizing the regulations as proposed in December, is fine. But the second section, which also prohibits them from publishing ''substantially similar'' regulations, is ambiguous and troubling.

It is my hope that the supporters of the amendment do not intend to reverse the gains of the last twenty years and free banks of any obligation to know who their customers are. It is my hope that their intent is to protect ordinary law-abiding customers, but to keep the heat on money launderers by maintaining longstanding requirements that banks ask appropriate questions. It is my hope that their intent to require the agencies to correct the flaws in the proposed regulations, but not block all know-your-customer regulations no matter how narrowly or carefully drawn.

The pending amendment could easily be clarified. However, given the current parliamentary situation, it is not clear that anyone will be permitted to offer the additional language. If no clarification is provided, I want the record to show that my support for the amendment is based on the understanding that the amendment's ban on ''substantially similar'' regulations is a ban on know-your-customer regulations that lack adequate privacy protections for ordinary, law abiding individuals. It is not a ban on all future know-your-customer regulations, no matter how carefully drafted.

Financial privacy is an important issue. It needs to be addressed. Senator SARBANES is working on a comprehensive financial privacy bill that I hope this body is given an opportunity to consider. It is unfortunate that we are being asked to address an important aspect of the financial privacy debate in such a rushed and inappropriate context. Which brings me back to Senator SARBANES' original question about why we are adding banking amendments to an education bill instead of the education amendments America wants and needs.

CONGRATULATIONS TO JOHN Q. HAMMONS ON HIS 80TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Mr. John Q. Hammons of Springfield, Missouri, who celebrated his 80th birthday on February 24, 1999. John is truly a remarkable individual. He has witnessed many events that have shaped Springfield. In fact, John has contributed significantly to the growth and spirit of

Springfield through his donations to construct and improve such places as schools, hospitals, and theaters. His generosity and personal participation in the life of the community have benefitted us all.

Mr. Hammons' celebration of 80 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized on this special occasion. I would like to join his many friends and relatives in wishing him good health and happiness in the future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 5, 1999, the federal debt stood at $5,652,546,580,761.78 (Five trillion, six hundred fifty-two billion, five hundred forty-six million, five hundred eighty thousand, seven hundred sixty-one dollars and seventy-eight cents).

One year ago, March 5, 1998, the federal debt stood at $5,528,530,000,000 (Five trillion, five hundred twenty-eight billion, five hundred thirty million).

Fifteen years ago, March 5, 1984, the federal debt stood at $1,473,914,000,000 (One trillion, four hundred seventy-three billion, nine hundred fourteen million).

Twenty-five years ago, March 5, 1974, the federal debt stood at $468,399,000,000 (Four hundred sixty-eight billion, three hundred ninety-nine million) which reflects a debt increase of more than $5 trillion—$5,184,147,580,761.78 (Five trillion, one hundred eighty-four billion, one hundred forty-seven million, five hundred eighty thousand, seven hundred sixty-one dollars and seventy-eight cents) during the past 25 years.

MORRIS K. UDALL

Mr. HOLLINGS. Mr. President, yesterday this body paid tribute to one of the greatest men to serve in Congress in the twentieth century, Morris ''Mo'' Udall from Arizona. Yesterday, I was proud to sign the resolution honoring him, and I would like to pay tribute to him now.

Mo Udall was a giant. For thirty years, he straddled politics in Arizona and America. He was a statesman as well as a legislator, and an intellectual as well as a politician. Although Mo believed passionately in many causes and was a Democrat through and through, his wit and warmth helped him forge many productive, bipartisan relationships with his colleagues across the aisle. Mo's intelligence, commitment, and personal touch helped him create a legislative legacy that still shines bright today, almost forty years since he entered the House of Representatives.

As everyone who follows public affairs knows, Mo Udall hailed from a family with a rich tradition in politics and public service. His ancestors were pioneers who helped transform the Arizona Territory into a great state. Mo entered Congress after winning a special election in 1961 to replace his brother, Stewart, whom President Kennedy had tapped to head the Department of the Interior.

Today, the Udall name continues to resonate in Congress. Mo's son, MARK, and his nephew, TOM, both were elected to the House in 1998. I know they will carry on the great tradition of public service and Congressional achievement set by their fathers.

Mo was such a modest and easy-going man that one sometimes overlooks the enormity of his legislative record. After rising to the chairmanship of the Committee on Interior and Insular Affairs, a position he held until his retirement in 1991, Mo wrote much of the nation's most important environmental legislation. He pushed through important regulations concerning land, water, mineral, and timber use. Mo also helped reform America's postal system and our campaign finance laws, and he was instrumental in reforming the seniority system in Congress.

In addition to being a great legislator, Mo Udall was a great man. He bridged divisions and always sought to bring people together to work for the good of the country.

Like many of my colleagues, I believe Mo's wit and self-deprecating manner were largely responsible for his successes. Perhaps the best way to illustrate his humor is to relate a joke he loved to tell about one of his campaign visits to New Hampshire during his 1996 Presidential race. At one stop, Mo approached a group of men to tell them he was running for President, only to be told, ''Yes, we were just laughing about that.''

Mr. President, if ever a public servant deserved to be taken seriously, it was Mo Udall. It is a sign of his stature as a man that despite his many accomplishments, he never took himself too seriously.

Today I am honored to pay my respects to my friend Mo Udall, whose legacy of public service and bipartisan achievement will be remembered for many lifetimes.

TRIBUTE TO CHARLES PAONE OF REVERE, MASSACHUSETTS

Mr. KENNEDY. Mr. President, next week, on March 17th, St. Patrick's Day, one of Revere, Massachusetts' finest sons, Charles Paone, will celebrate his 90th birthday. Charlie, as he is known by his many friends, has spent most of his life in his hometown of Revere. He graduated from Immaculate Conception High School in 1927, and went on to Georgetown University, graduating in 1931. After college, Charlie returned to Massachusetts and attended Boston College Law School, receiving his law degree from that outstanding college in 1935.

Charlie was inducted into the Army in 1942, where he served with distinction in the 209th Counter Intelligence Corps. He's been a member of the American Legion for more than 50 years, and he's been very active in his post. He has also been a member of the Knights of Columbus for more than 60 years, and is a past Grand Knight. In 1981 he retired from the Revere Public School System after four decades of outstanding service.

Charlie is loved by his family and friends as a wonderful role model who is always willing to go the extra mile for those in need, whether it's helping someone with their taxes or providing a ride to the local store for groceries. And, of course, all of us in the Senate know Charlie's nephew Marty, who does an excellent job as our Secretary for the Minority.

In many ways, our country is great today because of Americans like Charlie of the World War II generation. They served their country far above and beyond the call of duty in the war, and they came back from the war to rebuild the nation on the home front and make America the great country it is today. Tom Brokaw, in his current number one best-seller, calls them ''The Greatest Generation,'' and it's leaders like Charlie that he's writing about.

It's a privilege to join Charlie's family and friends in wishing him a very happy 90th birthday and a very happy St. Patrick's Day, and to commend him for all that he has done for his family, his friends, his community, and our country.

BENJAMIN H. HARDY, JR.

Mr. COVERDELL. Mr. President, I am honored to rise this morning to pay tribute to a distinguished American and a great Georgia visionary. 50 years ago, Benjamin H. Hardy, Jr., was one of the primary architects of a new foreign policy initiative that became known as President Truman's ''Point Four,'' a program of technical assistance to help the people of developing nations. This bold and revolutionary program became an important tenant of American foreign policy, helping people around the world improve their lives.

Mr. Hardy was a distinguished student at the University of Georgia, graduating with a BA in journalism in 1928. After graduation, he worked as a journalist and later as a public affairs officer for the Departments of Defense and State. His service at the Department of State required him to draft the foreign policy portion of President Truman's 1949 inaugural address. The address cited four basic points of American foreign policy: (1) Support for the United Nations; (2) continuation of the Marshall Plan; (3) military cooperation with Western allies; and (4) a ''bold new program'' of technical assistance to people in developing nations. This last point was based on what Mr. Hardy had seen of the economic needs in South America during World War II. According to some accounts, he included it in the draft of President Truman's speech at considerable risk to his own career.

But it was the last concept, point four, which received widespread acclaim and that, in time, became a major component of American foreign policy. In 1950, this ''Point Four'' policy was approved by Congress in the form of a mandate to create the Technical Cooperation Administration (TCA) within the State Department. It was this ''bold new program'' drafted by Mr. Hardy that later developed into the Agency for International Development and which, perhaps, was the seed for the establishment of the Peace Corps. These were truly forward-looking concepts.

During this period, Mr. Hardy served as the chief of public affairs for the TCA and the chairman of its policy planning council. Tragically, on December 23, 1951, Mr. Hardy, along with the Director of the TCA, was killed in a plane crash on a flight from Cairo to Teheran. It is a shame that Benjamin Hardy did not have the opportunity to see his concept take root and grow as he would have had it.

Fifty years after Mr. Hardy drafted the Point Four speech, it is fitting that we in Congress pay tribute to the vision and courage of this man, his contribution to American foreign policy, and his commitment to improving the lives of people around the world. Ideas like Benjamin Hardy's have helped demonstrate the generosity of the American people around the world. And it is such ideas that have helped America remain engaged as the world's leader, helping to build a better future for all people. Mr. President, it is my honor to recognize this distinguished American from Georgia and to inform my colleagues of his proud heritage. Thank you.

PERSONAL EXPLANATION

Mr. CONRAD. Mr. President, on Friday, March 5, I was necessarily absent in order to join Secretary of Energy Richardson in Bismarck for meetings with representatives of North Dakota energy industries and to meet with the Governor and other State officials about water resources. Had I been present for rollcall vote No. 33 on S. 280, to table the Graham amendment which would have prohibited the implementation of the ''Know Your Customer'' regulation by Federal banking agencies, I would have voted ''nay.''

Mr. President, I yield the floor, and 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. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 280, which the clerk will report.

The bill clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate resumed consideration of the bill.

Pending:

Jeffords amendment No. 31, in the nature of a substitute.

Bingaman amendment No. 35 (to amendment No. 31), to provide for a national school dropout prevention program.

Lott amendment No. 37 (to amendment No. 35), to authorize additional appropriations to carry out part B of the Individuals with Disabilities Education Act.

Gramm (for Allard) amendment No. 40 (to amendment No. 31), to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I say to the Senator from Massachusetts that I desire to make a statement for a while, if that is all right with him.

Mr. KENNEDY. Absolutely.

Mr. JEFFORDS. Mr. President, we are again back with the Ed-Flex bill, which is a bill, as everybody knows, that would merely attempt to make it easier for States to be able to utilize regulations to their advantage by being able to waive them for communities or school systems within their jurisdiction. This has been used successfully by 12 States now—6 originally, and then another 6. It has demonstrated that there are problems in the present system which make it impossible to take care of very, very minute differences in schools in order to get them to be able to have the flexibility for the utilization of the title I funds.

We are also facing, apparently, a filibuster. Therefore, we will have a cloture vote at 5 o'clock this afternoon. It is my hope that we can proceed perhaps on to another amendment, and then we will be able to make some progress on this bill.

This is our fourth day on the Ed-Flex bill. This bill, which is supported by the administration and all 50 Governors, has broad bipartisan support in both the Senate and in the House. I urged my colleagues last week to limit their amendments to the bill before us. As we have shown, we are perfectly willing to work with the limited issues raised by the Ed-Flex bill.

As my colleagues know, later this year we will be considering the statute that governs the K-through-12 educational programs, the Elementary and Secondary Education Act, and that is where the debate on these larger questions should take place. I say this not because I am a stickler for procedure, but because the whole point behind the committee system is so that complicated issues can be debated and examined in detail. That is not possible on the floor of the Senate. This doesn't happen in every instance, and I have been on both sides of the question, but I cannot recall when we have been in a similar situation where one side is trying to load up a small, noncontroversial proposal when the logical vehicle for the debate and consideration of these larger questions is only a few months away.

We have never really considered these issues in committee. To be fair, Senator MURRAY offered her class size amendment to the Ed-Flex bill last year. But Republicans felt then, as we feel now, that this issue should be considered as part of the ESEA reauthorization. The amendment was not adopted.

Reducing class size in our Nation's schools is a fine idea. Common sense tells us that a smaller class allows a teacher to spend more one-on-one time with each student. According to my colleagues on the other side of the aisle, common sense has been backed by data that also reinforces that small class size is correlated to higher student achievement.

There is something else that most of the data says. It says that the quality of the teacher leading that classroom makes a significant difference. Contrary to statements made on the floor last week, the class size proposal of my colleague from Washington does little or nothing toward improving teacher quality. Funds allocated for professional development are limited to 15 percent in the first 3 years it is authorized. Worse yet, the legislation prohibits funds from being used to enhance teacher quality in the last 2 authorized years. What kind of sense does that make?

Only after class size is reduced to an average number of 18 students does a school district have the flexibility to use those funds to improve the quality of teaching in the classroom. Proponents point to studies which show that smaller classes make a difference and improve academic achievement. I argue that class size is less important than having a quality teacher. That, to me, is common sense.

As I mentioned, this common sense idea can also be backed with hard data. Ronald Fergeson, in an article entitled ''New Evidence on How and Why Money Matters,'' notes:

What the evidence here suggests more strongly is that teacher quality matters and should be a major focus of efforts to upgrade the quality of schooling. Skilled teachers are the most critical of all schooling input.

Bill Sanders, a statistician at the University of Tennessee, stated in a 1997 article in ''The Tennessean'':

Teacher effectiveness is the single largest factor affecting the academic growth of students. Poor teachers hold students back,

while strong teachers can push students ahead by nearly a grade. When compared to class size, expenditures, and so forth, they all fail in comparison. The residual effects of teachers can linger at least three years, regardless of the performance of subsequent teachers.

The report ''Doing What Matters Most; Investing in Quality Teaching'' states that:

Studies discover again and again that teacher expertise is one of the most important factors in determining student achievement, followed by smaller, but generally positive influences of smaller schools and small class size.

Eric A. Hanushek, a researcher from the University of Rochester, concludes:

All things being equal, small classes are preferable to larger ones because teachers can give students more individual attention. However, all things are seldom equal, and other factors, such as the quality of the teacher, have a much more decisive impact on student achievement. Moreover, the huge expense of class-size reduction may impede the ability of schools to make other important investments in quality.

In fact, in nearly all the studies that I looked at on the subject mentioned quality and class size together. While my colleagues say that the class size reduction proposal has quality components, this program actually prohibits funds from being used for improving teaching in the outyears.

This legislation is seriously flawed. It puts quantity over quality. In my opinion, it is not a well-thought-out proposal, and, not surprisingly, it is becoming apparent that it will not work very well in rural America. We have not held one hearing on it. We have not heard from anyone at the local level as to whether this program will meet the real needs that they have in their communities. And we have not heard where these tens of thousands of well-qualified teachers will come from.

Where is the emphasis on teacher quality in this proposal? My colleagues keep telling me there is an emphasis on quality, but nowhere in this proposal do I see a real commitment to professional development.

This amendment would have us agree that a teacher's being ''certified'' is synonymous with ''high quality.'' Does ''certified'' equal ''high quality''?

Not necessarily. Currently 91 percent of teachers are ''certified'' in their main field of teaching assignment. Are we all comfortable saying that 91 percent of our nation's teachers are highly qualified? There is a great deal of debate on that issue.

Furthermore, State certification requirements, in many instances, are lacking. Title II of the Higher Education Act we adopted last year recognized that fact and actually encourages States to improve certification standards. Sadly, by today's measure, certification is not a ''Good Housekeeping Seal of Approval.''

And as I mentioned before, the proposal actually prohibits the use of funds for professional development for teachers in 2004 and 20005 unless the local educational agency has reduced its average class size to 18.

We have an opportunity to address these problems and consider this legislation in a timely yet thoughtful manner during consideration of the Elementary Secondary Education Act Reauthorization.

Let's not rush ahead. Let's take some time to consider what will really make a positive difference for our nation's students.

The class size initiative is built on a foundation of sand. It came about because President Clinton insisted that it be part of the omnibus appropriations bill last October. It was drafted in a back room by a few people with virtually no input from anyone else.

This happens from time to time, and it doesn't really bother me. But I think it is a bit of a stretch to characterize this process as a ''bipartisan agreement'' that the Senate is obliged to extend. As I've said, I don't think we should be getting into these issues on the ed flex bill.

But if the ed flex bill is going to spill over in to broader issues, I think we should perhaps revisit whether this attempt to hire one teacher in a hundred or more is the best use of federal funds.

At this point, I think the answer is ''no.'' Education policy must be built on consensus, not focus groups. I have no doubt but that this class size initiative is politically appealing, and the chair of the Democratic Senatorial Committee has already made clear that he wants to use it against those of us who might be running for reelection next year.

But that is exactly my point. As soon as educational policy is driven by the electoral needs of one party or another, we have undermined it. It will change every two years based on the outcome of the elections. And state and local governments, which already chafe at the restrictions that accompany the 7 percent of funds derived from the federal government, will become even more frustrated.

My Democratic colleagues argue that school districts need certainty in planning for the future. Yet the source of the uncertainty is their own failure to build consensus for this proposal. You can, and we all do, force things through in the waning hours of a Congress. But you cannot expect that this process transforms a weak idea into a strong one.

I do not want to paint too bleak a picture. We do have plenty of consensus in education policy. In the last Congress we passed an amazing number of major pieces of education legislation by unanimous or nearly unanimous votes. And none of this would have been possible without support from our Democratic colleagues.

I do not think there is any greater consensus than on the subject of the federal role in helping schools educate the disabled.

The first hearing we held and the first bill we passed were on Individuals with Disabilities Act. I don't think there is any more important federal role than to meet the basic commitment which we made nearly 25 years ago.

The Committee on Health, Education, Labor, and Pensions held a hearing last month on education budget proposals that drove home this point.

Representative Albert Perry from the Vermont State Legislature and Allen Gilbert, a school board member from Worcester, Vermont, told us unequivocally that the single most important thing we could do to help local school districts was to fulfill our pledge to fully fund IDEA.

Fulfilling an old promise is not as exciting as raising new expectations with new programs. We won't get much press coverage for simply doing the right thing.

But if we fulfill our obligation to fund IDEA, state and local agencies will be able to target their own resources toward their own very real needs.

For some districts this may mean school construction or class-size reduction. In other districts the most pressing needs may include teacher training or music and art education.

If we decide to use this forum to discuss budget priorities, we should all come together and agree that no new and untested elementary and secondary education programs should be funded until we fulfill our basic commitment to programs—like IDEA—that are tried and proven.

The real issue today is not whether the legislation before us addresses all of the problems that plague our education system.

There are issues which are important to me—for example, in the areas of professional development—which I have not addressed on this bill because I believed that it was more appropriate that these issues should be addressed in the context of the reauthorization of ESEA.

My own view is that we should have a longer school year, that children lose too much ground over the summer months. But is this area ripe for federal involvement? I don't know.

The real issue we are considering today is simple. Are we going to give state and local communities the flexibility they have requested to improve the performance of their own students?

I want to emphasize this point. They have not requested this flexibility solely to make their lives simpler or as a way to avoid delivering important services. The accountability requirements that are contained within this bill and that have been implemented in current Ed-Flex states like Texas and Vermont make it clear that this is not their goal.

And we would not expect this to be their goal. I have traveled across the State of Vermont meeting with students, parents, and educators. I can tell you that no one cares more about the

educational achievement of students than do their own parents, teachers and community leaders.

Let us keep ourselves focused on this simple but important task. We must fulfill the commitment we made more than 25 years ago and we must move to quickly pass this important legislation.

In order to do so, I am offering an amendment proposing that all funds made available in Fiscal Year 1999 for class-size reduction will be used instead for part B of the Individuals with Disabilities Education Act (IDEA).

I believe it is important that we honor past commitments before taking on new obligations—particularly those as expensive, untested, and fractious as the class-size reduction initiative. We have never come close to providing local school districts with the level of IDEA assistance promised to them in 1975.

Yet, rather that meeting this longstanding commitment, we are instead encouraging them to take on additional obligations in order to reduce class size. These are obligations for which States and localities will be solely responsible once Federal assistance for class-size reduction efforts disappears.

It is not too late to correct this mistake. No funds are scheduled to be distributed until July. Most school districts have not yet received guidance on the class-size reduction program, as the guidance was not issued until this past weekend.

Perhaps the situation will change now that guidance is available, but school officials in Vermont have been telling me that they have been unable to get answers to even relatively simple questions about the program.

Supporting programs for students with disabilities is a far better use of the $1.2 billion provided in fiscal year 1999 than is starting up an untested teacher hiring program which was written in about a day-and-a-half in the closing days of the 105th Congress as part of an appropriations bill.

In fact, several school districts may be faced with entirely unforeseen increases in their IDEA funding needs because of last week's Supreme Court decision. Freeing up these funds for IDEA, a program which is in place and the contours of which are well known, is a better use of the appropriations scheduled to be distributed this coming July.

Mr. President, I see the Senator from Washington. I believe she is ready and desires to introduce her amendment.

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

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, I would ask the Senator from Washington if she would like to discuss her amendment, and I would be happy to yield to her 15 minutes for debate only and then take a look at things as they exist at that time and decide whether or not we should proceed with the offering of her amendment.

Mr. KENNEDY. I ask for the regular order, Mr. President.

Regular order is that a Senator can yield for a question. We are now in debate time; we are not under a time agreement, and I make a point of order.

The PRESIDING OFFICER. There is no time agreement until 3 o'clock.

Mr. KENNEDY. How do we yield time if there is no time agreement?

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. JEFFORDS. I have the floor, and I am yielding for a certain number of minutes. I don't think there is anything wrong with that. I am asking unanimous consent. Object to it.

Mr. KENNEDY. I would object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY addressed the Chair.

Mr. JEFFORDS. I make a point of order a quorum is not present.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from the State of Vermont has the floor.

Mr. JEFFORDS. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. KENNEDY. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard. The quorum call continues.

The legislative clerk continued with the call of the roll.

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

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

The Senator from Vermont is recognized.

AMENDMENT NO. 55 TO AMENDMENT NO. 40

(Purpose: To require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 55 to amendment No. 40.

In lieu of the matter proposed to be inserted, insert the following:

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) by striking ''(b)(1)'' and inserting ''(b)''; and

(2) by striking subsections (c) through (g) and inserting the following:

''(c) Each local educational agency that receives funds under this section shall use such funds to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

Mr. JEFFORDS. Mr. President, I offer this amendment in hopes that we can, again, emphasize what the proper procedure is for this bill—to try to see if we can get it through with the least possible delay. At the same time, since there seems to be a desire to utilize the amendment process, we can try to rectify what was an attempted procedure on an appropriations bill at the end of the last session, to get to the question of funds for schools.

We believe very strongly, as we have emphasized over and over again, that the best way to help the schools out, with the money that was appropriated at that time, is to have that money flow to the schools to assist in taking care of children with disabilities. There is no question in the mind of anybody outside of Washington that the best way to help local communities is to get them out from under the problems that were put on them by the Federal Government when it promised to fund 40 percent of special education and only funded it at around 10 percent. That has put huge stress on the local communities, and this stress has just been made even worse by the recent Supreme Court decision which has emphasized, that it is the school's responsibility to have health care available to a child in order for the child to get what is promised under the Constitution, an appropriate education which is free. And ''free'' is the key word here with respect to the recent Supreme Court decision.

Obviously, if a child cannot concentrate or be effective, as far as the learning process goes, without some help from medication or a nurse, then, without that help, that free and appropriate education is not being provided.

Just to emphasize again where we are, this is the time for us to be helping the States out, to increase their flexibility and their ability to use title I funds in particular. It is not a time to try to place upon them new restrictions or to utilize the funds for less desirable programs than those which are available now, and encumber them with only being able to do it through the decrease in class size, as in the amendment as passed out of the Congress last year.

So I am hopeful we can take the time now to analyze where we ought to be going in education. I already discussed

that to a substantial extent previously, but would like to point out again, as we go forward trying to improve the education of this Nation, this can only be done by the Federal Government and the local communities and the States all working together to provide the kind of educational changes which will maximize the ability of our children to learn. Certainly all the Governors in the country have agreed that the best way to do that is to free the communities from the huge burden we placed upon them back in 1975. Although we made a commitment to take care of 40 percent of that, as has been explained on the floor, we are well lacking that. We have been showing a chart to you for some time which dramatically emphasizes that huge shortfall.

I am hopeful as we go forward today, we will continue to try to find a way to get this bill passed. It is unfortunate it is being objected to for reasons which really are not relevant. It is very important, as we progress towards the end of this year, that we not keep stalling and preventing action that would result in benefiting communities, and stop encumbering ourselves with legislation which will accomplish what is not the highest priority. Depending upon where you are, we would accomplish relatively low priorities. The need for flexibility is immediate in order to help students and teachers, and in order to allow the local communities to be free to provide the education which would be much more beneficial than what could be achieved with the restrictions they currently face.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

MOTION TO RECOMMIT WITH AMENDMENT NO. 56

Mr. KENNEDY. Mr. President, I send an amendment to the desk, and I move to recommit the bill to report back forthwith with the following amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mrs. MURRAY, for herself and Mr. KENNEDY, moves to recommit the bill to report back forthwith with the following amendment numbered 56.

The text of the amendment is as follows:

AMENDMENT NO. 56

(Purpose: To reduce class size)

At the end of the bill, add the following:

SEC. ___. CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

''This part may be cited as the 'Class Size Reduction and Teacher Quality Act of 1999'.

"SEC. 6602. FINDINGS.

''Congress finds as follows:

''(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

''(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

''(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children's education.

''(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

''(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

''(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

''(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

''(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

''(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

''(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

"SEC. 6603. PURPOSE.

''The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

''(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

''(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

"SEC. 6604. PROGRAM AUTHORIZED.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated, $1,400,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

''(b) ALLOTMENTS.—

''(1) IN GENERAL.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

''(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

''(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

''(2) DEFINITION OF STATE.—In this part the term ''State'' means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

''(3) STATE-LEVEL EXPENSES.—Each State may use not more than a total of ½ of 1 percent of the amount the State receives under this part, or $50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency.

''(c) WITHIN STATE DISTRIBUTION.—

''(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds that remain after using funds in accordance with subsection (b)(3) to local educational agencies in the State, of which—

''(A) 80 percent of such remainder shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year, except that a State may adjust such data, or use alternative child-poverty data, to carry out this subparagraph if the State demonstrates to the Secretary's satisfaction that such adjusted or alternative data more accurately reflects the relative incidence of children living in poverty within local educational agencies in the State; and

''(B) 20 percent of such remainder shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

''(2) AWARD RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

"SEC. 6605. USE OF FUNDS.

''(a) IN GENERAL.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

''(b) CLASS REDUCTION.—

''(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

''(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

''(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

''(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

''(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

''(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

''(A) to make further class-size reductions in grades 1 through 3;

''(B) to reduce class size in kindergarten or other grades; or

''(C) to carry out activities to improve teacher quality, including professional development activities.

''(c) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

''(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

''(e) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

''(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

''SEC. 6606. COST-SHARING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this part—

''(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

''(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

''(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

''SEC. 6607. REQUEST FOR FUNDS.

''Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

''SEC. 6608. REPORTS.

''(a) STATE.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

''(b) SCHOOL.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.''.

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

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

Mr. JEFFORDS. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Under the previous order, the hour of 3 o'clock having arrived, there will now be 2 hours of debate equally divided.

Mr. JEFFORDS. As I understand it, no amendments can be offered on the motion to debate relative to the cloture?

The PRESIDING OFFICER. No amendments are in order. The order prohibits amendments at this time.

Mr. JEFFORDS. Madam President, let me give Members a little bit of information on where we are. We are now on debate for cloture. We are trying to get this bill—which is very small in the sense of the number of words—but would be very helpful to the Governors with respect to trying to utilize their title I funds in a better way. The States would be able to assist the maximum number of children in need of help. The 50 Governors support it as it will help them have more flexibility. It does no damage to anyone and would be helpful to many. According to the latest estimates for the Department of Education, this school year there are 6.1 million schoolchildren.

We are also looking at an alternative—if you continue to refuse to let the bill go out in order to help the Governors to help the children, we have offered, and will continue to offer, second-degree amendments. These amendments will not run into the problem of being under the Elementary and Secondary Education Act jurisdiction of the committee, where we are now holding hearings, as the other amendments have. These amendments will say that the highest priority now and the best thing to do now, would be to take the funds appropriated last year or authorized last year and to have those instead utilized to reduce the burden on our local schools caused by the failure of the Federal Government to live up to their promise to provide 40 percent of the funding for children with disabilities. We believe that is, by far, the better option and would not in any way impair our ability to continue to move forward on the Elementary and Secondary Education Act.

However, and it is unfortunate, the minority believes they would rather try to have the President's program. There are many parts of the President's program that I don't have a problem with. To put these proposals up at this time, however, without going through the normal process of debate, analysis, and hearings that normally go on in the committee process, is irresponsible. We must be able to determine whether the programs work, how best to put them in, what kind of law change would be needed—all those things are normally handled during the committee process. We have already had several hearings and we will have many more hearings on the Elementary and Secondary Education Act. I am anxious to move forward now and continue with those hearings, and at the same time give the Governors maximum flexibility in their ability to be able to utilize funds presently appropriated, especially under title I of the Elementary and Secondary Education Act.

Twelve States have demonstrated how you can utilize this to enhance the education of your children. Texas and Vermont have had a special success in utilizing these flexibilities, but there are now 38 other States that would like to have the same benefits. Why we would want to stall and delay that time, I am not sure, but that is the situation we are in right now.

We, therefore, are going to have 2 hours of debate from now until 5 o'clock on the motion to invoke cloture so that we can proceed to this very important but relatively simple bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am sure that many Members of the Senate, and certainly Americans who have been watching the Senate for the past few days, must have a question on their minds about what is going on in the U.S. Senate. For many of us who have been here for some period of time, it is becoming painfully clear what is going on. Our good friends on the other side look up to the Parliamentarian and ask, ''There is no opportunity for them to offer an amendment at all, is there?'' and after they get their assurance, then they permit this side to speak. If you agree with them, you get a chance to speak, and they don't object to calling off the quorum; but if you don't agree with them, then you don't get a chance to speak.

This is the new U.S. Senate. I guess this must be part of the attitude we all heard about after the impeachment—that we were going to try and work things out in a way of comity and understanding, and we are going to have give-and-take on both sides. We were denied an opportunity to debate this issue or offer amendments last Friday when we wanted to, and we were denied

the opportunity to offer amendments here today. There are evidently objections to the consideration of the Murray amendment, even though the majority and the chairman of the committee were quite prepared to tag amendments on to this Ed-Flex legislation, which is of so much importance to local districts. I supported this legislation, but it doesn't really compare in importance to the Murray amendment which will result in the reductions of class size.

We saw the acceptance of a far-reaching banking amendment, and I doubt very much whether there are five Members in the U.S. Senate that would be able to explain it. And then the majority talks to us about not trying to clutter up this legislation with amendments, like the Murray amendment to reduce class size, whose only purpose is to continue the commitment made last year which the Republicans signed on for and took credit, to make sure this commitment was going to continue for the next 6 years, but we have been denied the opportunity to bring it to the floor. But we have accepted a banking amendment of enormous significance and importance and there isn't a complaint over here, not a complaint over here.

So now we have a prohibition on offering amendments from 3 o'clock to 5 o'clock. It is neatly timed to divide the time up so that we can talk about this. I dare say when the majority leader comes over here, we will have the same kind of situation tomorrow, the same situation since he has filed the cloture motion. We will have the explanation, ''Look, we have been on education for a number of days now and it is time we resolve it.''

Madam President, maybe that explanation satisfies some Americans. But it defies logic, Madam President, if we are prepared to try to debate and discuss these matters, why we don't let the Senate make a judgment on it.

I listened to my friend talk about the amendment. Last year, the amendment that was accepted on teachers was drafted in a back room. As I remember, the good Senator from Vermont was in that back room at that time. I didn't hear him complaining at that time about being in the back room. When the chairman of the House committee, Congressman GOODLING, went out there to announce this, he was quite prepared to take very considerable credit for what had been done in terms of expanding the classrooms. He went out and stated at that time:

> This is a real victory for the Republican Congress, but more importantly, it is a huge win for local educators and parents who are fed up with Washington mandates, redtape and regulation.

That is what the chairman of the House committee said on this.

Mr. JEFFORDS. Will the Senator yield?

Mr. KENNEDY. I am glad to yield for a question.

Mr. JEFFORDS. Were you in the back room?

Mr. KENNEDY. I was there part of the time, but not when he had his press conference. I was in the room, yes, I was, and glad to be there, because we were fighting then for smaller classrooms.

Mr. JEFFORDS. I think if you check your memory, I was not there.

Mr. KENNEDY. If the Senator wasn't there, I apologize to the Senator. It was, as I see now, Senator GORTON, Chairman GOODLING, Congressman CLAY, and myself.

So I apologize to the Senator. Would the Senator have complained in the back room last year if he had been there?

Mr. JEFFORDS. If I had been there, there would not have been anything to complain about.

Mr. KENNEDY. We will let the record stand and let the people figure it out.

The point is, Madam President, what we have tried to do with this Ed-Flex legislation, which some Democratic Governors and Republican Governors desire, is to create greater flexibility, while at the same time insisting that we are going to have some accountability—those issues have not been completely resolved—and to ensure that Federal funding that was going to be available was going to be targeted to the neediest students. We all want to make sure that we are going to be able to judge the Ed-Flex by how the students' achievement and accomplishment actually are enhanced over a period of time.

There is another amendment by the Senator from Rhode Island, who wants to ensure that parental involvement in these decisions will be considered. That has not been accepted. We certainly hope that will be included, because every single study that has been made with regard to the importance of early education shows the importance and significance of parental involvement.

So we still have to resolve those issues. As our majority leader pointed out when he addressed the Governors two weeks ago, we would get a chance to debate the issue of education. This is what our Majority Leader LOTT, who spoke to the National Governors' Association, said:

> Now, when we bring up the education issues on the floor next week, there will be some amendments and some disagreements. But at the leadership meeting we had yesterday afternoon, I said, ''That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take 2 weeks if it's necessary, let's talk about education.''

What happened, Madam President? What happened to that kind of commitment that was made to the Governors? What happened to the opportunity to be able to address the issue of class size and to be able to vote on it? What happened in the last two weeks which has denied the Senator from Washington the opportunity to offer her amendment last Friday and denied the opportunity to offer it today? I daresay she will be denied the opportunity to offer it tomorrow. What happened here, Madam President?

What is more important to the families of this country than the issues of education? What is more important than having a good debate on issues such as classroom size? What is more important than considering other issues that our colleagues wanted to bring up for Senate consideration, such as the afterschool programs to try to assist children that too often are finding themselves in trouble or spending too much time watching the television in the afternoon? What is wrong with an amendment to expand that program? Let's hear the arguments and have a vote here. Let's have a short time limit. The Senator from Washington had indicated that she would be willing to enter into a time agreement. We don't need to have a cloture vote tomorrow. We could vote on the Senator's amendment late this afternoon, if that is the desire. I bet the membership would stay here during the evening, if that was the desire and others wanted to speak on it because of its importance to people in communities all across this country—parents, children and schoolteachers. We can do that.

We can reach a time agreement, as our minority leader said, on the floor of the U.S. Senate, for five or six amendments with time limitations. We could wind this whole debate up by tomorrow. But, no. Are we sure we can't have any amendments this afternoon? Yes, the Senate can be assured that it is not possible for any Member of the U.S. Senate this afternoon to offer an amendment. Fine. Then you can go ahead and speak.

That is known as a gag rule, Madam President. We had that kind of problem at the end of the last session. We had the gag rule on minimum wage. We had the gag rule on the Patients' Bill of Rights. And now we start off this Congress and we have a gag rule on education. If the majority agrees with you, you can bring up your amendment. But if you have an amendment like Senator BINGAMAN and Senator REID on school dropouts, where we had a very substantial number of Republicans who supported that, absolutely not. Absolutely not.

The amount of time spent in quorum calls last week when they brought up this simple amendment that had been debated and discussed and accepted and dropped in conference last year is beyond belief. We had a small number of amendments that could have been worked out. All of us understand that there is a program and a schedule, and Senator DASCHLE spoke for all of us on our side to try to reduce any number of amendments, and to try to get a time limitation and to move on. But that continues to be denied.

''Not as long as school class size is one of the amendments,'' they say. Isn't that wonderful? No agreement as long as school class size is an issue. What is this terrible issue about school

class size that they won't even permit Republicans or Democrats to vote on?

I see my colleague, the author of this amendment. I am glad to yield to the Senator from Washington and withhold the remainder of the time.

CLOTURE MOTION

Mrs. MURRAY. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Kennedy-Daschle motion to recommit S. 280:

Max Baucus, Jeff Bingaman, Ernest F. Hollings, Max Cleland, Tom Harkin, Daniel K. Akaka, Daniel K. Inouye, John Breaux, Carl Levin, Patrick Leahy, Byron L. Dorgan, Tom Daschle, Edward M. Kennedy, Patty Murray, Harry Reid, and Paul Wellstone.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Thank you. Madam President, let me just commend the Senator from Massachusetts for his tremendous work on the education issue and for his repeated help with those of us who would like to offer amendments that would make a difference for young children in this country—in their education and in our responsibilities to live up to promises we made to our voters to deal with the issues of education, whether it is reducing class size; training our teachers; dropout prevention, as Senator BINGAMAN has brought to us; afterschool care, as Senator BOXER has talked about; and numerous other issues that will affect children's education.

I listened to the chairman this morning as he talked about my amendment, which has yet to be offered, on class size. I agree with him that the best thing we can do for our kids in our classes is to have a quality teacher. That is exactly what this amendment that we would like to offer does.

Reducing class size allows 15 percent of the funds to go to recruiting, hiring, and training certified, regular, and special education teachers, and teachers of special needs children, including teachers certified with State and local governments.

I am reading from my amendment, Madam President. This amendment makes sure that the teachers who are put into our classrooms are well qualified. In fact, I worked with Senator JEFFORDS, chairman of the committee, last year, along with our ranking member, in order to deal with the issue of quality teachers. We passed an agreement last year that began to make sure that our young people out in the colleges today who are learning to be teachers are given skills in technology, a very important issue, making sure that every new teacher who is certified from here on out has training in technology. We intend to work with the chairman of the committee when we reauthorize the ESEA, to make sure that our teachers who are out there are already getting the training and help they need so they can be the best teachers possible.

But it isn't good enough to just have a teacher in the classroom. We need to make sure that those teachers have enough time with individual students to help them with their reading skills, to help them with their math skills, to help them with their introduction to science, to help them with their writing skills. There is nothing more frustrating to a first-grade teacher who is trying to help the young student in her classroom learn to read, and one young student can't get the time and individual attention he or she needs so that they can break through the barrier and learn to read. And there is nothing worse than for a teacher to go home at night and be completely frustrated because they had 30, 35 kids in their classroom and they weren't able to help one child. There is nothing more difficult for a teacher than to recognize that they left the child behind that day or that night or that year because they didn't have the individual attention they needed.

We go out to our communities—all of us—and we talk to business leaders in our communities. Every one of them tells us that they want to hire kids from their local schools to go into their businesses. They look directly at us, and they say, ''We want to know when those kids graduate from high school that they know how to read, write, that they have the basics in science and math.'' What we have found from all of the studies we have seen is that when class sizes are reduced in the first through third grades, those students go on through high school and they graduate with competency in those requirements. It does make a difference.

Madam President, last year I introduced legislation on reducing class size. It was turned down on a partisan vote in the beginning of the year. But we did have a bipartisan agreement. We changed the language of my original bill to add training for teachers, because that is what my Republican colleagues wanted. We added language that included local alternative routes. That was directly in relation to the Republicans asking us to put this in the amendment. We worked the wording back and forth and, last October, agreed with Congressman GOODLING, Senator GORTON, Senator KENNEDY, and others who were in the negotiations, who were representing all of us in those negotiations, to come up with a bipartisan agreement. And it was passed in a bipartisan fashion.

It is now not only extremely timely but necessarily timely that we go back to those districts and tell them that this wasn't just a commitment from October; we are firmly committed to making sure that young children in our schools get the class size reduction that they need to have the ability to learn the skills they need so that we can make a real commitment to education.

Don't just look at me for this. I am a former teacher. I am a former school board member. I am a parent of two students who went through our public schools. I have been out there as a PTA member. I have been a State legislator dealing with education. And I have been on the committee here that deals with education. I have seen education from every angle—from being a teacher, a parent, a school board member, a legislator—and I can tell you that all of those groups, every one of them, know that when you reduce class size you make a difference in a child's learning.

We all agreed on that last October. We all agreed on that language. We said yes, this is a commitment that we need to make as a Federal Government. We looked at the bill and did everything we could, and brought our Republican colleagues into the discussions, so that there were no new reports, there was no additional paperwork, that the money went directly to our school districts so they could hire qualified teachers. We worked this through in a bipartisan fashion.

Today school boards are out there and they are calling my office—I am sure they are calling every office here—saying, ''We are putting our budget together for next year. We are beginning the hiring process to hire our teachers. Is this a commitment that is just a hollow promise, or are you going to follow through?'' Our amendment, a 6-year authorization, says we are going to follow through, that we didn't just do it last October, that we meant it as a commitment, that we as a Congress know that class size reduction is absolutely critical.

Madam President, the President has made this a top priority. The Vice President issued a statement in support of it today. The administration is going to be there with us. We will get class size reduction. We all know that. We know we are debating an amendment now. But the school boards don't know that. They need a commitment now so they can put their budgets together and hire those teachers.

I was a school board member. I can tell you, we didn't deal with promises when I was a school board member. When you are putting the budgets together to hire these teachers, everybody loves you. But you don't want to be the school board member a year from now or 6 months from now who tells those teachers, ''We are going to fire you, let you go.'' They do not care if it was the Federal Government or not. They will come to your school board meeting saying, ''How can you fire our teachers?'' School board members can say, ''Well, the Federal Government didn't follow through on their

promise.'' But that doesn't make a difference when you are a school board member and you have to go to the grocery store the next day with all the parents who are going to be affected by a decision we made.

Madam President, we made a good, solid commitment. We worked a year, along with our Republican colleagues, to add their language to our proposal. That is what was agreed on last October. That is what we have in front of us today, if we are allowed to offer it. And that is a commitment that we ought to make to parents, to students, and to school boards who are doing their budgets, and to our Government, which is also counting on us to make sure that we have our commitments in order to our young children across this country.

Madam President, I have worked long and hard with my Republican colleagues on this issue. It is an extremely timely and necessary issue. We agree that the Ed-Flex bill is one that we can all agree on. But why not do what is really important in this country on this bill? Why should we be precluded from offering these amendments? If our Republican colleagues now don't agree with those on class size, fine; vote no. But let's let our school board members know. They have a right to know. We have an obligation to tell them. That is why we feel so strongly about offering this amendment.

Again, I offer to my Republican colleagues, we would like to work with you on this. We believe this is a commitment that was made last year that we should stand up to. The administration stands with us. Let's put the words in writing, and then we can go on to other issues.

I heard the chairman of the committee say, ''Well, let's wait until the ESEA is reauthorized.'' I have been here in the Senate for 6 and a half years. I know that reauthorizing a bill, bringing it here to the floor, and having it move forward is no guarantee. I know it could be a year from now. It may not happen. I have seen reauthorizations not agreed to. I want to make sure that our class size allocations don't get lost because we can't get a bill through the floor 6 months from now or 8 months from now. Again, our school boards are hiring teachers. They need to know now. They cannot wait.

I have studies, which I will go through when we get our amendment to the floor, which show that reducing class size makes a difference. I have many, many letters, and I have had phone calls from parents. I have heard from students. I have teachers who would like to have their words be put on the floor of the Senate in support of this proposal. I am hearing from them. I am sure many of our colleagues are as well.

This is an important and timely issue. I sincerely hope that our Republican colleagues will allow us to vote on it. I heard the chairman of the committee, the manager on the floor, talk about the fact that perhaps it would be agreed on now. I again urge you to allow us to vote on it. Let's have the debate.

I heard the chairman talk about the fact that he would second-degree my amendment with legislation to take all of the class size money that was allocated last year and give it to IDEA funding for special education children.

Madam President, I agree with the chairman of the committee, funding for IDEA is absolutely essential. I offered this amendment on the floor during the budget process last year to fund IDEA. I believe in that commitment. But let's not rob those schools of money that we promised them last October for this year to reduce class sizes in first through third grade and give it to IDEA. We can't pit student against student. What an empty promise, to anybody who depends on the future of education, if we come back 6 months later, after a bipartisan agreement has been reached, and say, ''Well, gee, sorry. Politics have changed. We are taking the money that we promised you and giving it to another group.''

Madam President, kids in the first through third grade in school districts, whether they are in Shoreline, or Seattle, or Wanaque, Kentucky, Florida, or any other community, know that reducing class size makes a difference. Ask any parent how many times, when their child comes home on the first day of school—every parent—the first question is, ''How many kids are in your classroom?'' Every parent knows that if the class size is small enough—we are asking for 18 in first through third grade—their child is going to get a good education. If the answer is 32, as it was for a friend of mine just a few days ago in enrolling her child in kindergarten, you know your child is not going to get the help they need and deserve in this country today to get a good education.

Madam President, I will retain the remainder of our time. I am happy to hear what our Republican colleagues say.

But I again offer to them that I am more than willing to have a time agreement on my amendment and an up-or-down vote. I am more than willing to do it in an expeditious fashion. I am positive we could finish the bill in the next 24 hours. With a time agreement on my amendment and the other amendments that I am sure our leader, along with yours, can work out on the floor, we can finish this bill by tomorrow and have the whole bill done in a week. But it will allow us to let people in this country know that this is a commitment we have an obligation to keep.

Madam President, I retain the remainder of my time, and I look forward to the debate, and I again plead with our colleagues to allow us to offer these amendments.

Mr. GREGG addressed the Chair.

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

Mr. GREGG. ''A commitment we have an obligation to keep.'' That is what we are hearing from the other side. ''A commitment we have an obligation to keep.'' Tell the special ed child that. Tell the special ed child, whose funds you are raiding. You are raiding those funds to start these new initiatives. That is where the funds are coming from. Every time the President goes to the podium to propose a new program, where does that money come from in education? It comes from the children. It comes from the special ed child.

Why? Because this administration year in and year out has refused to fund special education. In fact, ironically, if you take all of the President's new initiatives, which have been thrown at us on poll number after poll number—every time he takes a poll, he puts out a new initiative. If you take all of his new initiatives on education, they, ironically, happen to add up to almost exactly the amount of money it would take for the Federal Government to fulfill its obligation to the special needs children of this country, an obligation which was made—a commitment, the term used by the other side, a commitment which was not made last fall in order to entertain the concerns of the teachers unions in this country; it was a commitment that was made in 1975—1975—when we passed 94–142, a law which said that the Federal Government would pay 40 percent—40 percent—of the cost of the special needs child.

What happened? The Federal Government reneged on that obligation, to the point where it was down to only 6 percent that was being paid by the time the Republicans took over this Congress.

We have been able to reverse that trend as a Republican Congress. We have increased that funding by almost 100 percent in the last 3½ years. We have gone from 6 percent up to 11 percent but without any help from this White House. Not once did they send up a budget that has said, let's look at the needs of the special ed child. Not once did they send up a budget that said, we have a 40-percent obligation here; we are only fulfilling 6 percent of it, so let's start to fill up the rest of the obligation.

No, every time they send up a budget, it is take the money that should have gone to special education, put it into some brand new program which moves responsibility back here to Washington so we can have more control here in Washington purchased with the money that is supposed to be going to the special needs child.

We have another example of it right here on this floor today that is going to be proposed by the Senator from Washington. Let's add 100,000 teachers. How much does that cost? Billions. Does it say anything about taking care

of the special needs child, the 40-percent obligation? No, nothing. Nothing.

Let me point out that if we took the money that was going to the 100,000 teacher program proposed by the President and sent it back to the communities to spend on their special needs children, that would free up the local dollars so that the local principal, the local teacher, the local school board could make the decision as to whether they needed a new teacher, a new classroom, a new afterschool program, a new computer, a new science program, a new math program, a new language program.

But, no, no, the President and his Members on the other side of the aisle are not going to let that sort of freedom fall into the hands of the local education folks. They are not going to let parents suddenly have some power or teachers have some power or principals have some power.

No, don't let that happen. We have to set up a new program and take all the money going to special ed, which would have freed up local dollars, and tell the school districts how to spend it. Tell them that we, here in Washington, know better. My goodness, we all know that the folks down here on, I think it is 600 Independence Avenue, the Education Department, know a heck of a lot more about the kids in the Epping Elementary School than the principal of the Epping Elementary School.

We all know that. That is sort of one of those prima facie facts here in Washington, that the bureaucrat in that building, in that back room there on the 15th floor of some office building knows a heck of a lot more about how to educate a child in Epping, NH, or in Concord, NH, or in Nashua, NH, than the teacher who sees that child every day and the principal who works with that teacher every day or the parent who happens to be involved with this child more than every day, obviously, 24 hours a day.

No, it is the great theory of self-worth which says that Senators here in Washington and bureaucrats here in Washington, especially the President here in Washington, know more about how to educate the child than the child's parents, the child's teachers, the child's principal, or the child's school board. So they take the money that should have gone to special ed and they put it into these new programs.

Let me reiterate what the practical effect of that is, because this is the insidiousness of the proposal that is being made from the other side. You see, if the Federal Government actually funded what it said it was going to fund in special needs, actually paid for the cost of the special education child to the full 40 percent as required, that would free up the local resources, because today what happens is the Federal Government is only paying 11 percent of the cost. It would have been 6 percent of the cost if this administration had been allowed to have its way for the last 3 years. But we changed that. We raised it to 11 percent.

So the next amount of the cost, the difference between 11 percent and 40 percent, has to be found somewhere else; that Federal share that is not being paid by the Federal Government has to be found somewhere else.

Where is it found? It is found in the local taxpayers' pockets and the State. And so the local school district has a special needs child, or maybe a series of special needs children who are costing them a considerable amount of money, and we should fund that; we should take care of them. And they know that and so they pay for that child's proper education. But when they make the decision to pay for that child's proper education, instead of getting 40 cents back on the dollar from the Federal Government for every dollar they spend, they only get 11 cents back, and so they have to find the difference somewhere else.

Where do they find it? Well, maybe they do not hire another teacher that they want for history or art. Or maybe they do not put in a computer room. Or maybe they do not start an afterschool program. Or maybe they do not build a new building or add on to their building. They have to make a decision such as that at the local level. It is a daily decision that is made in this country. All across this country that decision is being made, because the Federal Government refuses to pay its fair share of special education costs to which it has committed.

No, instead we have this arrogance of power that says we are going to take the money from special ed; we are going to create a new program; we are going to give it to you but you have to spend it exactly as we tell you. You have to spend it to hire teachers. You have to spend it for an afterschool program. Or you have to spend it to hire consultants, which is the way it usually works out.

The local school district, instead of having flexibility to make its own decisions with money that it should be getting from the Federal Government, suddenly finds itself hit twice. First, it does not get the money the Federal Government was supposed to send it. And then it is told that if it wants to get the money the Federal Government was supposed to send it, it has to create a brand new program that they may not even want. It is an arrogance of power.

The other side has said, we don't want to pit student against student. We don't want to pit student against student. Tell us about the special needs child and their parents going to a school board meeting in my State.

We have town meetings. School budgets are voted in the open in a town meeting. Anybody can go. Anybody can vote who is a member of that town. Let me tell you, student is pitted against student; parent against parent. It is awful. Why does it happen? It happens because we have failed to pay the obligations of the Federal share of special ed. It is absolutely inexcusable that we put special ed kids and their parents through the nightmare of having other kids and their parents saying to them, ''You are taking our money.'' But that is what happens every day across this country because the Federal Government refuses to pay its fair share.

So, what does the other side propose? Let's pit more students against students. Let us not increase special ed funding; let's create a brand new program so the special ed kid is once again left out there without the protection of the dollars that were supposed to come from the Federal Government, and once again is thrown into the meat grinder, unfairly and inappropriately being accused by other students and parents in the school district that funds going to that child should be going to the general education activities.

So this student-against-student argument is—well, it is like arguing that black is white, to say that this new teacher program is somehow going to relieve the student-against-student issue. It is just the opposite, just the opposite. It is going to create an excessive problem for the special needs child.

Do they need teachers? I don't know. I don't know whether the town of Epping or Concord needs new teachers. I do know this: The people in the town of Epping and the city of Concord know whether they need teachers. I am not going to tell them whether they do or they do not. What I am going to try to do is give them the money and the flexibility to make the decisions themselves, rather than have it directed here from Washington. But that seems to be an anathema to the President and to the people who are carrying his water in this Congress; the concept that the local community should make these decisions, the concept that the local teacher or the local principal, or even, God forbid, the parent might know more about what the child needs than we know here in Washington. That is the attitude.

That is the attitude that leads to this arrogance which takes the money from the special needs child and moves it over for new programs which happen to poll well, and therefore create some sort of political statement that allows you to create an election event, because that is what this is all about. If this administration wanted to help the children of this country get a better education, the absolute first thing it would have done would have been to fund special education at the full 40 percent, or made a commitment to try to get there. The fact that they did not, the fact that they have not, the fact that the only people who have been committed to this have been on our side of the aisle, reflects the insincerity of their effort in the area of education. It reflects that they are interested in politics, while we are interested in actually producing quality education.

This bill, by the way, is another example of that. It stuns me that this bill

would be held hostage for these really blatant political weapons, especially ones which make so little sense. That is what is happening here. This bill is being held hostage so somebody can take a poll and do a focus group and decide we need a new program. I imagine we will get another one after this teacher one, where the Federal Government can tell the local communities how to run their educational system.

It is inappropriate, to say the least, because everybody supports this Ed-Flex bill. It is supported by the Governors. It was supported by the President. It was even supported by Members on the other side of the aisle. Why? Because it is a good idea. It gives flexibility to local school districts. It allows local school districts to make decisions as to how Federal dollars are spent without the Federal strings. In fact, I think 12 States are already functioning under this and doing extraordinarily well, and all this bill does is expand it to the rest of the States. It is ironic that 12 States should have this benefit, but the rest of the States should not have this benefit.

This second-degree that has been offered, which I think is absolutely on target, takes the money which was stuck in the bill last year for this teachers initiative and moves it over to the special ed accounts, which is where it should be—should have been in the first place. We made a mistake last year. This is an attempt to correct it. This mistake has been confirmed beyond any question by the recent Cedar Rapids decision of the Supreme Court. The Supreme Court said just last week that not only do the local school districts now have to pay for the special needs child's educational activities, they are going to have to pay for the medical activities within the school system that are required in order to educate that child.

I can tell you, those medical costs are going to be extraordinary. This is an exponential increase on the local school districts in order to pay those medical costs. Those medical costs used to come out of Medicaid in most instances. Sometimes they came out of other accounts, but a lot of these kids were Medicaid qualified, so if they were really high they might have come out of there. But they didn't come out of the local school budget. Now they are going to come out of the local school budget.

Many of the New Hampshire school districts, for example, have small numbers of people in them. If you have a child who needs an extreme amount of medical help in order to be mainstreamed—and they should be mainstreamed; this is critical, it works, it is a good idea—but they have to have full-time nursing care, or they have to have very high caliber medical assistance, devices like ventilators or a variety of other things, oxygen, it gets extraordinarily expensive. And every one of those dollars, according to the Supreme Court, is now going to come out of the school budget.

Where is it going to come from? It is not going to come from the Federal Government, because we are not going to pay our 40 percent. No, it is going to come from maybe the math/science department. Maybe the decision to buy new computers will be put off. Maybe the decision of hiring a new teacher will be put off. Maybe the decision to add a wing onto the building will be put off. Maybe the football team will be dropped. Who knows? But somebody is going to have to lose, because there is now a Constitutional requirement that the health needs of that child, when that child is being educated, must be paid for by the school department.

The Federal Government is not going to come through with its 40 percent of that cost. Instead, the administration is going to take the money which should have gone for that cost and move it into some new program which is going to be directed out of Washington where the local school district will be told from Washington how and when they can hire a teacher, and what sort of qualifications that teacher can have. It is, in light of that decision in Cedar Rapids, absolutely inexcusable that we would be initiating new programs without funding the special needs program first—absolutely inexcusable. It is going to put extraordinary pressure on every school district across this country unless we face up to that reality.

So, the $1.2 billion that last year we put into this teachers program should be taken out of that and moved over to special needs and the special needs child's program, in light of the Cedar Rapids decision. To not do that is to really be derelict in our duty as a Federal Government. We have already walked away from that duty by not funding the full 40 percent. But to fail to do it in light of the decision on Cedar Rapids is really to add insult to injury—to rub salt in the wound.

So I congratulate the chairman of the committee for offering this amendment. I think it is right on. I look forward to this debate, because this is the issue we should join. Are we going to support the special needs children in this country with dollars, not rhetoric? Or are we going to start new programs, directed by Washington, decided by Washington, under the control of Washington, which take the money from special needs which would have freed up local flexibility and put them into categorical decisions out of Washington?

That is the debate here. That is the substance of the education issue and the difference between the two parties on education. It is not an issue of dollars. It is an issue of how local communities get to manage those dollars and where those dollars get spent. There isn't a community in New Hampshire which, if given the option, would take the special ed dollars before they would take a new categorical program from Washington.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

Mr. WELLSTONE. Madam President, how much time do we have?

The PRESIDING OFFICER. The Senators from your side have 34 minutes remaining.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. I thank the Chair.

Madam President, let me, first of all, very briefly explain what this means to Minnesota. I think we on the floor have already gone over what this proposal is. It is $12 billion over 7 years, $7.3 billion over 5 years. It is an initiative to enable our school districts to reduce class sizes, grades 1 through 3, to an average of 18 students. It is an additional 100,000 teachers. Estimates are that we are going to need to hire 2 million really good teachers over the next 10 years in our country. This is our way, at the Federal Government level, of providing some resources to States and school districts that are sorely needed.

Under this proposal, Minnesota would receive $19 million in fiscal year 2000 to support 519 teachers. Minneapolis would receive $2,355,271; St. Paul, $1,761,943; and Anoka-Hennepin, $489,090. This money is sorely needed, and it would be put to great use.

I am pleased to announce that this comes as a complement to what the Ventura administration is planning on doing, which is to provide $150 million in the next 2 years to reduce class sizes in kindergarten through third grade, with the goal of having no more than 17 students per classroom.

Let me say to my colleague from New Hampshire that in Minnesota, at least, I do not think you are going to get any argument whatsoever that the Federal Government ought to do a better job of providing money for special ed children. There is no question about it, the IDEA program is a great idea. We want children with special needs to be in our schools. We want them to get the best education possible.

What troubles me is two things. No. 1, what troubles me is this sort of playing off one group of children against another group of children. I will say right now that in the State of Minnesota, we have also made it a goal to try to reduce class size because we know—I try to be in the schools about every 2 weeks—that there are a couple of things for sure that work. One of them is to make sure that we have the parents involved, and one of them is to make sure that children come to kindergarten ready to learn. We are not there as a Nation.

One of them is smaller class size. At the elementary school level, it makes a huge difference. It makes a huge difference, I say to my colleague from Washington, at the middle school level, at the junior high school level, and at the high school level. So why are we

talking about these proposals as if it is one versus the other?

I say to my colleagues that what disappoints me the most is that the evidence is crystal clear. Let me just lay this out as I talk about this. Project STAR studied 7,000 students in 80 schools in Tennessee. Students in small classes perform better than students in large classes in each grade from kindergarten through eighth grade. In Wisconsin, the Student Achievement Guarantee in Education Program is helping to reduce class size in grades K through 12 in low-income communities; again, showing significant improvement in reading, math, and language tests. In Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 have produced a 44-percent increase in reading scores and an 18-percent increase in math scores.

The research shows that it makes a huge difference. When we talk to the teachers, they tell us it makes a huge difference. When I am in schools and I ask students, ''What do you think represents real education reform?'' the first thing they talk about is reducing class size. They say, ''Smaller classes.'' I ask them, ''Why would smaller classes make a big difference?''

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WELLSTONE. Madam President, I ask for an additional 5 minutes.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. WELLSTONE. Madam President, why would smaller classes make a difference? Students go on and they say, ''Well, because with smaller classes, we might get more of a chance to interact with our teachers. If we need special help, we get the help from our teachers. The teachers get to know us better as individuals. We establish more rapport with our teachers.''

I say to my colleagues, there is not an educator in the country who doesn't believe that we ought to try to reduce our class size. I say it would be better to have classes no larger than 15 students at the elementary school level.

Senator MURRAY and Senator KENNEDY bring an amendment to the floor. What we are saying—I think all of my colleagues know my views about the Ed-Flex bill; I won't go over my views again—today is, if we are going to be talking about education and we are going to pass a piece of legislation, then we bring to the floor a good-faith, positive effort, which will make a huge difference.

Again, in Minnesota, hardly any student I have ever talked to said, ''Please, Senator, we want you to support Ed-Flex.'' They do not even know what it means. Then if I were to tell them about the debate about title I, personally I think most of the students would say, ''We are all for flexibility by way of giving the school districts the discretion to do more on community outreach, if that is what they want to do, or more on teacher assistance, if that is what they want to do, or more on special instruction, if that is what they want to do, but certainly, Senator, we want to keep the basic standards in place.'' I think most students would agree with that. Most students do not know this debate. What the students and the teachers and the parents and the people in the community who care fiercely about education tell all of us is, ''Here is something you can do.''

In Minnesota, I do not always agree with the Ventura administration on issues. They did a good job in their budget. They made it a priority to reduce class size. I think that what Minnesota would say is, ''Listen, some additional resources that enable us to do this job, we are all for it.''

For some reason, I guess my colleagues do not want to let us have an up-or-down vote on this amendment, I say to Senator MURRAY; is that correct? I want to try to stay at as high a level as possible, but I guess I say to the majority leader that I am surprised he is surprised that Democrats on an education bill would come to the floor with an amendment that Senator MURRAY has now presented to reduce class size. It is amazing to me.

Now we are not going to have an up-or-down vote? My colleague, the Senator from Vermont, who is an education Senator, knows that this is an important initiative and knows that we have an education bill out on the floor, that we are going to have this debate, and we are going to have this amendment. Apparently, we are going to have no vote.

I do not like saying this, but I will: From my point of view, if this piece of legislation goes nowhere, the Ed-Flex bill, that is fine. I do not think it is a step forward; I think it is a great leap backwards. I am saddened by the fact that, for some reason—and this reminds me too much of the last Congress—it looks to me like the majority leader and the Republican majority have made the strategic decision that we will not be allowed to have amendments on the floor, debate, and up-or-down votes so all Senators are held accountable about education. You cannot dance at two weddings at the same time. You cannot say you are for education, education, education, you are for children, children, children, and then say, when Senator MURRAY and Senator KENNEDY and some of the rest of us come out here on the floor of the Senate with an amendment to reduce class size, that you won't even let us vote on it. This isn't going to work.

This isn't going to work, because one of the best things we can do is to provide some additional resources so that our school districts can reduce class size and, at least at the elementary school level, our teachers can do better by our students, our parents can do better by our students.

I come to the floor of the U.S. Senate to speak on behalf of this amendment. I come to the floor of the U.S. Senate with a mixed mind. On the one hand, to use ''Fiddler on the Roof,'' I am not disappointed that the majority leader is blocking Senators from offering amendments, because I think it is going to mean this bill is going to go nowhere, and I think that will be better for the country. On the other hand, I am really saddened by it and outraged by it because I think this amendment to reduce class size is real. This is real stuff. This makes a little bit of a difference. I would rather we do even more on this.

So with all due respect, I think it is a shame. I think my colleagues on the other side of the aisle are making a huge mistake in trying to block a debate, in trying to block a vote, in trying to block an effort to reduce class size. And if it is blocked on this bill, I assume this amendment will come up over and over and over again, and all of us will be out here talking about it on other pieces of legislation. And we will be talking about pre-K, and we will be talking about rebuilding crumbling schools, and we will be talking about support services for kids at a very early age, and we will be talking about a whole lot of other things that lead to an improvement in the quality of education for our children.

I say to my Republican colleagues, you are not going to gag us on this. You are not going to silence us on this. We are going to have debates about education on the floor of the U.S. Senate. This is just the beginning.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I just want to remark very briefly. All we have done—and I do not understand why my good friend from Minnesota cannot agree with it—is to give the Senate a choice. Do you want to send it for special ed, where it is desperately needed, or do you want to see whether the States would prefer to have it to put more teachers in place? It is as simple as that. We are not getting an opportunity to vote on our amendment either.

Madam President, I yield to the Senator from Tennessee——

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

Mr. JEFFORDS. For 9 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Madam President, thank you.

It must be really confusing to people following this debate over the last several days, especially after people have been away for the weekend coming back now. In about an hour, we will have a vote called a cloture vote on a topic that means a great deal to the American people. I had a chance to review some of this in some town meetings over the last 2 days. I have come back even more convinced we have a real obligation to pass this simple, direct bill that will be translated into

improving education opportunities for people all across America.

This bill—a simple bill—is a bill I brought to the floor last week called the Education Flexibility Partnership Act. The cloture vote, in 55 minutes, is an attempt on our part to say, let's bring this bill in as clean a fashion as possible, addressing flexibility, addressing accountability, at no expense—at no cost; this bill does not cost a single cent—and let's vote on that bill. Let's not clutter it with all sorts of different amendments from either side of the aisle.

I think it is very sad that we are having to file cloture on this bill to bring it to a vote, because it is a worthy bill. It is a bill that has the support of every Governor in the United States of America. It is a bill that is bipartisan. My principal cosponsor is the distinguished Senator from Oregon, Senator WYDEN.

It is ostensibly supported by the President of the United States. He first called for this bill, in fact, about 13 months ago, and has been in support of the bill since that time. Just last week he spoke out in support of the bill and said let's pass Ed-Flex. I think it is sadder still—yes, we are voting on cloture—but sadder still that now we are playing politics, playing politics with the future of our children, with our children's education. And that is what it is.

It became really clear to me as I was at home and I was in Mountain City, which is at the far east end of Tennessee, and went across Tennessee and ended up in Memphis yesterday talking about education. They said: ''If there's one thing we want you to do, U.S. Senate, Congress, the Washington Federal Government, it is to stop playing politics and pass useful legislation that you know will work.'' And we have in this Ed-Flex bill. We have 5 years of experience with a program that has been demonstrated to work. Numerous examples have been cited again and again. Stop playing politics.

Let me just very briefly bring people up to date in terms of the history of this legislation. Senator WYDEN and I worked together on a task force on the Budget Committee which complemented much of the work we did last year on the Labor Committee and identified a particular program that, as we held our hearings, very clearly worked. We heard the examples from Texas and from Vermont and from Massachusetts—all of whom came forward and said this is a program that allows us to focus the resources, with the intent out of Washington, DC, but to do it in such a way as we do it with respect to our needs in our local communities, in our local schools, in our local school districts—with the same goals, with the same money, with the same intent of the Federal Government, but without the Washington red tape, without the excessive bureaucratic regulations. And that is what Ed-Flex is about.

I did not bring this bill to the floor to be cluttered with another 25 different spending programs, however well intended they are. No. There is a more appropriate place to be dealing with that, and that is on the reauthorization which is currently underway in the Health and Education Committee, that reauthorization of the Elementary and Secondary Education Act.

Ed-Flex is a valuable program. It is a bipartisan program. It has been demonstrated to work. We introduced Ed-Flex just last July. I worked very closely with the Department of Education: How can we make absolutely sure that we have strong accountability provisions built into this piece of legislation? It only makes sense, if you are giving local communities more flexibility, to innovate, to be creative, and to answer those challenges that are out there in educating our children—by taking into account those local needs specific to whatever school might be considering a particular issue.

The Department of Education came, and we worked closely together. I worked with Secretary Riley, and last year he endorsed this very bill. The Labor Committee approved this bill 17-1—not 9-9 or 10-8, but 17 in favor of Ed-Flex and 1 against. We ran out of time last year.

We reintroduced Ed-Flex this year. The Health and Education Committee again reported this bill out of committee, and now we are on the floor of the U.S. Senate debating this simple, straightforward bill on education flexibility with accountability. Yet clearly we are getting off in other directions. We have had a list of amendments come in. One program cost $12 billion, we want to add; another cost $80 million. I plead with both sides of the aisle, let's step back and pass the bill we brought to the floor.

Let me also say—and again it is an important point—it is important for my colleagues who are not on the Health and Education Committee to understand, and for Americans and Tennesseans to understand, that the vehicle, the appropriate vehicle to which we should be considering, whether it is construction or whether it is getting dollars all the way to the classroom or whether it is 100,000 new teachers or better teacher preparation in terms of quality, the appropriate place is not on the Ed-Flex bill, which does not cost anything, which allows for this innovation, but through the authorization process currently underway. We are having hearings right now, and will over the next several weeks and months, on the Elementary and Secondary Education Act, where we look at all of these programs, kindergarten through 12.

Some, as I said, would rather play politics with this bill. I really call upon my colleagues to put the politics aside and pass this bill.

Ed-Flex does not cost a dime. The bill on the floor does not cost a single dime, yet an amendment just came to the floor which costs $12 billion over 6 years—$12 billion. The appropriate place to debate that is where you are looking at other resources we need to put into education and have that debate.

Chairman JEFFORDS offered an alternative to those expensive plans, and that is we should not be out there funding all these new programs which have come along as amendments until we fulfill a promise we made in 1974.

The Senator from New Hampshire just outlined that we should not be debating funding new programs until we fully fund our special needs children, special education, where we made a promise in the past. Indeed, the Senate voted 100 to 0 to support that approach, although it seems now we have people backing away from that commitment.

Madam President, the floor debate has not focused on the real merits of the Ed-Flex bill. In fact, I bet if we can get cloture today, when this bill comes to the floor the vote will be probably 99-1 in favor of the Ed-Flex bill. I plead that people vote in favor of cloture so we can vote on the Ed-Flex bill without introducing myriad amendments.

We have moved beyond talking about Ed-Flex to the political posturing and the doublespeak. America is not going to tolerate it, I don't believe, based on my experiences around Tennessee this week. Every Member on the other side of the aisle voted to fund the needs of special education students before spending on new programs, yet today we have seen another amendment discussed which is yet another new spending program.

We cannot be occupied by political rhetoric. What is at risk is the Ed-Flex bill. This bill could be brought down if we overload it with all of these new programs. That would be a travesty because we could have this bill passed here and in the House and on the President's bill in 6 weeks, and 38 States that don't have Ed-Flex now would have that program available for them if we passed it here in the next several weeks. Ed-Flex streamlines our education process, it cuts through redtape, it allows States greater flexibility.

Let me briefly refer to this chart, and please don't try to dissect the chart. Let me use it as an example of what I am up against. This is the General Accounting Office, and as everybody in the Chamber knows, the General Accounting Office will come in and look at a field and make advice. At one of their presentations, this chart was presented. It basically says here are some target groups that are very important to education. One is teachers, the other is at-risk and delinquent youth, and the other is young children. I asked that group a simple question: What programs do we have today—out of Washington, DC, or what Departments—looking at at-risk and delinquent youth? I don't understand because I have heard that there were hundreds—200 and 260; 500 and 560. I asked a simple question: What is Washington doing for teachers, for example?

This is the chart they came back with.

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

Mr. JEFFORDS. I yield an additional 60 seconds to the Senator.

Mr. FRIST. The point I end with, what we are hearing today is to have a new program put on the outside to address a population that we know is important.

Look at the complexity of this on this chart, which my staff jokingly calls the spiderweb chart. Look at the 15 different programs for teachers. What the other side wants to do is put another program out there.

Our argument is to pass a simple program—that allows innovation; it has bipartisan support—instead of introducing a new program. The appropriate debate here is the Elementary and Secondary Education Act.

I plead with my colleagues to pull back on all of these amendments, pass Ed-Flex, vote in favor of cloture today so we can address a bill that has bipartisan support, that is supported by all 50 Governors, supported by the President of the United States, the Department of Education, and, I bet, 99 U.S. Senators.

I yield the floor.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Thank you, Madam President.

I want to express my appreciation to Senator FRIST for his excellent leadership on this bill. Senator JEFFORDS, who has managed it, brought it out of the committee last year 17-1. It has broad bipartisan support, and was crafted by Democrats and Republicans. Yet, we get here now and we get into this kind of political brouhaha, this kind of spat that does nothing for education. It is not healthy for America and confuses people about what is important.

As Senator FRIST noted, we are talking about a bill, Ed-Flex, that will give our school systems some flexibility as we gave the State welfare systems flexibility. We know how well they did when we gave them that flexibility. It would give the school that same kind of flexibility and not cost one dime. It would not cost any money.

Blithely now, we have a Senator walking in here to propose a $12-billion amendment—just like that—100,000 teachers. Somebody ran a focus group, I suppose, did a poll somewhere and the people said, ''We like teachers; we like smaller class sizes.''

We have hired Ph.Ds and experienced teachers to lead our school systems. Principals all across America are concerned about the schools in your community and in my community. I don't know why we should have some mandate here; we haven't even had hearings on this. We will spend $12 billion on teachers—maybe we ought to consider whether we should spend it on something else.

This legislation is supported by the National Governors' Association. There is not a Governor in America today who didn't get elected who promised to improve education in his State. They are committed to the improvement of education in their States. They love their children in their States as much or more than Senators love the children in each of the 50 States. They want good school systems. They support this bill. They are calling on us to pass this bill and get out of this political folderol we are going through. Our new Governor in Alabama, a Democrat, Don Siegelman, supports this bill. Dr. Ed Richardson, the Alabama State superintendent of education, supports the legislation.

I will share some information with this body. One of my staff people visited a Montgomery title I school in a poor neighborhood, sat down with the principal, and asked him what he would like for his school system if he could name it right now. The principal, Mr. Thomas Toleston, from Southlawn Elementary School, when asked what he would do if he could be free from redtape and Federal regulations, said:

I would ensure that Southlawn implement a comprehensive summer school program.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SESSIONS. Madam President, I ask unanimous consent for 1 additional minute.

Mr. JEFFORDS. I don't have the time to give you.

Mr. KENNEDY. We will give you 1 additional minute, Senator.

Mr. SESSIONS. Mr. Thomas Toleston listed a number of items, including taking kids to educational programs like NASA, afterschool programs, he mentioned bringing in extended-day programs and for paying faculty for extended-day programs.

I just say this: The people we elected in our communities care about our children. We ought to allow them to do their job with the least possible headache from Washington. It is arrogant of us to think we know better how to spend the money to educate the children than the people who elected us.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I want to just take a few moments at this time, because we have others who would like to speak, to say that I am somewhat perplexed at some of the arguments that have been made here this afternoon about the importance of local control and the role of the States in terms of education, because just last fall, in October, we gave assurance to the States that there would be help and assistance toward making the classrooms smaller. We gave them those assurances. Communities all across the country were depending on them.

Now we have an amendment on the floor that effectively wipes out that commitment. So not only do local school districts not know how to plan for the future, but they don't even know now—even with the assurance they have gotten from HEW—about what funds would come into local communities and whether they would have the resources to be able to plan for the fall. If that makes a great deal of sense, it makes a great deal of sense to others, not to me.

Now, Madam President, I will include in the RECORD what we have done over the past several years on increasing funding in education. We have seen that, since 1995, we have made a bipartisan commitment to increase IDEA funding by $2 billion. That has been very worthwhile. Many of our Republican friends initiated that. I am glad to support it. It made sense and it continues to make sense. We also had a bipartisan commitment to help the neediest children in America by increasing Title I funding by one billion dollars. We have initiated bipartisan commitments for the funding of afterschool programs and education technology by about $700 million. Since 1995, we have expanded opportunities for qualified students to go to college. And last year, we made a 1-year downpayment on a bipartisan commitment to reducing class size across the country over 7 years.

We reject the idea of pitting children against children. I listened to the eloquence of my friend from New Hampshire, talking about how we wanted one group of children to benefit at the expense of other children. Let me just mention that I am strongly committed toward enhancing the resources available to the IDEA, just as I am for supporting the Murray amendment. Improving teacher quality, having well-trained teachers, can identify children with special needs early and better address their needs. They can also better teach all children. If you are talking about special needs children, improving the teacher quality and getting well-trained teachers helps us to meet that responsibility.

Reducing class size, as the Murray amendment provides for, would help all children—all children—including children with disabilities. They would get more individual attention, which they need. Modernizing the school buildings—school construction—would offer support and help for all children, including those with disabilities and give them access to safe and modern schools. Children with disabilities would benefit from having buildings with appropriate access to school facilities and buildings equipped to handle modern technologies. Expanding the afterschool programs would help all children, including those with disabilities, stay off the street and out of trouble and help them get extra academic help. The Reading Excellence Act will help all children read well early. It will help teachers address reading difficulties early and possibly eliminate the need for costly special

education later. All of these initiatives would help all children, including children with disabilities, get better educations.

We are committed to all of these factors, to try to help children all across the country. So we welcome the opportunity to work with the Senator from New Hampshire, or any others, to see expanded resources for IDEA. It is essential and important. But we don't want to penalize some children to benefit others. Let's make a commitment that we move all the children along together.

I withhold the remainder of my time.

Mr. JEFFORDS. Madam President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I urge my colleagues to vote for cloture on this bill. This is an important piece of legislation in which there is bipartisan support. I just plead with my colleagues on the other side of the aisle—who are being obstructionists and are holding up a piece of legislation that the National Governors' Association supports, Republicans and Democrats support, educators across this country support, and which makes good sense—let's vote for cloture and move on to the debate so that we can give the American people what they deserve in better education.

In voting for cloture, we will be voting to cut educational bureaucracy and ensure greater resources going to the children. In the State of Arizona—

Mr. KENNEDY. Will the Senator yield for a question on my time?

Mr. HUTCHINSON. Yes.

Mr. KENNEDY. What is the objection of the Senator to agreeing to a time limitation on the five amendments and to move toward final passage on tomorrow?

Mr. HUTCHINSON. The five amendments that have been proposed add billions and billions of dollars in costs when the first obligation, the commitment the Senator speaks of, has already been made to the educators in IDEA, in providing the full funding for special education across this country.

Reclaiming my time, to vote for this cloture is to vote to cut educational bureaucracy. In Arizona, 165 employees—nearly half of the whole workforce of their Department of Education—oversee only Federal programs accounting for only 6 percent of the funding. I say that is where we can take a step in the right direction in the passage of this bill.

We should not be funding new programs. This amendment that Senator KENNEDY refers to is a $12.635 billion amendment. That is the kind of amendment that will destroy the possibility of passing this bill into law and ensuring better education for our children. We don't need new spending programs until we have made the commitment that we made to the Nation's Governors in providing a full 40 percent of funding for special education. If there is a complaint from local schools, it is not that we are not starting enough new programs, it is that we are not funding the programs that we already mandated to them.

I look forward to debating the amendment for 100,000 new teachers—$12 billion. Let me just refer to my home State of Arkansas where, between 1955 and 1997, class size dropped from 27.4 students per classroom to 17 students per classroom. We are doing the job on cutting the size of classrooms, but we have not seen a comparable improvement in academic performance. Why do we assume that this is the only great need that schools have and we are going to decide it in Washington, DC? While public school enrollment in Arkansas has decreased by 1.3 percent in the last 26 years, the number of teachers has grown by over 12,000—from 17,000 to 29,000.

We don't need to give them the .3 teachers per classroom that they will get under this amendment. We need to give them greater flexibility so they can do a better job. I ask my colleagues: After 7 years, if we do this, after we fund this, if we fund these 100,000 teachers for 7 years, what then? How will the schools fund those teachers then? I suggest to you that it will be the COPS Program all over again.

I had a call this week from the director of the State police in Arkansas who said, ''We hired 90 State police officers under the COPS Program, and now the money is ending. What do we do? How do we pay for them? You have to keep the money coming.''

After 7 years, what we will have done is either pull the rug out from under local educators, where they have to come up with additional local funding—schools that are already strapped—or they are going to look to Washington, as they have before, and we will have created another new entitlement in permanently funding teachers from Washington, DC.

That is not what we need to do to improve education in this country. That is not what we need to do for the children of this country. What we do need to do is to pass this bill, eliminate some of the hoops we currently make the States jump through, allow them greater flexibility in doing reforms, and improve education creatively at the local level where the decisions can best be made.

Let's reject the ''one-size-fits-all'' solution from Washington. Let's approve this cloture motion and move on to provide educational flexibility for the schools of this country.

I thank the Chair. I yield the floor.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, as a newcomer to the Senate, I have been perplexed by the great debate over Ed-Flex. I would like to say that Ed-Flex is not the beginning and the end in terms of education. When we first talked about Ed-Flex early on in this session, the thought was that we would move it out early before we got into the great debate over the reauthorization of elementary and secondary education and to understanding that there are a lot of things we needed to discuss—more teachers, school construction; on our side of the aisle, block granting all the money into the classroom, and many other things. It was a bipartisan effort.

As chairman of the National Governors' Association a year ago, I was at the White House. I said to the President, ''We would like to see Ed-Flex for all the States.'' By the way, we don't need it in Ohio. We were one of the first States to get Ed-Flex. I thought it would be wonderful if the other States had the same opportunities we had in Ohio. The President said, ''I am for Ed-Flex.'' Tom Carper, now the chairman of the National Governors' Association, Governor Carper, was at the White House. Again, the President said, ''I am for Ed-Flex.''

This bill is just aimed at giving the other 38 States in the United States of America the opportunity to use these waivers the way we have in Ohio. We believe they have helped us do a better job with the money that has been made available under various Federal programs. We can show, for example, where we have been able to get waivers under title I, and how it has improved the performance of our children in our title I schools. We have been able to show that by getting waivers to the Eisenhower professional grants that the money has been used better than it was before.

One of the things we all ought to be concerned about here in the Senate is you can't get an Ed-Flex waiver without putting a kind of Goals 2000 plan together, getting a State to waive their regulations and some of their statutes, and allowing a school district to look at all of these programs and come up with a plan that is going to do a better job of taking care of their boys and girls in their respective school districts.

I was saying to one of the Senators yesterday that in terms of Ed-Flex I wish every school district that was title I would ask for a waiver, because at least you would then be able to go back a year later and find out whether or not that title I money is really making a difference in the lives of those children.

I just think the issue of—a lot of these great things have been talked about, Senator KENNEDY and others have—but I think the thought was that we need to spend the time discussing those things as we move through the reauthorization of elementary and secondary education. There were a lot of people on my side of the aisle who didn't want to go along with Ed-Flex because they thought it would spoil their bills that block grant money into the classroom.

So I just think that all of us who really care about the kids ought to get

on with Ed-Flex and talk about these other programs as we move through this session as we had originally anticipated.

As I say, the President agrees. All the Governors agree. It is an opportunity for the Federal Government to become a better partner to States and local governments to do a better job in providing help for our children. I just think this concept of ''one size fits all'' coming out of Washington doesn't work. We don't have a national school board. I must tell you that in Ohio what came out of Columbus, ''one size fits all,'' did not work. ''One size fits all'' doesn't work in individual school districts because of the fact that those districts are different.

This legislation gives all of the States an opportunity to take advantage of Federal money and meld it with money they are spending on the local and State level and make a real difference in the lives of our boys and girls in this country and achieves measurable improvement in the classroom. That is what people want—accountability.

I urge my colleagues to end the debate. Let's get on with it. Some of these other issues that are so very, very important which are near and dear to their hearts—I am not going to get into the argument about whether class size or the Federal Government should hire more teachers, and so forth; I will not get into that. I have feelings about that. But I think we need to do that later on and not on this piece of legislation.

One other thing that I think needs to be pointed out, Ed-Flex does not cost one dime—not one dime.

What we should think about is that I think it will allow us to use—I don't think—I know it will be able to use the money we are getting from the Federal Government in a more effective way of helping our children in the classroom.

Some of the other things that have been talked about here are the amendments to this legislation are going to cost money. The question is, Where is the money going to come from? That ought to be taken into consideration when we are looking at the whole smorgasbord of educational priorities and look at the dollars that are available, and then conclude that is it better to, say, fund IDEA rather than putting the money into new teachers or into new classroom construction?

As Senator KENNEDY notes, I am very interested in zero to 3. We would be better off taking money from new classrooms and for hiring new teachers and focusing it on zero to 3 where we know that a lot more needs to be done, and where we know that if we invest early on in the child's life we are going to get a better return.

I ask my colleagues to vote for cloture. Let's get Ed-Flex done. Let's get on with the debate over how we are going to spend the money available to make the biggest difference in the lives of our children in this country.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. Madam President, I appreciate the Senator from Massachusetts yielding me some time to speak.

I strongly support the Ed-Flex legislation. In fact, New Mexico has seen the benefit of being one of the Ed-Flex States for the last 3-plus years. So we have seen there is some value in that. We certainly favor expanding that authority to other States as well. But I don't understand why we are in the condition or situation we are in here on the Senate floor today. I am not opposed to Ed-Flex. I am just in favor of going ahead and doing a few other things at the same time.

I proposed an amendment which incorporates the provisions of the Dropout Prevention Act, which passed this Senate by 74 votes in the last Congress. All we are saying is that is a bill which had 30 Republican Senators supporting it. It had, I believe, virtually all Democratic Senators, or nearly all Democratic Senators, supporting it. That is something we can agree upon. Let's go ahead with that. That is a priority.

We do not need to say, ''Look, it has to be Ed-Flex alone, or it can be nothing.'' That is the part of this debate that I don't really understand. The notion is sort of being left out there that somehow or other we are trying to stall a resolution of this issue or stall the final vote on Ed-Flex.

Nothing could be further from the truth. I would be happy to have a vote on this Dropout Prevention Act amendment which I proposed last week after 15 minutes of debate on our side and 15 minutes of debate on the other side.

So there is no effort by me or my cosponsors to slow down the consideration of this Ed-Flex bill. I believe that the other Senators who are interested in having amendments brought to the floor for consideration would also be glad to have short time limits so that those amendments could be considered and voted upon by the Senate.

Clearly, if the Senate believes that some of these proposals are too expensive, then we can vote against them. If the Senate believes that some of these proposals are not yet refined enough and need to be postponed until the Elementary and Secondary Education Act comes to the floor, that is fine; you can vote against the amendment at this time and explain that is the reason. But I do not understand why we can't at least have votes on the other important education proposals that people feel strongly about going ahead with.

My own State, as I said, has this Ed-Flex provision in law already. We have had it for over 3 years now. During that time, 1 of the school districts—we have 89 school districts in New Mexico—1 of our 89 school districts applied for a waiver 1 time during those 3 years. As you can see, we have not used the Ed-Flex authority to great advantage in our State, and I think that may be partly our fault.

But Ed-Flex is not a cure-all. I support expanding the authority to all States. I support putting it in permanent law. But I do not think we should be out here on the Senate floor leaving the impression that, once we pass this, all the problems of education are going to be resolved and the States are going to have this tremendous capability to resolve everything and the problems will go away.

During the 3 years we have had Ed-Flex authority in New Mexico, we have had 1 application by 1 of the 89 school districts for 1 waiver, and at the same time—and that waiver was granted—we have had 20,000 of our New Mexico students drop out of school before they graduate.

So I come to this from the point of view that it is at least as important with my State that we go ahead and consider the problem of students dropping out of school in the early part of this Congress. Some say we can deal with that later. Well, if later means a year and a half or 18 months from now, at the end of the 106th Congress, if that is as soon as we can do it, fine. But if it is important for the Senate to move ahead at this point on Ed-Flex, it is also important that the Senate move ahead at this point on this dropout prevention initiative.

A preliminary analysis of last week's fourth grade reading scores showed where the problem begins—or early indications of the problem. Between 1992 and 1998, the gap in reading skills between Hispanic students and non-Hispanic students in nine of our States widened, and only in four States did that gap decrease. So we are going in the wrong direction as far as heading off this dropout problem. I do not think Ed-Flex is going to solve that. I favor giving that authority to the States. I favor using it more effectively in my own State of New Mexico.

I certainly intend to vote for this bill, but I also think it is appropriate that Senators be allowed to offer amendments and get votes on them. As I say, if people want to vote against the amendments, that is fine. But I don't see why we cannot have a vote on an amendment unless that amendment somehow passes some kind of litmus test.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BINGAMAN. Madam President, I do urge my colleagues to oppose cloture at this time so we can offer our amendments.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Rhode Island from the Democratic side.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. REED. I thank the Chair.

I rise today to join my colleagues to urge that we not only debate this Ed-Flex bill but we also consider thoughtfully, carefully, and completely many of the amendments that are being put forward by my colleagues.

Senator BINGAMAN has talked with great eloquence and knowledge about dropout prevention. He has worked for many years to make sure there is a response to that growing problem here in the United States. That is certainly a legitimate issue to bring to this debate on education flexibility. And there are other amendments that should and must be considered.

Many—in fact, all—who have spoken about education flexibility have stressed the need for accountability. The Governors have stressed it. Several Governors appeared before our Education and Labor Committee to talk about not only the need for Ed-Flex but also to insist that they need real accountability to accompany this legislation.

Real accountability means something more than just words. I, for example, have an amendment that would provide for parental involvement in accountability in this process, for notification of parents of the proposed State plan, the pulling together of comments by parents, teachers, and others, and the incorporation of these comments in the application that goes forward to the Secretary of Education. If we can't give parents a voice in education flexibility, then we are not only missing a great opportunity but missing a significant and primary responsibility, and yet that is pending without a vote.

So there is much work left to be done, and I hope we will defeat the motion for cloture so that we can get on with this work, so that we can fairly consider these amendments, we can vote them up or down, but we can consider them. I hope that is the case.

Interestingly enough—and I know this is something that all of my colleagues do—I spent this morning in a school in Rhode Island. I went to the Norwood Avenue Elementary School in Cranston, RI, and I read to first graders, which is a very challenging assignment. And after that, I am even more in favor of smaller class sizes that Senator MURRAY proposes.

Then I went to the Warwick Neck School in Warwick, RI, and read to first graders. Then I concluded the morning by going to the Mandela Woods School in Providence, RI. This is a new school which just opened, and it has the most diverse population you would want to see in an America school—African Americans, Asian Americans, Latin Americans. It is a tapestry of urban education in the United States. While I was there, it struck me again and again the importance of the issues we are talking about —not just educational flexibility but all of the issues, how smaller class sizes contribute to better performance. And this is the case in the Warwick Neck school, because that is a small school in and of itself with small class sizes. The principal was very, very proud of the fact it had done very well in statewide mathematics testing as a result of their efforts.

So the issue of small class size is there, but also—and I know we have talked about special education—we are beginning to understand now that special education is in many respects a function of early childhood intervention, not just educationally but also in terms of health care. There is a problem in Rhode Island, a terrible problem in Rhode Island, and other places, of lead paint exposure, and that problem leads directly to educational complications.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. REED. I thank the Chair for reminding me, and I again urge that we continue this debate, because it is an appropriate, indeed, important, debate, and I hope it continues past this cloture vote.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, how much time is remaining?

The PRESIDING OFFICER. There are 6 minutes remaining on the Senator's side.

Mrs. MURRAY. And how much on the other side?

The PRESIDING OFFICER. Six minutes.

Mrs. MURRAY. Madam President, if I could take just a few minutes, the vote is going to occur here on cloture in a few short minutes. I have to say, I have listened to the debate over the past week, and we are coming to the last several minutes. We are going to be voting at 5 o'clock whether or not to have cloture on the Ed-Flex bill that is before us. If cloture is invoked, essentially what will happen is, all of the education amendments we have been talking about—class size reduction, dropout prevention, parent accountability that Senator REED of Rhode Island just talked about, afterschool care—we will be precluded from offering these amendments.

I have been out here for the last week ready to offer my amendment on reducing class size, willing to work with my Republican colleagues on a time agreement, willing to do what we needed to do in terms of any language that they would like to be amended or changed, but knowing that school boards across this country are waiting for us to make a decision on whether or not we are actually going to authorize reducing class size and make a firm commitment to putting 100,000 new, well-trained teachers in classrooms.

Madam President, I have to say that I am baffled as we come into the last several minutes before we vote on cloture. We worked very hard last year, last fall, as we put the budget agreement together, to put together a bipartisan agreement on class size, and we got that. Republicans and Democrats alike said yes, we are going to make a commitment to reduce class size in the first through third grade. We agree with what the studies show. We agree with what parents are asking us to do. We understand that it makes a difference in the learning of a child in the first, second, and third grade if they are in a class size that is reduced. We understand that their grades will be better as they get into high school. We understand that discipline problems will be reduced. We understand they will have a better and higher likelihood of going on to college. We understand that as the Federal Government we need to reach out and be a part of the solution and give a commitment of dollars to those school districts to hire teachers. It was a bipartisan agreement. I am baffled today by my Republican colleagues who now no longer are supporting this.

Last fall I watched the campaign and elections, and, as did many in my State, I am sure, I watched the ads from the Republicans saying they support reduced class size. Madam President, this is our opportunity to vote to authorize this program and really say we are committed to doing this. It will make a difference. It is absolutely essential. It is important that we be a part of this.

Over the last 6½ years that I have been here, I have listened to a number of my colleagues come to the floor to speak as ''a businessperson who has run a major million-dollar business.'' I have listened to my colleagues, who come here as former Governors or former attorneys general or former State legislators, talk about their experience in their fields. Madam President, I stand before you today as a former teacher. I can tell you that it makes a difference whether you have 18 students in your class or you have 24 or you have 30. It makes a difference whether or not you have the ability to take that one young boy or girl and help that child really get his or her alphabet down so that child can read later, or if you ignore that child and say, ''Gosh, I really would like to help, but I have 30 kids here and there are winners and losers.''

Those young children you cannot help because your class size is too large still grow up. They go on to high school. They probably don't go on to college. They become failures at an early grade.

We have a responsibility. We actually have an ability right now to send a message to those little boys and girls, to young students, to teachers, that we are going to give them the attention they need in first, second and third grade. Our amendment authorizes a 6-year investment in helping school districts hire 100,000 well-trained teachers. If we follow through on this commitment I guarantee, as a former teacher, as a parent, as a school board member, that 12 years from now we will have

young boys and girls, young students, graduating from high school who will be competent in reading, writing and math, because they were in a class with a size we helped reduce today.

If we do not make that commitment, there will be kids who may not graduate from high school, may have discipline problems, will not go on to college. They will become a burden to all of us. They will not be able to get a job in the high-tech industries that are saying, we need highly skilled students who graduate. They will not be able to compete and go on to college. They will become economically disadvantaged, and the Senate will be here, 12 years from now, wondering how we, as a nation, are going to be able to afford to continue to help kids who we didn't help 12 years ago.

Madam President, we have an opportunity to vote on this amendment and on the amendments of several of my colleagues who have made very good, strong arguments about what we can do to make education better in this country; reducing class size, training teachers, school construction, after-school programs—real issues that will help young students. We will have the opportunity to do that if the majority leader will only allow us to offer our amendments.

We should not be precluded on the floor of the U.S. Senate from offering our amendments. If our colleagues want to vote no, they can vote no. If they want to vote with us, they can vote with us. But no one should come to this floor and be told that you cannot present your amendment.

I am ready to go. I am ready to have a time agreement. I ask my colleagues to support us in opposing cloture, and I will be back again and again until I can make a difference with class size reduction. I yield the floor.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 31 to Calendar No. 12, S. 280, the Education Flexibility Partnership bill:

Trent Lott, Jim Jeffords, John H. Chafee, Robert Smith, Thad Cochran, Arlen Specter, Slade Gorton, Mitch McConnell, Richard Shelby, Bill Frist, Larry E. Craig, Jon Kyl, Paul Coverdell, Gordon Smith, Peter G. Fitzgerald, and Judd Gregg.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the substitute amendment No. 31 to S. 280, a bill to provide for education flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

The yeas and nays resulted—yeas 54, nays 41, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—54

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

NAYS—41

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

NOT VOTING—5

Graham	Lautenberg	Torricelli
Landrieu	McCain	

The PRESIDING OFFICER (Mr. FITZGERALD). On this vote, the yeas are 54; the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 37, AS MODIFIED

Mr. LOTT. Mr. President, I modify my pending amendment No. 37 with the text of an amendment that I now send to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local education agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

CLOTURE MOTION

Mr. LOTT. In light of the recent cloture vote, I send a cloture motion to the desk to the pending amendment No. 37.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 37 to Calendar No. 12, S. 280, the Education Flexibility Partnership bill:

Trent Lott, Judd Gregg, Sam Brownback, Jeff Sessions, Paul Coverdell, Bill Frist, John H. Chafee, Craig Thomas, James M. Jeffords, Michael B. Enzi, Mike DeWine, Rick Santorum, Spencer Abraham, Jim Bunning, Wayne Allard, and Jon Kyl.

Mr. LOTT. Mr. President, this cloture vote, then, will occur on Wednesday, March 10.

CALL OF THE ROLL

Mr. LOTT. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

AMENDMENT NO. 58 TO THE MOTION TO RECOMMIT WITH AMENDMENT NO. 56

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending motion to recommit and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report and read the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. JEFFORDS, for himself and Mr. BINGAMAN, proposes an amendment numbered 58 to the instructions of the motion to recommit S. 280 to the Committee on Health, Education, Labor, and Pensions.

Mr. LOTT. 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:

In lieu of the instructions, insert the following:

Report back forthwith with the following amendment:

At the end of the bill, add the following:

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 59 TO AMENDMENT NO. 58

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. LOTT. I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. JEFFORDS, proposes an amendment numbered 59 to amendment No. 58.

The amendment is as follows:

In the pending amendment, strike all after the word ''IDEA'' and insert the following:

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

(i) This section shall become effective 1 day after enactment of this Act.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Members permitted to speak for up to 10 minutes each.

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

THE EDUCATION FLEXIBILITY BILL

Mr. LOTT. Mr. President, if I could briefly comment on the process we just went through and where we are with regard to this bill, Ed-Flex, the education flexibility bill, that is the underlying bill. It has broad bipartisan support. The President is for it. He had suggested we should pass it last year. We did not get it done, but he went before the National Governors' Association and called again for this legislation and says that he supports it. The National Governors' Association—all 50 of the Governors—supported a resolution in support of this bill, education flexibility.

Twelve States have this flexibility now. My State is not one of those. It has been working quite well, I understand, in Massachusetts and in Maryland and other States where they now have this option in those 12 States. The rest of us want it.

I just came from Chester, PA, earlier today, and Pennsylvania does not have this education flexibility. They would like to have it. They desperately would like to have it. The Governor of that State said: Please, give me this option. Let's waive some of this paperwork and the regulatory requirements. Let's have this option so we can give schools the flexibility, at the local level, to make these decisions to where the funds can best be used but results based. We need to see the proof that it actually is working. And all of that is included in this legislation.

But in spite of that broad bipartisan support that we wanted to continue to show with this legislation, we now see there is a raft of amendments developing that would undermine or stop or add to, explode this legislation. I have asked the Members on this side of the aisle to try to withhold a whole number of amendments.

We started off the first week—last week or the week before last—with a very broad bill in support of our military men and women. The Soldiers', Sailors', Airmen's and Marines' Bill of Rights passed overwhelmingly. I believe that if we can get to a direct vote on Ed-Flex to waive this bureaucratic redtape that the vote would probably be 98-2 or 100-0. But now we see, with all these amendments being offered, and with us having no option but to add amendments of our own, with support for the special education commitment being fulfilled that we have not done, that this legislation now is being bogged down.

We see that the first bill of the year that has broad bipartisan support is now approaching gridlock. Let's don't do that. Free the Ed-Flex bill. Let's let this bill go. There will be other opportunities for Democrats and Republicans to offer their ideas on education on other bills this year. We have the reauthorization of the Elementary and Secondary Education Act coming up. There will be plenty of opportunities to offer that. I would like for us to have another day or 2 to discuss the underlying bill and then vote. Let's get it done. I think it is good that we are having an education debate even on those issues that we might not have agreement, but let's find a way to move this legislation through.

I have encouraged the Members, the Senators that are involved with this, to come up with some recommendations of how maybe we could have a limited number of amendments and then go on to final passage. But again, I call on Senators to free this important legislation. Let's give these other States this opportunity. Let's see if we can't get more decisions made at the local level and give them the option to decide whether this money should go for teachers or to repair roofs or technology for computers—whatever it may be. But in one school, perhaps, they need a greater emphasis on excellence in reading; in another school maybe they don't have a single computer in the classrooms.

Let's give them the option, the flexibility to use these Federal funds without Federal Government mandates that you must use it here, you must use it there. I think the American people would support that. I know the Governors do. We say we do. Let's find a way to get this legislation passed.

I urge the leaders and the managers of the legislation to see if they can come up with some ways to get this bill completed in the next 2 days. But for now we will have a cloture vote on Tuesday. We will have at least one cloture vote, I guess maybe two, on Wednesday. And maybe in the interim we can find a way to get an agreement to provide for final passage.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate very much the statement of the majority leader on the issue that is before us, the Ed-Flex legislation. If you look back over the history, it was officially initiated by an amendment by the Senator from Oregon, Senator Hatfield, and myself. It was initially provided that six States were going to have the power of waiver, and then when we considered the Goals 2000 we added six more States.

So many of us on this side are very familiar with the legislation, are very familiar with the record that has been made, and are in support of the kind of accountability that the majority leader has stated. We are eager to see this legislation move towards completion. But we want to point out too, as the majority leader knows, that the underlying legislation may very well be the major opportunity for debate on education this year. Because the Elementary/Secondary Education Act does not expire until next year, it may very well not be up at that time.

We will have a chance to express a sense of the Senate on the budget items. We will look forward to debating appropriations. That is generally the last piece of legislation that comes here in October. But this may very well be the only serious debate on education for the whole year. That is why, given the fact that there is not an extensive or busy calendar, given the importance of the issue—education—to families all over the country, and given the timeliness of the particular issue—the Murray amendment in terms of giving assurances to local communities all across the country—it is imperative that we have an opportunity for the Senate to address this issue in a brief way. Senator MURRAY has indicated her willingness to enter into a reasonable time limit to move toward a disposition of that legislation and that particular amendment.

I just finally remind our colleagues that our leader, Senator DASCHLE, had indicated that he would urge short time limits on as few as five or six amendments. I would think that Senator DASCHLE might even be able to get

a reduction to maybe even four amendments, even though there are many Members here who have plans and believe they are important. We could dispose of all of this in the period of a day, if not a day and a half.

It seems to me that it is not unreasonable to say that on this issue which is of central importance and significance to families all across this country—the issue over partnership, the Federal Government working with the States and local communities—that we address the issue of class size, and we also address the very important issue of the funding of the IDEA.

I think we can find very, very broad support for making sure that local communities are going to have the funding for IDEA, but I also think if put to a vote we would have a strong majority of Republicans and Democrats in favor of giving the communities across this country some help and assistance in terms of class size. That is something that every parent understands. It is something every teacher understands and every student understands.

No one makes that case better than the former school board member and former teacher herself, Senator MURRAY. I welcome the chance to hear her on this issue.

The PRESIDING OFFICER. The Senator from the State of Washington.

Mrs. MURRAY. Thank you, Mr. President.

Let me thank the Senator from Massachusetts for his statement. He has been a strong supporter of education. He understands that on this issue of class size reduction, parents, families, community members, police, mayors, school board members have all stood behind us and said this will make a difference for young children's learning.

I remain baffled by the majority leader not allowing us to simply offer the amendment with an up-or-down vote. We are more than willing to have a time agreement, a short time agreement, and move this bill along.

We all know that Ed-Flex has been asked for by 50 Governors. Well, reducing class size has been asked for by thousands of parents. It has been bipartisan—maybe it is not anymore; it certainly was last fall—a bipartisan initiative to reduce class size. I still believe that is true. It is timely, again, as school boards are looking at those budgets. If we can come to an agreement that will allow us to have an up-or-down vote, I am happy to offer my amendment. I will stay tonight; I can be here tomorrow morning.

Let me conclude by saying it is frustrating to be told no and no and no time and time again when we want to offer an amendment. I am beginning to feel like one of those kids in one of those large classes who has been told by the teacher time and again, ''You have to wait.'' When that happens, you get frustrated, you start to think of other things to do. You can become a discipline problem. I don't want to be, but I will tell my colleagues that we want to offer this amendment, we want an up-or-down vote, and as long as we are told we can't move ahead with it, we will think of other things to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, first, let me comment on the remarks of the Senator from Washington.

First of all, this bill is a very simple bill to help the Governors have flexibility—the States to have flexibility to maximize the utilization of title I funds, in particular. I don't think anybody disagrees with it.

What I have set out as a policy for me, working with the leader, is that this bill ought not to be encumbered by matters which are under the jurisdiction of the committee which should be considered separately and after due hearing and after all of the elements of the legislation are considered. The amendment of the Senator from Washington really shortcuts that.

Now, I agree that is an existing piece of legislation which needs some improvement. However, it does not fall out from the jurisdiction of the committee. On the other hand, with an appropriate amendment, I will endorse it. So I don't understand the concern of my partners on the other side of the aisle.

We have an offer which will be before the Senate, and this side can endorse her amendment with the modification that is in that amendment. What that modification does is say, all right, let's reach a compromise here. The compromise would be, very simply, let the local governments decide whether they want to use the money which was appropriated but not quite available; they should have the local option. If they want to spend it on more teachers, additional teachers, they should have that option. If they want to spend it on IDEA, which I think most of the communities would do, they would have that option.

I don't see why you can say that we are placing ourselves in a position of preventing the amendment from going forward. I don't want to do that.

Let's also take a look at the problems of this committee. This committee has huge jurisdiction. The Elementary and Secondary Education Act spends about $15 billion, and amendments that have been addressing this bill would bypass the committee's ability to review all of these programs, which we should do. We haven't done so for 5 years, and the education of this country is suffering badly from not being able to maximize the opportunities for our young people.

We have already had several hearings. We will have more hearings on it, and in the orderly process we ought to take those amendments up and vote on them at that time, but not now when we are just starting the legislative session.

We will have an opportunity for the Senate to vote on an excellent amendment to the amendment of the Senator from Washington and give this body an opportunity to express itself. It will be, apparently, filibustered. I don't understand why or how anybody could filibuster an option for the local communities to decide whether they want to use it for new teachers or for special education.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2077. A communication from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the Department's report on the activities of the Northwest Atlantic Fisheries Organization for 1998; to the Committee on Commerce, Science, and Transportation.

EC–2078. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's report on the Federal government's use of voluntary consensus standards during fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–2079. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final List of Fisheries for 1999; Update of Regulations Authorizing Commercial Fisheries Under the Marine Mammal Protection Act'' (I.D. 070798F) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2080. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations; Technical Amendment'' (I.D. 042798B) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2081. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations'' (I.D. 031997C) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2082. A communication from the Deputy Assistant Administrator for Fisheries,

Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations'' (I.D. 042597B) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2083. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area in the Gulf of Alaska'' (I.D. 021999A) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2084. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Greater Than 99 Feet LOA Catching Pollock for Processing by the Inshore Component in the Bering Sea'' (I.D. 022399B) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2085. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Conformance of the Western Rivers Marking System with the United States Aids to Navigation System'' (RIN2115–AF14) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2086. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operating Regulation; Bayou Chico, FL'' (RIN2115–AE47) received on March 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2087. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oxirane, methyl-, polymer with oxirane, mono [2-(2-butoxyethoxy)ethyl]ether; Exemption from Requirement of a Tolerance'' (FRL6059–4) received on March 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2088. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Commission's FY 2000 Budget Request; to the Committee on Rules and Administration.

EC–2089. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Torture Convention in Extradition Cases'' (Notice 2991) received on February 22, 1999; to the Committee on Foreign Relations.

EC–2090. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled ''El Camino Real de Tierra Adentro National Historic Trail Act''; to the Committee on Energy and Natural Resources.

EC–2091. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Administration of the Forest Development Transportation System: Temporary Suspension of Road Construction and Reconstruction in Unroaded Areas'' (RIN059–6AB68) received on February 16, 1999; to the Committee on Energy and Natural Resources.

EC–2092. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Proposed Laboratory Personnel Management Demonstration Project; Department of the Navy, U.S. Naval Research Laboratory, Washington, D.C.''; to the Committee on Governmental Affairs.

EC–2093. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''The Empowerment Zones and Enterprise Communities Enhancement Act''; to the Committee on Finance.

EC–2094. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's annual report for 1999; to the Committee on Finance.

EC–2095. A communication from the Director of Selective Service, transmitting, pursuant to law, the Service's annual report under the Freedom of Information Act for calendar year 1998; to the Committee on the Judiciary.

EC–2096. A communication from the Rules Administrator of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Classification and Program Review: Team Meetings'' (RIN1120–/AA64) received on March 2, 1999; to the Committee on the Judiciary.

EC–2097. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Agency's Clean Air Act ''Residual Risk Report''; to the Committee on Environment and Public Works.

EC–2098. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances'' (RIN2660–AG12) received on March 2, 1999; to the Committee on Environment and Public Works.

EC–2099. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Greeley Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of a Related Revision'' (FRL6236–7) received on March 3, 1999; to the Committee on Environment and Public Works.

EC–2100. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Definitions of VOCs and Exempt Compounds'' (FRL6238–7) received on March 3, 1999; to the Committee on Environment and Public Works.

EC–2101. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL6308–5) received on March 4, 1999; to the Committee on Environment and Public Works.

EC–2102. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District'' (FRL6306–8) received on March 4, 1999; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMPSON:

S. 557. An original bill to provide guidance for the designation of emergencies as a part of the budget process; from the Committee on Governmental Affairs; placed on the calendar.

S. 558. An original bill to prevent the shutdown of the Government at the beginning of a fiscal year if a new budget is not yet enacted; from the Committee on Governmental Affairs; placed on the calendar.

By Mr. GRAMM:

S. 559. A bill to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the ''J.J. ''Jake'' Pickle Federal Building''; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. SCHUMER, and Mr. REED)):

S. 560. A bill to reform the manner in which firearms are manufactured and distributed by providing an incentive to State and local governments to bring claims for the rising costs of gun violence in their communities; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 561. A bill to authorize the President to award a gold medal on behalf of the Congress to Mrs. Yaffa Eliach in recognition of her outstanding and enduring contributions toward scholarship about the Holocaust, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mrs. MURRAY, Mr. JOHNSON, and Mr. DORGAN):

S. 562. A bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. ABRAHAM):

S. 563. A bill to repeal a waiver that permitted the issuance of a certificate of documentation with endorsement for employment in the coastwise trade for the vessel COLUMBUS, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself, Mr. KENNEDY, and Mr. DASCHLE):

S. 564. a bill to reduce class size, and for other purposes; read the first time.

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. TORRICELLI, and Mr. LOTT):

S. 565. A bill to provide for the treatment of the actions of certain foreign narcotics traffickers as an unusual and extraordinary threat to the United States for purposes of the International Emergency Economic Powers Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LUGAR:

S. 566. A bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM:

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States to protect Social Security; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for Mr. LAUTENBERG):

S. Res. 59. A bill designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMM:

S. 559. A bill to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''; to the Committee on Environment and Public Works.

J.J. ''JAKE'' PICKLE FEDERAL BUILDING

Mr. GRAMM. Mr. President, today I join with Senator KAY BAILEY HUTCHISON in introducing a bill to name the Austin, Texas federal building in honor of a great Texan: Congressman J.J. ''Jake'' Pickle. Congressman Pickle became an institution in Washington, D.C. throughout his 30-year tenure in Congress, and his dedication and service to the people of Austin and Central Texas continue today. I had the pleasure to serve with him in the House of Representatives, and I hold him in high esteem for the man he is and the spirit in which he served. Jake Pickle walked with giants like Lyndon Johnson and Sam Rayburn, and he is a giant in his own right. I believe that naming the federal building in Austin in Jake's honor is a fitting tribute to his service on behalf of our great state and in recognition of his significant and ever-lasting contributions to our country.

By Mr. DASCHLE (for Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. SCHUMER, and Mr. REED)):

S. 560. A bill to reform the manner in which firearms are manufactured and distributed by providing an incentive to State and local governments to bring claims for the rising costs of gun violence in their communities; to the Committee on the Judiciary.

THE GUN INDUSTRY ACCOUNTABILITY ACT OF 1999

Mr. LAUTENBERG. Mr. President, I rise to introduce the Gun Industry Accountability Act of 1999 along with my colleagues, Senators DURBIN, SCHUMER, and REED of Rhode Island. This legislation is aimed at one purpose: to force the gun industry to market and manufacture their products in a safer and more responsible manner.

Mr. President, on Thursday, March 4th I was joined at the announcement of this bill by Mayor Bill Campbell of Atlanta and Mayor Alex Penelas of Miami-Dade County. They represent two of the now five jurisdictions that have filed claims against the gun industry on behalf of the taxpayers of their communities. They seek reimbursement for the massive costs of gun violence within their borders and ultimately, major changes in the way the gun industry sells its lethal products.

Mr. President, the gun industry has long placed profits above the safety of society. The industry ignores numerous, patented safety devices for guns—even things as simple as an indicator of whether a gun is loaded. The distributors of firearms also intentionally flood certain markets with guns, knowing that the excess weapons will make their way into a nearby illegal market.

The lawsuits by these courageous mayors will likely prove to be the most effective mechanism to get the Industry to alter their deadly practices. The reason is simple: it will bring the gun merchants into line by striking where they are most sensitive—the bottom line.

To aid this effort, the Gun Industry Accountability Act will strengthen the hand of the cities in court against the formidable firepower of the gun industry and its team of high-priced lawyers. It will help these mayors in their quest to get the industry to lay down its weapons, come to the table and finally agree to behave as responsible corporate citizens.

Mr. President, under current law, these cities filing claims against the gun industry are only able to recover the costs that their city or county has paid out due to gun violence. The Gun Industry Accountability Act will strengthen the mayors' hands by allowing them to recover both the city's costs for gun victims in their area as well as the Federal costs associated with these same victims. If a city eventually recovers Federal costs, either through a court judgment or settlement, then the city will be permitted to keep two thirds of the recovery and return the remaining one third to the Federal Government.

By increasing the likely reward for bringing a lawsuit against firearms manufacturers, this legislation will serve as an incentive for more cities, counties and States to join the fight to hold the gun industry accountable. When our legislation passes, it will force the industry to stare down the double barrel of local and federal liability in these suits.

Mr. President, the potential federal liability is substantial. The National Center for Injury Prevention and Control tells us that 80 percent of the economic costs of treating firearms injuries are paid for by taxpayers.

Federal taxpayers pick up the tab for disability payments through SSI, Veterans Administration, Unemployment, Medicare and other costs of treating victims of gun violence.

Mr. President, despite these enormous costs, the gun industry and its friends in the National Rifle Association will go to any length to avoid accountability. The NRA and its corporate members are seeking state and federal legislation to take away the rights of mayors to safeguard their citizens against unsafe products and irresponsible marketing practices.

Unfortunately, the NRA's drive against the legal rights of local communities has already succeeded in at least one state. In Georgia, the state legislature has already passed a bill at the NRA's request to retroactively block the City of Atlanta's suit. Mayor Campbell has already asked the court system to throw out the legislature's unconstitutional action.

The NRA's extremism has reached new heights in Florida. In that state legislature, a bill has been introduced that would not only block Miami-Dade's lawsuit, but also declare Mayor Penelas a felon! In the NRA's world, a public official should be imprisoned for acting to protect the safety of his or her constituents.

Mr. President, here in Congress there is already talk of Federal legislation to block cities, counties and States from asserting their rights in court. If such a bill is introduced it will prove that the era of Big Government is certainly not over.

Mr. President, I pledge that I will do all I can to make sure that bill will never pass the Senate. Senators DURBIN, SCHUMER, REED and I will work tirelessly against such an unconscionable proposal.

Congress should be helping these local communities make their streets safer—not block them from accomplishing that goal.

To that end, I urge my colleagues to join us in cosponsoring the Gun Industry Accountability Act.

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. 560

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 ''Gun Industry Accountability Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Across the Nation, local communities are bringing rightful legal claims against the gun industry to seek changes in the manner in which the industry conducts business in the civilian market in those communities.

(2) Since firearms are the only widely available consumer product designed to kill, firearm manufactures, distributors, and retailers have a special responsibility to take into account the health and safety of the public in marketing firearms.

(3) The gun industry has failed in this responsibility by engaging in practices that have contributed directly to the terrible burden of firearm-related violence on society.

(4) The gun industry has generally refused to include numerous safety devices with

their products, including devices to prevent the unauthorized use of a firearm, indicators that a firearm is loaded, and child safety locks, and the absence of such safety devices has rendered these products unreasonably dangerous.

(5) The gun industry has also engaged in distribution practices in which the industry oversupplies certain legal markets with firearms with the knowledge that the excess firearms will be distributed into nearby illegal markets.

(6) According to the National Center for Injury Prevention and Control—

(A) at least 80 percent of the economic costs of treating firearms injuries are paid for by taxpayer dollars; and

(B) in 1990, firearm injuries resulted in costs of more than $24,000,000,000 in hospital and other medical care for long-term disability and premature death.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL DAMAGES.—The term ''Federal damages'' means the amount of damages sustained by the Federal Government as a result of the sale, distribution, use or misuse of a firearm (including gun violence) including damages relating to medical expenses, the costs of continuing care and disabilities, law enforcement expenses, and lost wages.

(2) FIREARM.—The term ''firearm'' has the meaning given the term in section 921 of title 18, United States Code.

(3) GUN VIOLENCE.—The term ''gun violence'' means any offense under Federal or State law that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code); and

(B) involves the use of a firearm.

(4) MANUFACTURER.—The term ''manufacturer'' has the meaning given the term in section 921 of title 18, United States Code;

(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 Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any city, town, township, county, parish, village, or other general purpose political subdivision of a State.

SEC. 4. RECOVERY OF FEDERAL DAMAGES BY STATES AND UNITS OF LOCAL GOVERNMENT SEEKING FEDERAL DAMAGES.

(a) IN GENERAL.—In any civil action by a State or unit of local government against a manufacturer of firearms to recover damages relating to the sale, distribution, use or misuse of a firearm (including gun violence) in the State or unit of local government, the State or unit of local government may, in addition to other damages, recover any Federal damages associated with the claim as provided in this section.

(b) FEDERAL ACTIONS.—If the Attorney General files an action against a manufacturer of firearms to recover Federal damages, a State or unit of local government may not recover those Federal damages under this section in any action filed on or after the date on which the Attorney General files that action.

(c) ACTIONS BROUGHT BY A STATE OR UNIT OF LOCAL GOVERNMENT.—

(1) NOTICE OF CIVIL ACTION.—A State or unit of local government seeking to recover Federal damages under this section shall serve a copy of the complaint on Attorney General in accordance with rule 4 of the Federal Rules of Civil Procedure.

(2) ENTRY OF APPEARANCE.—If the Attorney General is served under paragraph (1), the Attorney General may proceed with the action by entering an appearance before the expiration of the 30-day period beginning on the date on which the Attorney General is served under paragraph (1).

(3) EFFECT OF FAILURE TO ENTER APPEARANCE OR PROCEED WITH THE ACTION.—If a State or unit of local government serves the Attorney General under paragraph (1), the State of unit of local government may recover Federal damages under this section only if the Attorney General—

(A) fails to enter an appearance in the action in accordance with paragraph (2) or gives written notice to the court of an intent not to enter the action; or

(B) does not proceed with the action before the expiration of the 6-month period (or such addition period as the court may allow after notice) beginning on the date on which the Attorney General enters an appearance under paragraph (2).

(4) LIMITATION.—If the Attorney General enters an appearance under paragraph (2) and proceeds with the action before the expiration of the 6-month period described in paragraph (3)(B), the State or unit of local government may not recover Federal damages under this section.

(d) PREVENTION OF DUAL RECOVERY OF FEDERAL DAMAGES.—If there is a conflict between a State and 1 or more units of local government within the State over which jurisdiction may recover Federal damages under this section on behalf of a certain area in the State, only the first jurisdiction to file an action described in subsection (a) may recover those Federal damages.

(e) FEDERAL RIGHT TO DAMAGES IN OTHER ACTIONS.—The recovery of Federal damages by a State or unit of local government under this section may not be construed to waive any right of the Federal Government to recover other Federal damages in an action by the Attorney General.

(f) DISMISSAL OR COMPROMISE.—

(1) IN GENERAL.—In an action for Federal damages brought by a State or unit of local government under this section—

(A) the action may not be dismissed or compromised without the approval of the court; and

(B) notice of the proposed dismissal or compromise shall be given to the Attorney General in such manner as the court directs.

(2) COURT APPROVAL.—In approving the dismissal or compromise of an action described in paragraph (1), the court shall—

(A) state whether the dismissal or compromise is with or without prejudice to the right of the Federal Government to bring an action for the Federal damages at issue; and

(B) determine the percentage of any amount recovered by the State or unit of local government that represents Federal damages.

(g) DISTRIBUTION AND USE OF FEDERAL DAMAGES RECOVERED.—Of the total amount of Federal damages recovered by a State or local government under this section (including any amount recovered pursuant to a dismissal or compromise under subsection (f))—

(1) ⅓ shall be paid to the Federal Government, to be used for crime prevention, mentoring programs, and firearm injury prevention research and activities; and

(2) ⅔ shall be retained by the State or unit of local government, of which—

(A) ⅓ shall be used for—

(i) law enforcement activities;

(ii) families of law enforcement officers injured or killed in the line of duty as a result of gun violence; and

(iii) a compensation fund for the victims of gun violence; and

(B) ⅓ shall be used for education (reduce class size, school modernization, after school, summer school, and tutoring), child care, or children's health care; and

(C) ⅓ may be used by the State or unit of local government in the discretion of the State or unit of local government.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section only applies to an action described in subsection (a) that is filed on or after the date of enactment of this Act.

(2) AMENDMENT OF COMPLAINT IN PENDING ACTIONS.—This section applies to an action described in subsection (a) that is filed before the date of enactment of this Act, if—

(A) as of such date of enactment, there has been no dismissal, compromise, or other final disposition of the action; and

(B) after such date of enactment, the State or unit of local government amends the complaint to include relief for Federal damages pursuant to this section.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mrs. MURRAY, Mr. JOHNSON, and Mr. DORGAN):

S. 562. A bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes; to the Committee on the Judiciary.

COMPREHENSIVE METHAMPHETAMINE ABUSE REDUCTION ACT OF 1999

Mr. HARKIN. Mr. President, I rise to make a few remarks concerning Methamphetamine reduction legislation the Senator from the State of New Mexico and I are introducing today.

Methamphetamine is fast becoming a leading illegal drug in our Nation. From quiet suburbs, to city streets, to the corn rows of Iowa, meth destroys thousands of lives and families every year.

This highly addictive drug is reaching epidemic proportions as it sweeps from the west coast, ravages the Midwest, and begins to touch the East. To illustrate the violence it elicits in people, methamphetamine is cited as a contributing factor in 80 percent of domestic violence cases in Iowa and a leading factor in a majority of violent crimes committed in the State.

In 1996, I was proud to be an original cosponsor of the Methamphetamine Control Act, which has done some good. However, in talking to local enforcement and concerned citizens across Iowa and the Midwest, its obvious that the methamphetamine problem has exploded beyond anything we envisioned in 1996.

The number of meth arrests, court cases, and confiscation on labs continues to escalate. In the Midwest alone, the number of clandestine meth labs confiscated and destroyed for 1998 is five times the number confiscated and destroyed in 1997. The cost of cleanup for each lab ranges from $5,000 to $90,000 and creates a toxic trap to law enforcement officers and children who find them.

Mr. President, the Midwest is not alone in this battle. The impact of this epidemic has reached the West and Southwest, including the state of New Mexico. In Albuquerque alone, law enforcement has seized four times as much meth last year as they did in the previous year, and they have identified and shut down twice as many meth

labs as they had in the previous year. New Mexico has also seen an increase in meth trafficking on the New Mexico-Mexico border, as have the States of Arizona and California.

The problem has spread to the rural communities and my colleague, Senator BINGAMAN, is concerned that the cheap cost of meth will threaten America's youth with yet another life-threatening drug.

That's why today, Senator BINGAMAN and I are introducing the Comprehensive Methamphetamine Abuse Reduction Act of 1999. Senators MURRAY and JOHNSON are cosponsoring this measure. A similar bill is being introduced in the House by Congressman BOSWELL.

This legislation takes a comprehensive, common sense approach in battling this growing epidemic. It calls for an increase in resources to law enforcement working through the High Intensity Drug Trafficking Area (HIDTA) program and establishes swift and certain penalties for those producing and peddling meth. It also reauthorizes and expands drug courts to help nonviolent drug abusers rid themselves of an addiction that leads them to other crimes.

Our legislation expands school and community-based prevention efforts at the local level—targeting those areas that need it the most. That includes funding to allow students to develop their own anti-meth education programs to teach their school peers about the destructive effects of this drug.

This proposal calls on the National Institute on Drug Abuse to find exactly what makes methamphetamine so very addictive—especially to our young people—and the best methods for beating the addiction.

Finally, the bill calls for a joint strategic plan and national conference involving local, State and Federal law enforcement, education, health and elected officials to discuss solutions to stop the spread and use of this deadly drug.

Mr. President, I believe that we have a window of opportunity as a nation to take a stand right now to defeat this scourge. Every day, meth infiltrates our city streets and rural towns, leading more and more people down a path of personal destruction. Families are being devastated and communities are fighting an uphill battle against this powerful drug. The time is now to make a stand to protect our communities and schools by passing this legislation.

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. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Methamphetamine Abuse Reduction Act''.

SEC. 2. EXPANDING METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

Section 515 of the Public Health Service Act (42 U.S.C. 290bb–21) is amended by adding at the end the following:

''(e) PREVENTION OF METHAMPHETAMINE ABUSE AND ADDICTION.—

''(1) GRANTS.—The Director of the Center for Substance Abuse Prevention (referred to in this section as the 'Director') may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

''(A) to carry out school-based programs concerning the dangers of methamphetamine abuse and addiction, using methods that are effective and evidence-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

''(B) to carry out community-based methamphetamine abuse and addiction prevention programs that are effective and evidence-based.

''(2) USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering methamphetamine prevention programs in accordance with paragraph (3).

''(3) PREVENTION PROGRAMS AND ACTIVITIES.—

''(A) IN GENERAL.—Amounts provided under this subsection may be used—

''(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start methamphetamine abuse;

''(ii) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for methamphetamine abuse and addiction;

''(iii) to assist local government entities to conduct appropriate methamphetamine prevention activities;

''(iv) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of methamphetamine abuse and addiction and the options for treatment and prevention;

''(v) for planning, administration, and educational activities related to the prevention of methamphetamine abuse and addiction;

''(vi) for the monitoring and evaluation of methamphetamine prevention activities, and reporting and disseminating resulting information to the public; and

''(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

''(B) PRIORITY.—The Director shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

''(4) ANALYSES AND EVALUATION.—

''(A) IN GENERAL.—Not less than $500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Director, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine abuse and addiction and the development of appropriate strategies for disseminating information about and implementing these programs.

''(B) ANNUAL REPORTS.—The Director shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and Committee on Appropriations of the House of Representatives, an annual report with the results of the analyses and evaluation under subparagraph (A).

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), $20,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 3. EXPANDING CRIMINAL PENALTIES AND LAW ENFORCEMENT FUNDING.

(a) SWIFT AND CERTAIN PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.—

(1) FEDERAL SENTENCING GUIDELINES.—

(A) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate Federal sentencing guidelines or amend existing Federal sentencing guidelines for any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.) in accordance with this paragraph.

(B) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall, with respect to each offense described in subparagraph (A)—

(i) increase the base offense level for the offense—

(I) by not less than 3 offense levels above the applicable level in effect on the date of enactment of this Act; or

(II) if the resulting base offense level after an increase under subclause (II) would be less than level 27, to not less than level 27; or

(ii) if the offense created a substantial risk of danger to the health and safety of another person (including any Federal, State, or local law enforcement officer lawfully present at the location of the offense, increase the base offense level for the offense—

(I) by not less than 6 offense levels above the applicable level in effect on the date of enactment of this Act; or

(II) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(C) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate the guidelines or amendments provided for under this paragraph as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(2) EFFECTIVE DATE.—The amendments made pursuant to this subsection shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

(b) INCREASED RESOURCES FOR LAW ENFORCEMENT.—There are authorized to be appropriated to the Office of National Drug Control Policy to combat the trafficking of methamphetamine in areas designated by the Director of National Drug Control Policy as high intensity drug trafficking areas—

(1) $35,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2005;

of which not less than $5,000,000 shall be used in each fiscal year to provide assistance to drug analysis laboratories in areas with a high rate of methamphetamine abuse or addiction.

SEC. 4. TREATMENT OF METHAMPHETAMINE ABUSE.

Section 507 of the Public Health Service Act (42 U.S.C. 290bb) is amended by adding at the end the following:

''(d) TREATMENT OF METHAMPHETAMINE ABUSE AND ADDICTION.—

''(1) GRANTS.—The Director of the Center for Substance Abuse Treatment (referred to in this section as the 'Director') may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities for the purpose of expanding activities for the treatment of methamphetamine abuse and addiction as well as for the treatment of methamphetamine addicts who also abuse other illegal drugs.

''(2) USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering methamphetamine treatment programs in accordance with paragraph (3).

''(3) TREATMENT PROGRAMS AND ACTIVITIES.—

''(A) IN GENERAL.—Amounts provided under this subsection may be used for—

''(i) evidence-based programs designed to assist individuals to quit their use of methamphetamine and remain drug-free;

''(ii) training in recognizing and referring methamphetamine abuse and addiction for health professionals, including physicians, nurses, dentists, health educators, public health professionals, and other health care providers;

''(iii) planning, administration, and educational activities related to the treatment of methamphetamine abuse and addiction;

''(iv) the monitoring and evaluation of methamphetamine treatment activities, and reporting and disseminating resulting information to health professionals and the public;

''(v) targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies; and

''(vi) coordination with the Center for Mental Health Services on the connection between methamphetamine abuse and addiction and mental illness.

''(B) PRIORITY.—The Director shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

''(4) ANALYSES AND EVALUATION.—

''(A) IN GENERAL.—Not more than $1,000,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Director, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective treatments for methamphetamine abuse and addiction and the development of appropriate strategies for disseminating information about and implementing treatment services.

''(B) ANNUAL REPORT.—The Director shall submit to the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate and the Committee on Commerce and Committee on Appropriations of the House or Representatives, an annual report with the results of the analyses and evaluation conducted under subparagraph (A).

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), $20,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 5. EXPANDING METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o–2) is amended by adding at the end the following:

''(c) METHAMPHETAMINE RESEARCH.—

''(1) GRANTS.—The Director of the Institute may make grants to expand interdisciplinary research relating to methamphetamine abuse and addiction and other biomedical, behavioral and social issues related to methamphetamine abuse and addiction.

''(2) USE OF FUNDS.—Amounts made available under a grant under paragraph (1) may be used to conduct interdisciplinary research and clinical trials with treatment centers on methamphetamine abuse and addiction, including research on—

''(A) the effects of methamphetamine abuse on the human body;

''(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

''(C) the connection between methamphetamine abuse and mental illness;

''(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

''(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

''(F) risk factors for methamphetamine abuse;

''(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses;

''(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

''(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.''.

SEC. 6. DRUG COURTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part U the following:

''PART V—DRUG COURTS

''SEC. 2201. GRANT AUTHORITY.

''The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve—

''(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

''(2) the integrated administration of other sanctions and services, which shall include—

''(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

''(B) referral to a community-based treatment facility;

''(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

''(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

''SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

''The Attorney General shall—

''(1) issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders; and

''(2) immediately suspend funding for any grant under this part, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this part.

''SEC. 2203. DEFINITION.

''In this part, the term 'violent offender' means a person who—

''(1) is charged with or convicted of an offense, during the course of which offense—

''(A) the person carried, possessed, or used a firearm or dangerous weapon;

''(B) there occurred the death of or serious bodily injury to any person; or

''(C) there occurred the use of force against the person of another,

without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense of which or for which the person is charged or convicted; or

''(2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

''SEC. 2204. ADMINISTRATION.

''(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

''(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

''(c) REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines necessary to carry out this part.

''(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

''(1) include a long-term strategy and detailed implementation plan;

''(2) explain the inability of the applicant to fund the program adequately without Federal assistance;

''(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

''(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

''(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

''(6) certify that participating offenders will be supervised by 1 or more designated judges with responsibility for the drug court program;

''(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

''(8) describe the methodology that will be used in evaluating the program.

''SEC. 2205. APPLICATIONS.

''In order to request a grant under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

''SEC. 2206. FEDERAL SHARE.

''(a) IN GENERAL.—The Federal share of a grant under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2205 for the fiscal year for which the

program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section.

''(b) IN-KIND CONTRIBUTIONS.—In-kind contributions may be used to constitute the non-Federal share of a grant under this part.

''SEC. 2207. GEOGRAPHIC DISTRIBUTION.

''Subject to subsection (b), the Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made under this part.

''SEC. 2208. REPORT.

''A State, Indian tribal government, or unit of local government that receives a grant under this part during a fiscal year shall submit to the Attorney General a report in March of the following fiscal year regarding the use of funds under this part.

''SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

''(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

''(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

''(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:

''(20) There are authorized to be appropriated to carry out part V, such sums as may be necessary for each of the fiscal years 2000 through 2004, of which not less than $10,000,000 shall be set aside for each fiscal year for assistance to communities with disproportionately high or increasing rates of methamphetamine abuse and addiction.''.

SEC. 7. NATIONAL CONFERENCE ON METHAMPHETAMINE ABUSE AND TREATMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall convene a National Conference on Methamphetamine Abuse and Treatment to gather, discuss and disseminate information concerning—

(1) the history of the methamphetamine epidemic in the United States;

(2) the progress that has been made by Federal, State and local law enforcement, prevention and treatment authorities in combatting such epidemic; and

(3) future strategies to—

(A) reduce methamphetamine abuse and addiction in regions of the United States where methamphetamine is an emerging or exiting problem; and

(B) block efforts to introduce methamphetamine into other regions of the United States.

(b) PARTICIPANTS.—The Secretary of Health and Human Services shall ensure that the participants in the conference under subsection (a) include—

(1) the Secretary;

(2) the Attorney General;

(3) the Director of the Office of National Drug Control Policy;

(4) various elected officials;

(5) Federal, State and local law enforcement, education, drug treatment and operation providers or organizations that represent such providers, and health research officials; and

(6) other individuals determined appropriate by the Secretary.

SEC. 8. COMPREHENSIVE METHAMPHETAMINE REDUCTION STRATEGIC PLAN.

Not later than 1 year after the date of enactment of this Act, the Attorney General, jointly with the Secretary of Education and the Director of the Office of National Drug Control Policy and the Secretary of Health and Human Services, shall develop a comprehensive strategic plan to combat the methamphetamine problem in the United States. Such plan shall include activities with respect to prevention, law enforcement, education, treatment, and health research targeted at methamphetamine use, abuse and addiction in the 21st century.

By Mr. LEVIN (for himself and Mr. ABRAHAM):

S. 563. A bill to repeal a waiver that permitted the issuance of a certificate of documentation with endorsement for employment in the coastwise trade of the vessel *Columbus*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR THE VESSEL ''COLUMBUS''

Mr. LEVIN. Mr. President, I introduce today legislation to repeal the Jones Act waiver contained in last year's Coast Guard Authorization bill for the vessel *Columbus*.

Mr. President, I had serious objections to a provision in last year's Coast Guard Authorization bill that was inserted in the House bill in a managers' amendment with no hearings or vote in the Senate. This provision granted a waiver of existing law for a single vessel operating on the Great Lakes and elsewhere against the wishes of both Michigan Senators and other Senators and in circumvention of a Customs Service ruling regarding the type of dredge work this vessel is allowed to perform.

This waiver is a discriminatory provision which gives special treatment and a competitive advantage to one vessel at the expense of its competitors and it should be repealed.

Mr. President, the granting of this waiver is detrimental to other dredgers on the Great Lakes and elsewhere who are abiding by U.S. law and U.S. Customs Service interpretations of the Jones Act. The hopper dredge vessel *Columbus*, the vessel seeking the waiver, was challenged by a competitor for violating the Jones Act because it was performing dredging work that was not allowed under that Act. That challenge was upheld by the U.S. Customs Service. However, instead of abiding by or appealing the Customs Service ruling, a legislative waiver was sought to circumvent that ruling. The waiver was granted by the House, but not the Senate because the Senate passed Coast Guard authorization bill did not contain this discriminatory provision.

The only reason this waiver was included in the final Coast Guard authorization bill was due to the circumstances under which that bill was considered. Under normal circumstances, I believe the Senate would have removed this controversial provision from the final bill.

At the time of the Senate vote on the Coast Guard Authorization Conference Report, I engaged in a colloquy with my colleagues Senators SNOWE and MCCAIN. In that colloquy, they agreed to work with me to repeal this waiver as early as possible in 1999. The legislation I am introducing today with my colleague from Michigan, Senator ABRAHAM, will do exactly that.

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 RECORD, as follows:

S. 563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF WAIVER.

(a) IN GENERAL.—Section 403 of the Coast Guard Authorization Act of 1997 (Public Law 105–383) is amended by striking subsection (e).

(b) ACTION BY THE SECRETARY OF TRANSPORTATION.—If, before the date of enactment of this Act, the Secretary of Transportation issued a certificate of documentation with endorsement for employment in the coastwise trade for the vessel COLUMBUS (United States official number 590658) under section 403(e) of the Coast Guard Authorization Act of 1997 (Public Law 105–383)—

(1) that certificate shall be null and void; and

(2) the Secretary shall issue a revised certificate of documentation for that vessel that is consistent with the limitations on the operation of that vessel that applied to that vessel on the day before the date of enactment of the Coast Guard Authorization Act of 1997 (Public Law 105–383).

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. TORRICELLI, and Mr. LOTT):

S. 565. A bill to provide for the treatment of the actions of certain foreign narcotics traffickers as an unusual and extraordinary threat to the United States for purposes of the International Emergency Economic Powers Act; to the Committee on Banking, Housing, and Urban Affairs.

TREATMENT OF THE ACTIONS OF CERTAIN FOREIGN NARCOTICS TRAFFICKERS AS AN UNUSUAL AND EXTRAORDINARY THREAT TO THE UNITED STATES

Mr. COVERDELL. Mr. President, I am pleased to join my colleague from California, Senator FEINSTEIN, in introducing a bill that targets one of America's most dangerous and real national security threats—the international drug cartels. I am also pleased that Senator DEWINE, Senator LOTT, and Senator TORRICELLI have agreed to cosponsor this important legislation. These drug cartels, through their involvement in illegal drug trafficking, money laundering, arms trafficking and the violence related to these activities, pose a threat to the political and economic stability of countries in this hemisphere. More importantly they threaten the citizens of this country by preying on our children.

That is why it is so important that we introduce this bill today—to combat the drug cartels and move one step forward in the war on drugs. This bill codifies and expand a 1995 Executive Order created under the International Emergency Economic Powers Act (IEEPA), which targeted Colombia drug traffickers. The bill will expand the existing Executive Order to include other foreign drug traffickers considered a threat to our national security. The bill freezes the assets of identified drug traffickers, their associates, and their related businesses. It also prohibits these individuals and organizations from conducting any financial or commercial dealings with the United States.

Our goal is to isolate the leaders of the drug cartels and prevent them from doing business with the United States. By stopping the drug kingpins's ability to benefit from the U.S. market and from practices that enable them to sell drugs to our nation's children, we are taking an important step to eliminate the scourge of illegal drugs.

By Mr. LUGAR:

S. 566. A bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL TRADE FREEDOM ACT

Mr. LUGAR. Mr. President, today I rise to introduce legislation to open foreign markets, eliminate unfair trade barriers and secure for farmers the ability to export their products abroad. By enacting the 1996 FAIR Act, commonly known as Freedom to Farm, we gave farmers to freedom to make planting decisions for themselves, free from government controls. However, Freedom to Farm is a compact. Freedom to Farm means freedom to export, and in exchange for phasing out subsidies, Congress committed to secure free, fair and open markets for our farmer's exports. This legislation will improve opportunities to export at a time when such opportunities are more important than ever for U.S. agriculture.

No sector of the economy is more reliant on international trade than agriculture. Approximately three out of ten acres of domestic agriculture production are sold in markets outside of the U.S. and agricultural exports make a positive impact on our international balance of payments. Despite this success, a great deal of untapped export potential still exists. Farmers are reliant on the ability to export and this legislation will enhance that ability. Barriers need to be removed—barriers we impose on ourselves and barriers imposed by others.

This legislation addresses several items but none is more important than sanctions. This legislation exempts commercial agricultural exports from unilateral economic sanctions. We impose export barriers on ourselves when we unilaterally sanction foreign countries. Such sanctions do not preclude the targeted country from looking elsewhere for agricultural commodities. U.S. competitors quickly fill the void left when the U.S. denies itself market access. Sales are lost and our status as a reliable business partner suffers. We often do more harm to ourselves than we do to the target country. Unilateral sanctions have cost billions of dollars in U.S. income and have cost thousands of U.S. jobs. We must end the practice of closing foreign markets for our own exports at a time when such exports are more vital than ever for agriculture in this country.

Apart from sanctions, a number of barriers are imposed on U.S. farm exports by other countries. The World Trade Organization will hold an important round of agricultural negotiations later this year in Seattle. These negotiations offer an important opportunity to address tariff and non-tariff barriers to U.S. agricultural exports. We must take advantage of this opportunity to open foreign markets and eliminate unfair export barriers. This legislation provides important guidelines for these and other negotiations.

Mr. President, U.S. agriculture is the best in the world. This legislation will allow our farmers to take better advantage of their position by opening up foreign markets and eliminating barriers to agricultural exports. This is the most important thing we as Congress can do for our farmers. I ask unanimous consent that the legislation be printed in the RECORD.

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

S. 566

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 ''Agricultural Trade Freedom Act''.

SEC. 2. DEFINITIONS.

In this Act, the terms ''agricultural commodity'' and ''United States agricultural commodity'' have the meanings given the terms in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

SEC. 3. AGRICULTURAL COMMODITIES, LIVESTOCK, AND PRODUCTS EXEMPT FROM SANCTIONS.

Title IV of the Agricultural Trade Act of 1978 (7 U.S.C. 5661 et seq.) is amended by adding at the end the following:

''SEC. 418. AGRICULTURAL COMMODITIES, LIVESTOCK, AND PRODUCTS EXEMPT FROM SANCTIONS.

''(a) DEFINITIONS.—In this section:

''(1) CURRENT SANCTION.—The term 'current sanction' means a unilateral economic sanction that is in effect on the date of enactment of the Agricultural Trade Freedom Act.

''(2) NEW SANCTION.—The term 'new sanction' means a unilateral economic sanction that becomes effective after the date of enactment of that Act.

''(3) UNILATERAL ECONOMIC SANCTION.—The term 'unilateral economic sanction' means any prohibition, restriction, or condition on economic activity, including economic assistance, with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

''(b) EXEMPTION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3) and notwithstanding any other provision of law, agricultural commodities made available as a result of commercial sales shall be exempt from a unilateral economic sanction imposed by the United States on another country.

''(2) EXCLUSIONS.—Paragraph (1) shall not apply to agricultural commodities made available as a result of programs carried out under—

''(A) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

''(B) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

''(C) the Food for Progress Act of 1985 (7 U.S.C. 1736o); or

''(D) the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.).

''(3) DETERMINATION BY PRESIDENT.—If the President determines that the exemption provided under paragraph (1) should not apply to a unilateral economic sanction for reasons of foreign policy or national security, the President may include the agricultural commodities made available as a result of the activities described in paragraph (1) in the unilateral economic sanction.

''(c) CURRENT SANCTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the exemption under subsection (b)(1) shall apply to a current sanction.

''(2) PRESIDENTIAL REVIEW.—Not later than 90 days after the date of enactment of the Agricultural Trade Freedom Act, the President shall review each current sanction to determine whether the exemption under subsection (b)(1) should apply to the current sanction.

''(3) APPLICATION.—The exemption under subsection (b)(1) shall apply to a current sanction beginning on the date that is 180 days after the date of enactment of the Agricultural Trade Freedom Act unless the President determines that the exemption should not apply to the current sanction for reasons of foreign policy or national security.

''(d) REPORT.—

''(1) IN GENERAL.—If the President determines that the exemption under subsection (b)(2) or (c)(2) should not apply to a unilateral economic sanction, the President shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

''(A) in the case of a current sanction, not later than 15 days after the date of the determination under subsection (c)(2); and

''(B) in the case of a new sanction, on the date of the imposition of the new sanction.

''(2) CONTENTS OF REPORT.—The report shall contain—

''(A) an explanation of the foreign policy or national security reasons for which the exemption should not apply to the unilateral economic sanction; and

''(B) an assessment by the Secretary—

''(i) regarding export sales—

''(I) in the case of a current sanction, whether markets in the sanctioned country or countries present a substantial trade opportunity for export sales of a United States agricultural commodity; or

''(II) in the case of a new sanction, the extent to which any country or countries to be sanctioned or likely to be sanctioned are markets that accounted for, during the preceding calendar year, more than 3 percent of export sales of a United States agricultural commodity;

''(ii) regarding the effect on United States agricultural commodities—

''(I) in the case of a current sanction, the potential for export sales of United States agricultural commodities in the sanctioned country or countries; and

''(II) in the case of a new sanction, the likelihood that exports of United States agricultural commodities will be affected by the new sanction or by retaliation by any country to be sanctioned or likely to be sanctioned, including a description of specific United States agricultural commodities that are most likely to be affected;

''(iii) regarding the income of agricultural producers—

''(I) in the case of a current sanction, the potential for increasing the income of producers of the United States agricultural commodities involved; and

''(II) in the case of a new sanction, the likely effect on incomes of producers of the agricultural commodities involved;

''(iv) regarding displacement of United States suppliers—

''(I) in the case of a current sanction, the potential for increased competition for United States suppliers of the agricultural commodity in countries that are not subject to the current sanction; and

''(II) in the case of a new sanction, the extent to which the new sanction would permit foreign suppliers to replace United States suppliers; and

''(v) regarding the reputation of United States agricultural producers as reliable suppliers—

''(I) in the case of a current sanction, whether removing the sanction would increase the reputation of United States producers as reliable suppliers of agricultural commodities in general, and of specific agricultural commodities identified by the Secretary; and

''(II) in the case of a new sanction, the likely effect of the proposed sanction on the reputation of United States producers as reliable suppliers of agricultural commodities in general, and of specific agricultural commodities identified by the Secretary.''.

SEC. 4. OBJECTIVES FOR AGRICULTURAL NEGOTIATIONS.

It is the sense of Congress that the principal agricultural trade negotiating objectives of the United States for future multilateral and bilateral trade negotiations (including negotiations involving the World Trade Organization) should be to achieve, on an expedited basis and to the maximum extent practicable, more open and fair conditions for trade in agricultural commodities by—

(1) developing, strengthening, and clarifying rules for trade in agricultural commodities, including eliminating or reducing restrictive or trade-distorting import and export practices, including—

(A) enhancing the operation and effectiveness of the relevant provisions of the Uruguay Round Agreements designed to define, deter, and discourage the persistent use of unfair trade practices; and

(B) enforcing and strengthening rules of the World Trade Organization regarding—

(i) trade-distorting practices of state trading enterprises and similar public and private trading enterprises; and

(ii) the acts, practices, or policies of a foreign government that unreasonably—

(I) require that substantial direct investment in the foreign country be made as a condition for carrying on business in the foreign country;

(II) require that intellectual property be licensed to the foreign country or to any firm of the foreign country; or

(III) delay or preclude implementation of a report of a dispute panel of the World Trade Organization;

(2) increasing the export of United States agricultural commodities by eliminating barriers to trade (including transparent and nontransparent barriers);

(3) eliminating other specific constraints to fair trade (such as export subsidies, quotas, and other nontariff import barriers and more open market access) in foreign markets for United States agricultural commodities;

(4) developing, strengthening, and clarifying rules that address practices that unfairly limit United States market access opportunities or distort markets for United States agricultural commodities to the detriment of the United States, including—

(A) unfair or trade-distorting activities of state trading enterprises, and similar public and private trading enterprises, that result in inadequate price transparency;

(B) unjustified restrictions or commercial requirements affecting new technologies, including biotechnology;

(C) unjustified sanitary or phytosanitary restrictions; and

(D) restrictive rules in the establishment and administration of tariff-rate quotas;

(5) ensuring that there are reliable suppliers of agricultural commodities in international commerce by encouraging countries to treat foreign buyers no less favorably than domestic buyers of the commodity or product involved; and

(6) eliminating nontariff trade barriers for meeting the food needs of an increasing world population through the use of biotechnology by—

(A) ensuring market access to United States agricultural commodities derived from biotechnology that is scientifically defensible;

(B) opposing the establishment of protectionist trade measures disguised as health standards; and

(C) protesting continual delays by other countries in their approval processes.

SEC. 5. SALE OR BARTER OF FOOD ASSISTANCE.

It is the sense of Congress that the amendments to section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) made by section 208 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 954) were intended to allow the sale or barter of United States agricultural commodities in connection with United States food assistance only within the recipient country or countries adjacent to the recipient country, unless—

(1) the sale or barter within the recipient country or adjacent countries is not practicable; and

(2) the sale or barter within countries other than the recipient country or adjacent countries will not disrupt commercial markets for the agricultural commodity involved.

SEC. 6. SENSE OF CONGRESS REGARDING RELIEF FROM UNFAIR TRADE PRACTICES AFFECTING UNITED STATES AGRICULTURAL COMMODITIES.

(a) FINDINGS.—Congress finds that—

(1) often dispute settlement proceedings to resolve unfair trade practices of foreign countries that restrict market access of United States agricultural commodities are inadequate, time consuming, and cumbersome; and

(2) practices that unfairly limit market access opportunities for United States agricultural commodities through export subsidies and import barriers include—

(A) unfair or trade-distorting activities of state trading enterprises, and similar public and private trading enterprises, that result in inadequate price transparency;

(B) unjustified restrictions or commercial requirements affecting new technologies, including biotechnology, that are not scientifically defensible;

(C) unjustified sanitary or phytosanitary restrictions;

(D) restrictive rules for the establishment and administration of tariff-rate quotas;

(E) requirements that substantial direct investment in the foreign country be made as a condition for carrying on business in the foreign country; and

(F) requirements that intellectual property be licensed to the foreign country or to any firm of the foreign country.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Agriculture should aggressively use the authorities granted to the Secretary under section 302 of the Agricultural Trade Act of 1978 (7 U.S.C. 5652), which provides the Secretary with the authority to use programs of the Department of Agriculture for the agricultural commodity involved when there is undue delay in a dispute resolution proceeding of an international trade agreement (such as an agreement administered by the World Trade Organization).

SEC. 7. MICRONUTRIENT FORTIFICATION PILOT PROGRAM.

Section 415 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g–2) is repealed.

SEC. 8. TECHNICAL CORRECTIONS.

(a) ADMINISTRATIVE PROVISIONS.—Section 216 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 957) is amended—

(1) in paragraph (2), by striking ''subsection (c)'' and inserting ''subsection (b)'';

(2) in paragraph (3), by striking ''subsection (d)'' and inserting ''subsection (c)'';

(3) in paragraph (4), by striking ''subsection (g)(2)'' and inserting ''subsection (f)(2)''; and

(4) in paragraph (5), by striking ''subsection (h)'' and inserting ''subsection (g)''.

(b) EMERGING MARKETS.—Section 1542(d)(1)(A)(i) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended by striking ''such democracies'' and inserting ''the markets''.

(c) TRADE COMPENSATION AND ASSISTANCE PROGRAMS.—Section 417(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5677(a)) is amended by inserting ''of an agricultural commodity'' after ''causes exports''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on April 4, 1996.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 51

At the request of Mr. BIDEN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Nevada (Mr. BRYAN) were added

as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 56

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 97

At the request of Mr. MCCAIN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 97, a bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

S. 147

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 147, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 148

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wyoming (Mr. ENZI), the Senator from Washington (Mrs. MURRAY), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 336

At the request of Mr. LEVIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 336, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 348

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 351

At the request of Mr. GRAMS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 351, a bill to provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes.

S. 380

At the request of Mr. BAUCUS, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. BOXER), the Senator from Nebraska (Mr. KERREY), the Senator from South Dakota (Mr. JOHNSON), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 380, a bill to reauthorize the Congressional Award Act.

S. 389

At the request of Mr. ROBB, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 389, a bill to amend title 10, United States Code, to improve and transfer the jurisdiction over the troops-to-teachers program, and for other purposes.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 500

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 500, a bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence.

S. 504

At the request of Mr. CLELAND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 504, a bill to reform Federal election campaigns.

S. 508

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 508, a bill to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

S. 512

At the request of Mr. GORTON, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maine (Ms. COLLINS), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 525

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 525, a bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency.

S. 528

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 528, a bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise.

S. 529

At the request of Mr. ROBERTS, the name of the Senator from Wyoming

(Mr. THOMAS) was added as a cosponsor of S. 529, a bill to amend the Federal Crop Insurance Act to improve crop insurance coverage, to make structural changes to the Federal Crop Insurance Corporation and the Risk Management Agency, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Maine (Ms. COLLINS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 548

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 548, a bill to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio.

SENATE JOINT RESOLUTION 2

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. COCHRAN, his name was added as a cosponsor of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of Senate Concurrent Resolution 5, supra.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. BROWNBACK, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution congratulating the state of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as ''National Correctional Officers and Employees Week.''

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as ''National Inhalants and Poisons Awareness Week.''

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as ''National School Violence Victims' Memorial Day.''

SENATE RESOLUTION 54

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Resolution 54, a resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

SENATE RESOLUTION 57

At the request of Mr. GRAHAM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of Senate Resolution 57, a resolution expressing the sense of the Senate regarding the human rights situation in Cuba.

AMENDMENT NO. 6

At the request of Mr. CLELAND the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of Amendment No. 6 proposed to S. 4, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

SENATE RESOLUTION 59—DESIGNATING ''NATIONAL LITERACY DAY''

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 59

Whereas 44,000,000 people living in the United States read at a level lower than is required to fully function in society and to earn a living wage;

Whereas approximately 22 percent of adults in the United States cannot read, leaving valuable resources untapped, and depriving those adults of the opportunity to make a meaningful contribution to society;

Whereas people who have the lowest literacy skills are closely connected to social problems such as poverty, crime, welfare, and unemployment.

Whereas 43 percent of all adults functioning at the lowest literacy levels live in poverty;

Whereas prisons hold the highest concentration of illiterate adults, with 7 of 10 prisoners functioning at the lowest literacy levels;

Whereas the likelihood of receiving welfare assistance increases as the level of literacy decreases;

Whereas 3 of 4 food stamp recipients function at the lowest literacy levels;

Whereas millions of Americans are unable to hold a job or fully function in the workplace because they cannot read well enough to perform routine uncomplicated tasks;

Whereas almost 38 percent of African Americans and approximately 56 percent of Hispanics are illiterate, compared to only 14 percent of the Caucasian population, with such a disparity resulting in increased social and economic discrimination against those minorities;

Whereas 35 percent of older Americans operate at the lowest literacy levels, making it difficult to read basic medical instructions, thus prolonging illnesses and risking the occurrence of emergency medical conditions;

Whereas the cycle of illiteracy continues because children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have been able to reach fewer than 10 percent of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the illiteracy problem and the detrimental effects of illiteracy on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is necessary to recognize and thank the thousands of volunteers and organizations, like Focus on Literacy, Inc., that work to promote literacy and provide support to the millions of illiterate persons needing assistance: Now, therefore, be it

Resolved, That the Senate—

(1) designates both July 2, 1999, and July 2, 2000, as ''National Literacy Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe ''National Literacy Day'' with appropriate ceremonies and activities.

Mr. LAUTENBERG. Mr. President, I rise today to submit a resolution designating July 2, 1999, and July 2, 2000, as National Literacy Day.

Mr. President, the United States has one of the most sophisticated education systems in the world. We have more students enrolling in school than ever before, and more people attending college than ever before. But there is a significant part of the population that has been left behind—the ever growing population of people who can't read.

Mr. President, approximately 44 million adult Americans are functionally illiterate. That means somewhere between 21 to 23% percent of the adult population read below the fifth grade level and are unable to perform basic functions you and I do every day. People reading at that level usually cannot locate an intersection on a street map or fill out a social security application form. Older people who can't read may

not be able to understand the instructions on a vial of prescription drugs, causing a potentially life-threatening situation.

Mr. President, it is not surprising that the inability to perform basic functions results in the inability of the illiterate population to fully participate in society. In fact, nearly half, or 43 percent, of the illiterate population lives in poverty. Other social problems associated with poverty are prevalent in the illiterate community, like the proclivity to commit crime, the need of welfare assistance, and the inability to get a job.

A majority of the prison population in this country is illiterate. A majority of people who receive food stamps is illiterate. People who are illiterate work less than half the amount of time in a an average year than a fully literate person, and they earn approximately a third of the income. That is, Mr. President, if they hold jobs at all.

Mr. President, the Federal government, as well as state and local municipalities, have shown a steadfast dedication to eradicating illiteracy through financial assistance. In 1998 alone, the major adult education and literacy programs were funded at $360 million. And millions more are spent on the state and local level, spent either by municipal government or donated by private sources.

Mr. President, my resolution designating July 2 as National Literacy Day is a nice complement to all the resources we spend on adult education and the effort to boost literacy rates. The more we do to identify illiteracy as a problem and the more we publicize what resources are available to citizens who want to learn how to read, the closer we are to winning the war against illiteracy.

Mr. President, for these reasons, I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

FEINSTEIN AMENDMENT NO. 52

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill (S. 280) to provide for education flexibility partnerships; as follows:

At the end, add the following:

TITLE ____—STUDENT ACHIEVEMENT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Student Achievement Act of 1999''.

SEC. ___02. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet challenging State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students who need additional help or alternative instructional strategies;

(2) strengthening learning opportunities in classrooms by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as after-school and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) requires that all kindergarten through grade 12 students meet State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment; and

(4) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term ''core academic curriculum'' means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term 'practice of social promotion' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

BAUCUS AMENDMENT NO. 53

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 280, supra; as follows:

At the end, add the following:

SEC. ___. SENSE OF SENATE.

(a) FINDINGS.—Congress makes the following findings:

(1) Research shows that the lack of consistent access to highly competent teachers adversely impacts student achievement.

(2) Teachers are the most basic educational resource that communities provide their students. All students deserve access to well prepared, high quality teachers.

(3) The Nation's schools will need to hire 2,200,000 teachers during the 10-year period following 1999. One-half to two-thirds of the teachers will be first-time teachers.

(4) High poverty urban and rural school districts face the greatest challenges in recruiting, supporting, and retraining teachers. The school districts will need over 700,000 teachers during the 10-year period following 1999.

(5) Thirty percent of newly hired teachers enter the teaching profession without having fully met State licensing standards.

(6) There are nationwide shortages of qualified mathematics, science, special education, foreign language, and bilingual teachers.

(7) While minority students make up more than 30 percent of our Nation's student population, only 13 percent of our Nation's teachers are minorities.

(8) Up to 40 percent of our Nation's students come from rural schools. But less than 22 percent of Federal funding goes to rural schools.

(b) SENSE OF SENATE.—It is the sense of the Senate that significant additional resources should be provided to increase the recruitment of high quality teachers in rural areas as well as high poverty urban areas.

DORGAN (AND BINGAMAN) AMENDMENT NO. 54

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE ____—STANDARDIZED SCHOOL REPORT CARDS

SEC. ___01. SHORT TITLE.

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

SEC. ___02. FINDINGS.

Congress makes the following findings:

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

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

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

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

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure

the quality of the schools and to hold the schools accountable for improving performance.

SEC. ___03. PURPOSE.

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

SEC. ___04. REPORT CARDS.

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

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

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

(3) average class size in the State;

(4) school safety, including the safety of school facilities and incidents of school violence;

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

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

(7) other indicators of school performance and quality.

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

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

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

(3) average class size in the school;

(4) school safety, including the safety of the school facility and incidents of school violence;

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

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

(7) other indicators of school performance and quality.

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

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

JEFFORDS AMENDMENT NO. 55

Mr. JEFFORDS proposed an amendment to amendment No. 40 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) by striking ''(b)(1)'' and inserting ''(b)''; and

(2) by striking subsections (c) through (g) and inserting the following:

''(c) Each local educational agency that receives funds under this section shall use such funds to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

MURRAY (AND KENNEDY) AMENDMENT NO. 56

Mr. KENNEDY (for Mrs. MURRAY for herself and Mr. KENNEDY) proposed an amendment to the motion to recommit proposed by Mr. KENNEDY to the bill, S. 280, supra; as follows:

At the end of the bill, add the following:

SEC. ___. CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

''PART E—CLASS SIZE REDUCTION

''SEC. 6601. SHORT TITLE.

''This part may be cited as the 'Class Size Reduction and Teacher Quality Act of 1999'.

''SEC. 6602. FINDINGS.

''Congress finds as follows:

''(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

''(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

''(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children's education.

''(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

''(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

''(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

''(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

''(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

''(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

''(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

''SEC. 6603. PURPOSE.

''The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

''(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

''(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

''SEC. 6604. PROGRAM AUTHORIZED.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated, $1,400,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

''(b) ALLOTMENTS.—

''(1) IN GENERAL.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

''(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

''(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

''(2) DEFINITION OF STATE.—In this part the term ''State'' means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

''(3) STATE-LEVEL EXPENSES.—Each State may use not more than a total of ½ of 1 percent of the amount the State receives under this part, or $50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency.

''(c) WITHIN STATE DISTRIBUTION.—

''(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds that remain after using funds in accordance with subsection (b)(3) to local educational agencies in the State, of which—

''(A) 80 percent of such remainder shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for

which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year, except that a State may adjust such data, or use alternative child-poverty data, to carry out this subparagraph if the State demonstrates to the Secretary's satisfaction that such adjusted or alternative data more accurately reflects the relative incidence of children living in poverty within local educational agencies in the State; and

''(B) 20 percent of such remainder shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

''(2) AWARD RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

''SEC. 6605. USE OF FUNDS.

''(a) IN GENERAL.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

''(b) CLASS REDUCTION.—

''(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

''(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

''(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

''(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

''(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

''(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

''(A) to make further class-size reductions in grades 1 through 3;

''(B) to reduce class size in kindergarten or other grades; or

''(C) to carry out activities to improve teacher quality, including professional development activities.

''(c) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

''(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

''(e) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

''(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

''SEC. 6606. COST-SHARING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this part—

''(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

''(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

''(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

''SEC. 6607. REQUEST FOR FUNDS.

''Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

''SEC. 6608. REPORTS.

''(a) STATE.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

''(b) SCHOOL.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.''.

FEINSTEIN AMENDMENT NO. 57

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE ___—STUDENT ACHIEVEMENT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Student Achievement Act of 1999''.

SEC. ___02. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet challenging State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students who need additional help or alternative instructional strategies;

(2) strengthening learning opportunities in classrooms by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as after-school and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) requires that all kindergarten through grade 12 students meet State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment; and

(4) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term ''core academic curriculum'' means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term 'practice of social promotion' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

JEFFORDS (AND BINGAMAN) AMENDMENT NO. 58

Mr. LOTT (for Mr. JEFFORDS for himself and Mr. BINGAMAN) proposed an amendment to amendment No. 56 proposed by Mrs. MURRAY to the bill, S. 280, supra; as follows:

In lieu of the instructions, insert the following:

Report back forthwith with the following amendment:

At the end of the bill, add the following:

SEC. ___. IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

JEFFORDS AMENDMENT NO. 59

Mr. LOTT (for Mr. JEFFORDS) proposed an amendment to amendment No. 58 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

In the pending amendment, strike all after the word ''IDEA'' and insert the following:

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

(i) This section shall become effective 1 day after enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, March 10, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is ''What Works: Education Research.'' For further information, please call the committee, 202/224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, March 11, 1999, 10 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is ''Key Patients' Protections: Lessons From the Field.'' For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. VOINOVICH. Mr President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Monday, March 8, 1999, at 9:30 a.m. for a hearing on the topic of ''Deceptive Mailings and Sweepstakes Promotions.''

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

ADDITIONAL STATEMENTS

MAINTAINING THE FIGHT AGAINST ''LOOSE NUKES''

• Mr. BIDEN. Mr. President, with the end of the Cold War, the threat of a nuclear holocaust between the United States and Russia has largely receded. There remains a real risk, however, that former Soviet weapons of mass destruction or the technology needed to build them will find their way to rogue states, terrorist groups, or even criminal organizations. If such weapons should ever be used, their impact will be catastrophic. It will hardly matter that ''only'' one or two cities have been so hideously slaughtered.

The war against these so-called ''loose nukes'' is as important as any war we have fought. It is a war fought with assistance to states of the former Soviet Union, rather than with armed force. Its battles are the battles against unemployment and lax security. Its fronts are an array of firms and institutes and so-called ''nuclear cities,'' as well as the international frontiers where smugglers try to move sensitive materials to states like Iran, Iraq or Libya.

This is a war that we dare not lose. The Carnegie Endowment for International Peace reports that in December, the chief of Russia's Federal Security Service in the Chelyabinsk region said that employees at one sensitive plant had tried to steal 40 pounds of weapons-usable nuclear material. A month earlier, 3,000 workers at Chelyabinsk-70, a ''nuclear city'' similar to our nuclear weapons design laboratories, had held a protest over unpaid wages. In 1996, the head of that city committed suicide in despair over his inability to pay his personnel.

THE EXPANDED THREAT REDUCTION INITIATIVE

The Clinton Administration recently announced an Expanded Threat Reduction Initiative that will enlarge existing Nunn-Lugar programs by 60 percent for the next five years. The Carnegie Endowment notes correctly that ''this new funding commitment still does not match the threat.'' But the Administration's request for extra funding in the Fiscal Year 2000 budget is desperately needed and merits wholehearted support.

One especially important aspect of the President's package is a major effort to find alternative employment for Russia's biological weapons experts. The microbiologists and other scientists who built the Soviet Union's massive biological warfare establishment are highly expert. They are quite capable of doing research and development that would improve public health in Russia and around the world. But they would be equally capable of assisting rogue states to wreak massive destruction, if we and other countries did not enable them to survive in non-military pursuits.

The United States is taking steps, in other programs, to better prepare for the awful possibility of a terrorist attack with chemical or biological weapons. The Expanded Threat Reduction Initiative will help give us the time we so desperately need, in which to improve our capability to combat those threats.

THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM

Two weeks ago, the General Accounting Office issued a report on another of our non-proliferation assistance efforts, the Energy Department's Initiatives for Proliferation Prevention—or IPP—program, that was critical of program management. Newspapers quoted a statement by my friend from North Carolina, Senator HELMS, who chairs the Foreign Relations Committee and commissioned the GAO study. He said that Energy Department failure to implement reforms recommended by the GAO would ''jeopardize continued support'' for the program and also ''cast doubt'' on the wisdom of the Expanded Threat Reduction Initiative.

Those stories made it sound as though threat reduction efforts were in danger. In my view, however, what we are actually witnessing are the normal growing pains of a basically successful program. I believe that the IPP program and other Nunn-Lugar efforts both deserve and will obtain the Senate's continued support.

The IPP program is only five years old. Its objective is to foster non-military employment for weapons scientists in the former Soviet Union by assisting them to develop marketable ideas that can then be produced in joint commercial ventures with Western companies. The GAO report notes that over 400 projects have been funded by IPP—over 200 projects in its first year alone—at about 170 institutes and organizations.

Thousands of Russian scientists have found at least part-time employment through IPP projects, and the result has been to lessen the temptation to sell their goods and expertise to rogue states. The GAO report discusses those results as follows:

> Officials from three institutes told us that the IPP program had prevented their laboratory or institute from shutting down and reduced the likelihood that scientists would be forced to seek other employment. A representative from Sarov [the new name for Arzamas-16, Russia's equivalent of Los Alamos] told us that without the IPP program, the situation at the institute would be a disaster.
>
> Some institute officials told us that the benefits of the IPP program went beyond financial support. . . .[and included] how to do business with the United States.

The GAO noted that the Energy Department's National Laboratories

''have made great strides in helping to 'open up' NIS [former Soviet] institutes,'' stated that ''the program has been successful in employing weapons scientists through research and development programs,'' and concluded that the overall effort is ''in our national security interests.''

Why, then, was the GAO critical of the IPP program? First, it found administrative lapses in the Department of Energy, such as not knowing how many scientists were engaged in particular projects, spending too much money in the United States and too little in the former Soviet Union, and allowing Russia to charge taxes on the assistance we provided. Secondly, it found many projects that had little or no chance of ever becoming commercially viable. Given that the IPP program is supposed to find Western investors for the projects it funds, the GAO's point was that the program was not achieving its long-term goals.

The GAO is right. But what they found was actually the tail end of the success story. They found a program that, in five short years, successfully reached into 170 former Soviet institutes and helped employ thousands of scientists. The IPP program made those crucial contacts and brought a message of hope that resonated throughout the community of Russian experts in weapons of mass destruction. It told them that we understood their need to survive economically and also their need to retain self-respect as skilled professionals.

After five years, it is time to tighten the administration of the IPP program. The good news is that the Energy Department is already working to do that. Indeed, of the GAO's 11 recommendations, the Energy Department accepted 10 completely and the 11th in part.

That 11th recommendation was to move more slowly in expanding the ''Nuclear Cities Initiative'' that will help Russia to downsize its nuclear complex without throwing weapons scientists out on the street. The Energy Department agrees on the need to move carefully, but reserves the right to take advantage of opportunities to expand the program beyond the three ''nuclear cities'' where it will begin.

When Chairman HELMS warns that the GAO recommendations must be implemented, he is sending a stern message to which the Energy Department should pay attention. But as I read the GAO report and the Energy Department's response, that Department is indeed paying attention. I have every hope, therefore, that even conservatives like my friend from North Carolina will conclude that the IPP program and the Expanded Threat Reduction Initiative deserve our support.

On February 26, the New York Times published a very perceptive editorial regarding U.S.-Russian nuclear relationships. The last paragraph of that editorial spoke directly to the last GAO recommendation:

The G.A.O. report calls for closing down the nuclear-cities program until the problems in the institutes program have been resolved. That would be a mistake. The nuclear-cities agreement is more carefully drawn than its predecessor and already provides for exemption from Russian taxation. Tightened project review procedures are in place to make sure that Washington is not inadvertently subsidizing new Russian weapons development. These programs, along with Washington's contributions to Russia's plutonium and uranium conversion and security programs, should go forward as part of a coordinated drive to substantially eliminate Russia s cold-war nuclear infrastructure before the Clinton Administration leaves office.

The New York Times is right. Wars are not cheap. We cannot win the war against ''loose nukes,'' ''loose chemicals'' and ''loose pathogens,'' unless we give our government the means to fight. Given the terrible stakes in this war, we must move forward.

I ask that the New York Times editorial of February 26 and the Energy Department's response to the GAO report be printed in the RECORD at this point.

The material follows:

[From the New York Times, Feb. 26, 1999]

UNFINISHED COLD-WAR BUSINESS

History will judge the Clinton Administration's foreign policy record partly by its success in helping Russia reduce the nuclear remnants of the cold war. Nothing would do more to protect American security in the decades ahead than insuring that Russia's immense stockpile of nuclear weapons and materials is diminished and adequately controlled. The modest amount of money needed to achieve these goals now could save Washington many billions of dollars in the future to deal with the Russian nuclear threat if it is not reduced.

Moscow still has 6,000 nuclear warheads poised for long-distance delivery. Weapons-grade plutonium from dismantled warheads is stored in poorly secured buildings, vulnerable to theft. Russia also has tens of thousands of underpaid weapons scientists and workers in 170 scientific institutes and 10 closed cities that house the Russian nuclear weapons complex. If President Clinton hopes to leave an enduring mark in international affairs, he will work on these problems in the remaining 23 months of his term. Specifically, he should look for innovative ways to further reduce nuclear weapons and speed the conversion of Russia's nuclear establishment to civilian activities.

The last nuclear arms reduction treaty, negotiated more than six years ago, has yet to be ratified by Russia's Parliament. That treaty alone would cut nuclear weapons totals nearly in half. Prime Minister Yevgeny Primakov recognizes the treaty's value for Russia, both in foreign policy and budget savings terms. Mr. Clinton should work closely with President Boris Yeltsin and Mr. Primakov to achieve ratification.

But hopes for deep nuclear cuts need not depend on Russia's Communist-dominated Parliament. In coordination with Russia's leaders, Mr. Clinton should initiate steps that go beyond the treaty, including parallel nuclear reductions and taking more weapons off hair-trigger alert. Such methods proved effective when tried by Presidents George Bush and Mikhail Gorbachev a decade ago.

Shrinking Russia's nuclear infrastructure also requires expanding the cooperative programs developed under legislation originally sponsored by Senators Sam Nunn and Richard Lugar. These efforts have already supported the dismantling of 5,000 Russian warheads. Additional work is needed now to safely convert as much of the plutonium and enriched uranium from these bombs into less dangerous forms and to store what remains under much more secure conditions. The Administration rightly seeks large spending increases in these programs in next year's budget. It is essential that Congress approve these requests.

Washington should also press ahead with its efforts to re-employ Russian weapons scientists in civilian work. Two American programs managed by the Energy Department are designed to achieve that goal. One, begun in 1994, is aimed at Russia's scientific institutes. A newer program deals with the closed nuclear cities. The scientific institutes program has succeeded in re-employing thousands of Russian scientists at home and keeping them out of the reach of terrorists or countries eager to make nuclear, biological or chemical weapons. But a report prepared for Congress this week by the General Accounting Office called attention to some problems, including taxation by Russia of some of the aid money and allegations that some assistance went to institutes and scientists still engaged in weapons work. However cash-starved the Russian Government is, taxation of American aid money is unacceptable. Nor should American subsidies support Russian weapons development.

The G.A.O. report calls for slowing down the nuclear-cities program until the problems in the institutes program have been resolved. That would be a mistake. The nuclear-cities agreement is more carefully drawn than its predecessor and already provides for exemption from Russian taxation. Tightened project review procedures are in place to make sure that Washington is not inadvertently subsidizing new Russian weapons development. These programs, along with Washington's contributions to Russia's plutonium and uranium conversion and security programs, should go forward as part of a coordinated drive to substantially eliminate Russia's cold-war nuclear infrastructure before the Clinton Administration leaves office.

DEPARTMENT OF ENERGY,
Washington, DC, February 10, 1999.

Mr. VICTOR S. REZENDES,
Director, Energy, Resources and Science Issues, U.S. General Accounting Office, Washington, DC.

DEAR MR. REZENDES: The Department of Energy appreciates the opportunity to review the draft General Accounting Office report, GAO/RCED–99–54, ''Nuclear Proliferation: Concerns With DOE's Efforts to Reduce the Risks Posted by Russia's Unemployed Weapons Scientists.'' The report, as written, provides valuable insight into our Initiatives for Proliferation Prevention Program and will assist the Department to better manage this valuable program. Technical comments to this report have been provided separately. Our comments on the report's recommendations are attached.

Sincerely,

LEONARD SPECTOR, *Director,*
Office of Arms Control and Nonproliferation.

Attachment.

COMMENTS ON DRAFT GENERAL ACCOUNTING OFFICE REPORT—NUCLEAR NONPROLIFERATION: CONCERNS WITH DOE'S EFFORTS TO REDUCE THE RISKS POSED BY RUSSIA'S UNEMPLOYED WEAPONS SCIENTISTS, FEBRUARY, 1999

GENERAL COMMENTS

The Department of Energy appreciates the effort that the General Accounting Office put into this report. We agree with the vast

majority of its recommendations, and the IPP Program will be significantly strengthened as the result of this independent, in-depth evaluation. There are, however, a number of issues that we believe need further clarification.

First, the report expresses concern that certain IPP projects may have supported the development of dual-use technology that could inadvertently strengthen Russian military capabilities. We note that the specific projects identified in the report date from an earlier period of the program and, at worst, might have provided only incidental military benefits to Russia—and not to its weapon of mass destruction or missile programs. We are firmly committed to ensuring that IPP projects do not support dual-use technologies and are directed exclusively to peaceful objectives. This is an explicit project requirement as noted in guidance. Over the past eighteen months, the new management of the IPP Program has intensified project reviews to reinforce implementation of this standard.

We have been particularly sensitive to the dual-use potential of projects in the NIS chemical and biological institutes. The Department recognized from the onset of the program that the dividing line between commercial and weapons technologies was subtle in this area of technology. As a result, DOE instituted a special review process, which included the U.S. interagency, the U.S. chemical and biological community, and the DOE National Laboratories. Although the GAO report states that some reviewers may have provided only cursory analysis of particular projects, we believe that every IPP project with a chemical and biological institute received extensive scrutiny from numerous participants in the review process and that this process deliberately erred on the side of disapproval when questions on potential dual-use applications were raised. Nonetheless, we recognize that improvements are needed to make the review process more consistent and, as noted below, we accept the GAO's recommendation on this issue.

The GAO report also raised the concern that some Russian weapon scientists are being paid by the IPP Program even though they remain employed at their respective weapons-related institutes. The implicit criticism of the program is that this practice is subsidizing Russian weapon-of-mass destruction activities. We believe this implication is misplaced. The fundamental goal of the IPP Program is to keep weapons specialists working in their home countries—in the face of grim domestic employment prospects—rather than selling their services to foreign states or organizations of proliferation concern. At virtually all Russian weapons institutes, salaries are going unpaid for months, even for those who are nominally ''employed'' there. These scientists, and those who have been dismissed, are the proper targets of the IPP Program, because these are the individuals who are most likely to be tempted to sell their services abroad. IPP policy clearly states that the Program does not pay scientists to perform weapons work, and we match the scale of payments to those of deliverables required by our contracts, so that we are not inadvertently subsidizing other work at the host institute. Moreover, time spent on IPP activities is time scientists cannot spend working on Russian military programs.

Finally, GAO notes that only two of the IPP projects have progressed to Thrust III. Commercialization of science and engineering requires time, and the IPP program has only recently shifted its emphasis to commercialization. In the United States, commercialization efforts normally take five to seven years. In just the past year, the IPP Program has placed increased emphasis on projects cost-shared with U.S. industry (Thrust II) and on moving such projects towards commercial viability (Thrust III). This progression is important, we believe, to create viable long-term employment opportunities for Russian scientists who are leaving weapons work. We recognize, however, that IPP cannot by itself create commercial entities; it can only set measures and procedures in place to maximize the likelihood of their creation by U.S. industry. If Russian economic conditions stabilize, we believe the coming eighteen months will see the fruits of these and earlier efforts.

Fortunately, as the GAO notes, even if IPP commercialization success remains limited, the fundamental objective of the IPP Program—keeping former Soviet weapon-of-mass-destruction scientists at home—is succeeding.

RESPONSES TO GAO RECOMMENDATIONS

A. Recommendations on the IPP Program

Recommendation 1

Re-examine the role and the costs of the national laboratories with a view towards maximizing the amount of program funds going to the NIS institutes.

DOE management position

Concur.

The Department will continue its examination of laboratory roles to utilize their expertise more efficiently. In coming months, we expect to increase significantly the proportion of project dollars going to the NIS and to correspondingly reduce the proportion of funds spent at the national laboratories. An increased emphasis on Thrust II and Thrust III projects will help to promote this shift in funding. The Department notes that the enabling legislation for IPP calls for a ''. . . program of cooperation between scientific and engineering institutes in the New Independent States of the former Soviet Union and national laboratories and other qualified academic institutions in the United States designed to stabilize the technology base in the cooperating states as each strives to convert defense industries to civilian applications . . .''

Recommendation 2

Obtain information on how program money is being spent by the NIS recipients of program funds.

Management position

Concur.

The IPP Program office will issue guidance to participating laboratories to ensure more complete tracking of the expenditure of funds by the NIS recipients. The program will establish quarterly reporting on funds spent in the NIS.

Recommendation 3

Seek assurances from the Russian government, either through a government-to-government agreement or through other means, that program funds are exempt from Russian taxes.

Management position

Concur.

The Department of Energy agrees with this recommendation and will work with the Department of State to facilitate a government-to-government agreement. In the meantime, the Department will continue its efforts within the U.S. interagency structure to resolve this issue. This effort has led to discussions by the Vice President with his Russian counterparts on taxation issues and to the renewal of the Panskov-Pickering agreement as the basis for seeking case-by-case tax exemptions for IPP funds expended in Russia.

Recommendation 4

Require that program officials, to the extent possible, obtain accurate data on the number and backgrounds of scientists participating in program projects, and eliminate funding for institutes that did not formerly work on weapons of mass destruction.

Management position

Concur.

The IPP Program has issued, and will reemphasize, program guidance instructing principal investigators to obtain accurate data regarding the number and backgrounds of scientists participating in program projects. Scientists with weapons knowledge now employed at nonweapons institutes will continue to be eligible to participate in the IPP Program, as they represent a continuing potential proliferation concern.

Recommendation 5

Clarify program guidance as to whether scientists currently employed in weapons of mass destruction programs are eligible for program funding.

Management position

Concur.

The basic goal of the program is to retain former Soviet WMD scientists in their home countries; the key question is the expertise they possess and might offer to others, not whether they are currently on the roster of an NIS WMD institute. Through its increasing emphasis on commercialization, IPP will continue to develop long-term opportunities for scientists to leave WMD institutes. Explicit program guidance regarding scientists currently employed in weapons of mass destruction programs will be issued within 90 days.

Recommendation 6

Require that project reviewers consider all military applications of projects to ensure that useful defense related information is not unintentionally transferred.

Management position

Concur.

The IPP Program has always been sensitive to the question of transfer of weapons-sensitive technology to the NIS. Based on the GAO's report, however, we recognize that our review process was not as complete as it should be. Accordingly, the program has revised its procedures to request a direct review of projects by the Department of Defense instead of forwarding projects through the Department of State.

Recommendation 7

Strengthen and formalize DOE's process for reviewing proposed chemical and biological projects by:

(1) providing complete project information to all reviewing U.S. Government agencies and organizations.

Management Position

Concur.

Based on the GAO's report, the program has revised its procedures to ensure that all appropriate government agencies and organizations have complete project information.

(2) developing criteria to help frame the evaluation process.

Management Position

Concur.

This recommendation was completed during the course of the GAO's audit.

(3) providing feedback to all of the reviewing agencies about the final disposition of the projects.

Management Position

Concur.

The Department will provide feedback to all reviewers regarding the status of final approval of IPP projects.

Recommendation 8

Re-evaluate the large number of Thrust 1 projects, particularly those that have been

funded for several years, and eliminate those that do not have commercial potential.

Management Position

Concur.

The Department has implemented a re-evaluation of Thrust 1 projects based on GAO's review.

Recommendation 9

Develop criteria and time frames for determining when Thrust 1 projects should be terminated if they do not meet the criteria of graduation to the program's next phase.

Management Position

Concur.

Based on GAO's review, this recommendation will be accomplished within 120 days.

B. Recommendations on Nuclear Cities Initiative

Because DOE plans to implement the Nuclear Cities Initiative in a relatively short amount of time (5 to 7 years) at a potential cost of up to $600 million during uncertain economic times in Russia, we believe it is critical that program implementation be based on solid thinking and planning which considers the problems experienced under the IPP Program. Therefore, we recommend that DOE:

Recommendation 10

Develop a strategic plan for the Initiative before large scale funding begins and include in the plan-program goals, costs, time frames, performance measures, and expected outcomes, such as the number of jobs created for each city.

Management Position

Concur.

The Department is preparing a strategic plan that will be published within 90 days.

Recommendation 11

Not expand the Initiative beyond the three nuclear cities until DOE has demonstrated that its efforts are achieving program objectives, that is, that jobs are being created in the civilian sector for displaced weapons scientists, engineers, and technicians.

Management Position

Concur, with qualification.

Some existing IPP projects in other closed cities may naturally transition to work under the Nuclear Cities Initiative. Similarly, the Department does not want to preclude the possibility of accomplishing significant reductions in nuclear weapons related activities in another closed nuclear city should the opportunity arise to assist in the shutdown of facilities there. It is also the intent of the Department to structure the second year of the Nuclear Cities Initiative based upon lessons learned the first year. The Department has a process for reviewing program objectives to determine lessons learned and next steps.●

POST OFFICE COMMUNITY PARTNERSHIP ACT OF 1999

● Mr. JEFFORDS. Mr. President, I rise today to discuss a bill that my colleague Senator BAUCUS and I are re-introducing titled the, ''Post Office Community Partnership Act of 1999.''

Aside from a few technical changes, the bill is similar to the one we introduced in the 105th Congress that was supported by so many of our colleagues in a 76–21 vote last July. Unfortunately our postal language was dropped from the underlying bill during conference with the House. However, I am hopeful that this year our bill will become law. I should add that this year we have coordinated our efforts with Representative BLUMENAUER of Oregon and an identical companion bill is being put forward in both the Senate and the House.

Mr. President, I live in a small town in Vermont. I understand the importance downtowns and village centers play in the identity and longevity of communities. Downtowns are the social and economic hearts of small communities. They are where neighbors catch up on the news, shop, worship, and celebrate national holidays.

Our bill will enable the residents of small villages and large towns to have a say when the Postal Service decides that their local post office will be closed, relocated, or consolidated. Local post offices are important tenants in any vibrant downtown. A recent article in USA Today cited a 1993 study that found that 80 percent of people who shopped downtown planned their visit around a visit to the post office.

There is much talk in the news today about revitalizing our downtowns and encouraging smart growth. I say to my colleagues, if you want to encourage smart growth, let's start by doing what we can to keep federal facilities such as post offices in downtowns.

Some of my colleagues may ask why this legislation is necessary. A story from my home state of Vermont will answer that question.

A few years ago the general store on the green in Perkinsville, Vermont went bankrupt and the adjacent post office wanted to leave the small village center for a new building outside of town. By the time the community was aware of the relocation, plans were so far along—the new building had actually been constructed based on the promise of the post office as the anchor tenant—that there was no time to fully investigate in-town alternatives. One elderly resident wrote that in contrast to families now being able to walk to the post office, ''we certainly won't be walking along the busy Route 106 two miles or more to get our mail.'' The State Historic Preservation Officer commented that as people meet neighbors at the post office, the threads of community are woven and reinforced. ''It may be intangible, but its real, and such interaction is critically important to the preservation of the spirit and physical fabric of small village centers like Perkinsville.''

In other Vermont towns such as Springfield, Arlington, and St. Albans, the threat of our legislation has encouraged the Postal Service to work more closely with these communities as plans are developed to expand their local post offices. Our bill would codify the process that communities should go through and would avoid a one-size fits all approach to community needs.

Mr. President, post office closings and relocations are occurring all across the country and especially in small and rural communities. My colleagues will quickly discover similar examples in their own states where the removal of the post office has harmed the economic vitality of the downtown area, deprived citizens without cars of access, and contributed to sprawl.

The basic premise for this legislation is to give the individuals in a community a voice in the process of a proposed relocation, closing, consolidation, or construction of a post office. This bill does not give the citizenry the ultimate veto power over a relocation, closing, consolidation, or construction. Instead, the bill sets up a process that makes sure community voices and concerns are heard and taken into account by the Postal Service.

Additionally, this bill will require the Postal Service to abide by local zoning laws and the historic preservation rules regarding federal buildings. Because it is a federal entity, the Postal Service has the ability to override local zoning requirements. In some cases this has led to disruption of traffic patterns, a rejection of local safety standards, and concerns about environmental damage from problems such as storm water management.

Mr. President, post offices in Vermont and across the nation are centers of social and business interaction. In communities where post offices are located on village greens or in downtowns, they become integral to these communities' identities. I believe that this legislation will strengthen the federal-local ties of the Postal Service, help preserve our downtowns, and combat the problem of sprawl. I urge my colleagues to join Senator BAUCUS and I in support of this important legislation. I ask to have the text of the bill printed in the RECORD.

The text of the bill follows:

S. 556

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 ''Post Office Community Partnership Act of 1999''.

SEC. 2. GUIDELINES FOR RELOCATION, CLOSING, CONSOLIDATION, OR CONSTRUCTION OF POST OFFICES.

Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, consolidation, or construction of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, consolidate, or construct that post office not later than 60 days before the final determination is made to relocate, close, consolidate, or construct.

''(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

''(B) The notification under paragraph (1) shall include—

''(i) an identification of the relocation, closing, consolidation, or construction of the post office involved;

''(ii) a summary of the reasons for the relocation, closing, consolidation, or construction;

''(iii) the proposed date for the relocation, closing, consolidation, or construction;

''(iv) notice of the opportunity of a hearing, if requested; and

''(v) notice of the opportunity for public comment, including suggestions.

''(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, closing, consolidation, or construction proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

''(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing, if requested by persons served by the post office that is the subject of a notice under paragraph (1). If a hearing is held under this paragraph, the persons served by such post office may present oral or written testimony with respect to the relocation, closing, consolidation, or construction of the post office.

''(B) In making a determination as to whether or not to relocate, close, consolidate, or construct a post office, the Postal Service shall consider—

''(i) the extent to which the post office is part of a core downtown business area;

''(ii) any potential effect of the relocation, closing, consolidation, or construction on the community served by the post office;

''(iii) whether the community served by the post office opposes a relocation, closing, consolidation, or construction;

''(iv) any potential effect of the relocation, closing, consolidation, or construction on employees of the Postal Service employed at the post office;

''(v) whether the relocation, closing, consolidation, or construction of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

''(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, consolidation, or construction;

''(vii)(I) the adequacy of the existing post office; and

''(II) whether all reasonable alternatives to relocation, closing, consolidation, or construction have been explored; and

''(viii) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, consolidate, or construct that post office.

''(C) In making a determination as to whether or not to relocate, close, consolidate, or construct a post office, the Postal Service may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

''(5)(A) Any determination of the Postal Service to relocate, close, consolidate, or construct a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

''(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

''(i) the determination and findings under subparagraph (A); and

''(ii) each alternative proposal and a response by the Postal Service.

''(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

''(6)(A) The Postal Service shall take no action to relocate, close, consolidate, or construct a post office until the applicable date described in subparagraph (B).

''(B) The applicable date specified in this subparagraph is—

''(i) if no appeal is made under paragraph (7), the end of the 30-day period specified in that paragraph; or

''(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph 7(A), but not later than 120 days after the date on which the appeal is made.

''(7)(A) A determination of the Postal Service to relocate, close, consolidate, or construct any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 30-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

''(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

''(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

''(ii) without observance of procedure required by law; or

''(iii) unsupported by substantial evidence on the record.

''(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

''(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

''(E) A determination made by the Commission shall not be subject to judicial review.

''(8) In any case in which a community has in effect procedures to address the relocation, closing, consolidation, or construction of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, closing, consolidation, or construction of a post office in that community in lieu of applying the procedures established in this subsection.

''(9) In making a determination to relocate, close, consolidate, or construct any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

''(10) The relocation, closing, consolidation, or construction of any post office under this subsection shall be conducted in accordance with the National Historic Preservation Act (16 U.S.C. 470h–2).

''(11) Nothing in this subsection shall be construed to apply to a temporary customer service facility to be used by the Postal Service for a period of less than 60 days.

''(12)(A) For purposes of this paragraph the term 'emergency' means any occurrence that forces an immediate relocation from an existing facility, including natural disasters, fire, health and safety factors, and lease terminations.

''(B) If the Postmaster General makes a determination that an emergency exists relating to a post office, the Postmaster General may suspend the application of the provisions of this subsection for a period not to exceed 180 days with respect to such post office.

''(C) The Postmaster General may exercise the suspension authority under subparagraph (A) once with respect to a single emergency for any specific post office.''.●

INTERNATIONAL WOMEN'S DAY

● Mr. FEINGOLD. Mr. President, I rise today to join others around the world in marking International Women's Day. This day celebrates the contributions and accomplishments of women worldwide, and also reminds us that, unfortunately, many women are still treated as second-class citizens. Gender-based discrimination and harassment, domestic violence, and sexual assault are far too common in too many places. The glass ceiling, while perhaps a bit cracked, still blocks the progress of many women who work outside the home. Lack of affordable quality child care forces many women to make a painful decision between their children and their careers.

The wage gap between men and women around the world is still vast. According to 1997 statistics from the Bureau of Labor Statistics, American women working outside the home in non-agricultural jobs earn about seventy-five percent of what their male counterparts earn; that is, seventy-five cents on the dollar. International Labour Organization statistics from 1996 state that women in Japan make sixty-two percent of what their male counterparts earn; the figure in Kenya is eighty-five percent. Australian women fare better, earning virtually the same wages as men.

In many places, women and girls are not considered valued members of society. Rather, their basic human rights are curtailed, sometimes to the point of denial of adequate medical care and basic educational opportunities. The illegal trafficking of women and girls for purposes such as slavery and prostitution is rampant in some areas of the world. In some places, it is common for women to be burned with acid by their husbands if their dowries are not large enough.

The deplorable practice of so-called ''honor killing''—men murdering female relatives accused of things ranging from infidelity to objection to an arranged marriage—is again receiving international attention. What is even more deplorable is that the men committing these murders take pride in their crimes, which they justify as cultural tradition, and are routinely given light prison sentences. Some women endure voluntary imprisonment to escape male relatives who intend to murder them.

Despite the challenges they face—or maybe in spite of them—women in the United States and around the world contribute to their families and their countries in countless ways.

In the United States, March is Women's History Month. It is a time to celebrate the contributions of women such as Carrie Chapman Catt, a native of Ripon, Wisconsin, who served as the last president of the National American Women Suffrage Association, and was the founder and first president of the National League of Women Voters. Her influence on the direction and success of the suffrage movement is legendary, and her legacy in grassroots organizing is equally significant. She led a tireless lobbying campaign in Congress, sent letters and telegrams, and eventually met directly with the President—using all the tools of direct action with which political organizers are now so familiar today.

Catt's crusade for suffrage saw a homefront victory on June 10, 1919, when Wisconsin became the first state to deliver ratification of the constitutional amendment granting women the right to vote before it was adopted as the Nineteenth Amendment in August of 1920.

The legacy of Carrie Chapman Catt is alive and well today—in Wisconsin and across the globe—as women take a more and more active role in the political process. I am proud to serve alongside Congresswoman TAMMY BALDWIN, the first woman elected to Congress from Wisconsin. The 106th Congress includes a record 67 women—nine in the Senate and 58 in the House of Representatives.

As Ranking Member of the Subcommittee on African Affairs of the Senate Committee on Foreign Relations, I have monitored how the women of Africa participate in the political process and make vital contributions to the economies of their countries. During the recent assembly and presidential elections in Nigeria, women served as poll workers and were candidates for the assembly. I regret that voter turnout among women was noticeably low, but was pleased to see some progress being made.

One way in which the Senate can honor women worldwide is to fulfill our long-overdue constitutional obligation to offer our advice and consent to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) at the earliest possible date. This year marks the 20th anniversary of CEDAW, which was adopted by the United Nations General Assembly on December 18, 1979. CEDAW was signed by the United States on July 17, 1980, and was transmitted to the Senate for its advice and consent by President Carter on November 12, 1980. Almost two decades later, the treaty is still pending before the Senate Committee on Foreign Relations. As of December 1998, 163 countries have ratified CEDAW. Only three signatories have yet to ratify the convention: Afghanistan, San Tome and Principe, and the United States. It is high time for us to ratify this important document.

In closing, Mr. President, as the father of two daughters, I am hopeful that the world we leave to our children and grandchilren will be deviod of domestic violence and other forms of gender-based discrimination, harrassment, and violence. As we prepare to enter the 21st century, we must redouble our efforts to protect and promote the rights of women and girls at home and abroad.●

HUMAN RIGHTS IN CUBA AND COMMEMORATING THE BROTHERS TO THE RESCUE

● Mr. MACK. Mr. President, I rise today to express my support for Senate Resolution 57 condemning the Cuban government's human rights record and calling on the President to make all efforts necessary to pass a resolution condemning Cuba at the UN Human Rights Commission meeting in Geneva, Switzerland.

Many people have written and spoken about the latest crackdown in Cuba as if they were discovering for the first time the nature of Fidel Castro's brutal regime. Fidel Castro is a tyrant. He rules with absolute authority and uses fear and greed to maintain his power. For forty years he has demonstrated to us his nature. He has not changed. We must continue our pressure on him—voice our opposition to him. And we must continue our support for the struggling Cuban people. The choice should not be difficult to make: we must stand with those suffering under one of the few totalitarian Marxists remaining in power in the world, and we must stand up to condemn the actions of the brutal regime.

One clear reminder of who we are dealing with is the murder in the Florida straits of four Americans in 1996. They were flying a humanitarian mission when the Cuban Air Force shot their unarmed aircraft out of the sky. For three years, Mr. President, we have all known about this murder, and for three years, I have been struggling to understand why this administration refuses to take appropriate action.

The Boston Globe published a very powerful essay by columnist Jeff Jacoby to mark this anniversary. I'd like to read from it. Jeff captures the starkness of the mismatched foreign policy in place, comparing the act, which Fidel Castro committed with this administration's unprincipled response. His piece is titled ''Murder Over the High Seas.''

They were trying to save lives. Three years ago this week, they paid with their own.

When Armando Alejandre, Carlos Costa, Mario de la Pena, and Pablo Morales took to the skies that day in their little blue-and-white Cessna 337s, their plan was to search the Florida Straits for stranded boat people, refugees fleeing Cuba in makeshift rafts or flimsy inner tubes. There was little enough the fliers could do for any rafters they came upon—toss down food and bottled water, radio their location to the Coast Guard—but that little could make the difference between life and death.

Of the four, Carlos was the most experienced. He had flown more than 500 such missions for Brothers to the Rescue, and had saved scores of boat people from drowning or dying of thirst. Armando, by contrast, was going up for only the second time. What all four had in common was a love of American liberty—and a profound concern for any Cubans so desperate to escape Fidel Castro's Caribbean hellspot that they would risk their lives to get away.

On Feb. 24, 1996, Carlos, Armando, Mario, and Pablo took off from an airfield in Opa-Locka, Fla. They intended to fly just below the 24th parallel, well north of Cuba's territorial waters. Both planes contacted Havana air-traffic controllers as they approached the 24th parallel, identifying themselves and giving their position. Whereupon the Cuban Air Force, without warning and without reason, scrambled two MiG fighters and blew the rescue planes out of the sky.

The Cessnas and their passengers were disintegrated by the Cuban MiGs. Only a large oil slick marked the spot where they went down. No bodies were ever recovered.

Three of the men—Carlos, Mario, and Armando—were US citizens. Pablo, a former refugee who had himself been saved by Brothers to the Rescue in 1992, was a permanent US resident. What happens when four American civilians are butchered in cold blood, over international waters, by the air force of a Third World dictatorship? What terrible retribution does the United States exact for a quadruple murder so barbaric and unprovoked?

The astonishing answer is: Nothing happens. There is no retribution. Indeed, the Clinton administration takes the position not only that Castro must not be punished for the four lives he destroyed, but that the victims' families must not be permitted to recover anything for their loss.

In the wake of the shootdown, under intense political pressure, President Clinton agreed to sign the Helms-Burton Act. Title III of the statute allows American citizens whose property was confiscated by the Cuban government—Castro nationalized billions of dollars' worth of American assets in the 1960s—to file suit against any foreign company using that property. Title IV bars any officer of a foreign company trafficking in stolen American property from receiving a visa to enter the United States.

Properly enforced, Helms-Burton would weaken Castro's grip on power by reducing the flow of foreign capital into his treasury. But Helms-Burton is not properly enforced. Title III has never taken effect because Clinton keeps suspending it (as the law permits him to do if he finds that a suspension ''will expedite a transition to democracy in Cuba''). Title IV has never taken effect because the State Department refuses to carry it out.

The hobbling of Helms-Burton is a stinging insult to the memory of the four murdered men. But the Clinton administration has delivered a cut unkinder still.

In 1996, the families of Armando, Carlos, and Mario sued the Cuban government for damages caused by the wrongful deaths of their loved ones, a legal remedy specifically authorized by the Anti-Terrorism and Effective Death Penalty Act. In December 1997, Senior US District Judge James Lawrence King awarded the plaintiffs $187.7 million in damages. ''Cuba's extrajudicial killings . . . were inhumane acts against innocent civilians,'' he wrote in his final judgment. ''The fact that the killings were premeditated and intentional, outside Cuban territory, wholly

disproportionate, and executed without warning . . . makes this act unique in its brazen flouting of international norms.''

But when the families attempted to collect their judgment out of frozen Cuban assets, the Clinton administration blocked them. The president famous for feeling people's pain is less concerned with the pain of grief-stricken Americans, it would appear, than with the pain Castro might feel if the judgment were paid.

The administration's position is staggering. Castro is an open and declared enemy of the United States and has been for 40 years. In sending combat aircraft to slaughter four unarmed Americans engaged in humanitarian rescue work, he committed an act of war. The response of the United States should have been to remove Castro from power and put him in the dock for crimes against humanity. (for the murder of just ''one'' American in 1989, the United States invaded Panama and seized Manuel Noriega.)

Clinton's appeasement of Castro is a cruel betrayal. The families of the dead Brothers of the Rescue deserve better from their government. And the tormented people of Cuba, bleeding under Castro's whip, deserve better from their free and powerful neighbor to the north.

Mr. President, it is clear to me that the United States has failed to stand up for the protection of the individual when damaged by international terrorism. I spoke last week about this administration's failure to adequately address terrorism in the Middle East. The pattern remains consistent—appease the enemies of freedom, the advocates of terror, in the hopes that they will not strike again. This approach simply fails. I don't know how to say it any more directly that that. This approach fails.

The Congress passed a law last year supporting the awarding of damages from the frozen assets of terrorist states being held by the Treasury Department to American victims. This law can help the families of the Brothers to the Rescue pilots. The President, however, waived this relief asserting our national security interests would be better served by protecting Castro's money. How can this be? Nobody has provided to me an adequate explanation of what interest would cause us protect terrorism and shun American victims.

Mr. President, this resolution calls on the United States to stand up for freedom, justice, and human dignity. It states that the President of the United States should lead on this issue by having the United States introduce and make all efforts necessary to pass a resolution in Geneva condemning the human rights record of the Cuban government. Mr. President, if there is one time and one place where we are obliged to condemn human rights practices, it is at the UN Commission meeting in Geneva each year. That is what this resolution calls for, and I calls for its immediate passage.●

JOE DIMAGGIO

● Mr. MOYNIHAN. ''Joe, Joe DiMaggio, we want you on our side!'' Well, he is on the other side now, but stays with us in our memories.

Mine are, well, special to me. It would be in 1938 or 1939 in Manhattan. The Depression lingered. Life was, well, life. But there was even so somebody who made a great difference and that was Lou Gehrig of the New York Yankees. I admired him as no other man. Read of him each day, or so it seemed, in the Daily News. And yet I had never seen him play. One summer day my mother somehow found the needful sixty cents. Fifty cents for a ticket at the Stadium, a nickel for the subway up and back. Off I went in high expectation. But Gehrig, disease I must assume was now in progress, got no hit. A young rookie I had scarce noticed hit a home run. Joe DiMaggio. It began to drizzle, but they kept the game going just long enough so there would be no raincheck. I went home lifeless and lay on my bed desolate.

Clearly I was in pain, if that is the word. The next day my mother somehow came up with yet another sixty cents. Up I went. And the exact same sequence occurred.

I went home. But not lifeless. To the contrary, animated.

For I hated Joe DiMaggio. For life.

I knew this to be a sin, but it did not matter. Gehrig retired, then died. My animus only grew more animated.

Thirty years and some went by. I was now the United States Permanent Representative to the United Nations. One evening I was having dinner at an Italian restaurant in midtown. As our company was about finished, who walked in but DiMaggio himself, accompanied by a friend. They took a table against the wall opposite. I watched. He looked over, smiled and gave a sort of wave. Emboldened, as we were leaving, I went over to shake hands. He rose wonderfully to the occasion.

I went out on 54th Street as I recall. And of a sudden was struck as if by some Old Testament lightening. ''My God,'' I thought, ''he has forgiven me!'' He must have known about me all those years, but he returned hate with love. My soul had been in danger and he had rescued me.

Still years later, just a little while ago the Yankees won another pennant. Mayor Guiliani arranged a parade from the Battery to City Hall. Joe was in the lead car; I was to follow. As we waited to get started, I went up to him, introduced myself and told of having watched him at the Stadium these many years ago. ''But I have to tell you,'' I added, ''Lou Gehrig was my hero.''

''He was my hero, too,'' said Joe.●

RECOGNIZING BERNICE SHIVLEY, FIRST BOOK COORDINATOR, PEND OREILLE COUNTY, WASHINGTON

● Mr. GORTON. Mr. President, today I rise to recognize Bernice Shivley in my home state of Washington for her efforts to promote literacy in her community. As I have traveled around Washington state, I hear again and again about the great strides ''First Book'' has made in improving children's literacy and in particular, I hear remarkable praise for Bernice Shivley, the First Book Coordinator in Pend Oreille County.

First Book is a national non-profit organization with a single mission: To give disadvantaged children the opportunity to read and own their first new book. At the national level, First Book has developed a sustained network of strategic partnerships with groups and companies like the American Library Association and Barnes & Noble, Inc. The key to First Book's success, however, is the inspiration and commitment of local communities.

In each locality, First Book establishes an advisory board comprised of volunteer leaders including librarians, teachers, retailers, and public officials. These boards work with existing local literacy programs to increase the availability of tutors, book grants, and to promote special events—all in the name of improved literacy. Most importantly, perhaps, First Book reaches out to the children who are most difficult to reach: the children in soap kitchens and in homeless shelters, in church basements and in youth centers.

In Pend Oreille County, which is in the northeast corner of Washington state, Bernice Shivley has made the success of First Book her passion. The regional coordinator for First Book tells me that ''Bernice is a model for what First Book is all about.'' She has graciously volunteered her time and has spent countless hours creating an advisory board, securing donations from area business, and identifying local literacy programs to support. For these reasons, I am awarding Bernice the second of my weekly ''Innovation in Education Awards.''

It is the actions of people like Bernice around the country that should remind us here in Washington, DC that those closest to our children are best equipped to make important decisions regarding their education. I commend Bernice for her outstanding work on behalf of the children and citizens of Pend Oreille County.●

INTERNATIONAL WOMEN'S DAY

● Mr. LAUTENBERG. Mr. President, I rise today to recognize March 8th as the annual celebration of International Women's Day in the State of New Jersey.

International Women's Day began in 1911, when over one million people from around the world gathered to honor women in the workplace and enhance women's rights universally. The many citizens from Austria, Denmark, Germany, Sweden and the United States attended rallies in their home countries and called for women to have the right to vote, the right to hold public office, for vocational training and to end discrimination against women in the workplace.

Mr. President, women's rights have come a long way since then. But we still have farther to go.

Mr. President, the purpose now of International Women's Day is to promote many causes important to women and girls, such as education, leadership development and ongoing human rights struggles. Supporters of this day would like to see economic justice for women, freedom from glass ceilings, violent workplace environments and sexual harassment, and the elimination of child labor in sweatshops.

In addition, Mr. President, a concurrent celebration of International Women's Day has blossomed in New Jersey. New Jersey, in fact, is the only state where International Women's Day is celebrated state-wide in classrooms and community centers everywhere.

In 1992, New Jersey's celebration was founded in Metuchen with the help of organizations like Women Helping Women, Citizens for Quality Education and the Metuchen Public Schools. Since then, the New Jersey state legislature, the White House and the United Nations have all recognized this celebration as important in the evolution of women's rights. The Young Women's Christian Association (YWCA) of the U.S.A., one of the oldest and largest women's organizations in the world, has also become a vital sponsor of International Women's Day.

Mr. President, this year's celebration is entitled, ''Women Working for Health: Body, Mind, Spirit,'' focusing on women in the workplace. In classrooms across New Jersey, women from all walks of life, including veterinarians, pilots, judges, community leaders, and medical researchers, have been invited to discuss their personal and professional experiences with students at levels ranging from kindergarten to adult education programs. These priceless exchanges will provide young girls and women with mentors, role models and friends.

Mr. President, I am happy to join in the celebration of International Women's Day in New Jersey, and all that it does to foster the promotion of equal rights for women. I hope my colleagues will do the same.●

CLIMATE CHANGE BILL AWARDING CREDIT FOR EARLY ACTION

● Mr. JEFFORDS. Mr. President, climate change poses potential real threats to Vermont, the Nation, and the World. While we cannot yet predict the exact timing, magnitude, or nature of these threats, we must not let our uncertainty lead to inaction.

Preventing climate change is a daunting challenge. It will not be solved by a single bill or a single action. As we do not know the extent of the threat, we also do not know the extent of the solution. But we cannot let our lack of knowledge lead to lack of action. We must start today. Our first steps will be hesitant and imperfect, but they will be a beginning.

Today I am joining Senator CHAFEE, Senator MACK, Senator LIEBERMAN, and a host of others in cosponsoring the Credit for Early Action Act in the U.S. Senate.

Credit for Early Action gives incentives to American businesses to voluntarily reduce their emissions of greenhouse gases. Properly constructed, Credit for Early Action will increase energy efficiency, promote renewable energy, provide cleaner air, and help reduce the threat of possible global climatic disruptions. It will help industry plan for the future and save money on energy. It rewards companies for doing the right thing—conserving energy and promoting renewable energy. Without Credit for Early Action, industries which do the right thing run the risk of being penalized for having done so. We introduce this bill as a signal to industry, you will not be penalized for increasing energy efficiency and investing in renewable energy, you will be rewarded.

In writing this bill, Senators CHAFEE, MACK, and LIEBERMAN have done an excellent job with a difficult subject. I am cosponsoring the Credit for Early Action legislation as an endorsement for taking a first step in the right direction. I will be working with my colleagues throughout this Congress to strengthen this legislation to ensure that it strongly addresses the challenges that lie ahead. The bill must be changed to guarantee that our emissions will decrease to acceptable levels, and guarantee that credits will be given out equitably. These modifications can be summarized in a single sentence: credits awarded must be proportional to benefits gained. This goal can be achieved through two additions: a rate-based performance standard and a cap on total emissions credits.

The rate-based performance standard is the most important item. A rate-based standard gives credits to those companies which are the most efficient in their class—not those that are the biggest and dirtiest to begin with. Companies are rewarded for producing the most product for the least amount of emissions. Small and growing companies would have the same opportunities to earn credits as large companies. This system would create a just and equitable means of awarding emissions credits to companies which voluntarily increase their energy efficiency and renewable energy use.

The second item is an adjustable annual cap on total emissions credits. An adjustable annual cap allows Congress to weigh the number of credits given out against the actual reduction in total emissions. Since the ultimate goal is to reduce U.S. emissions, this provision would allow a means to ensure that we do not give all of our credits away without ensuring that our emissions levels are actually decreasing.

With these two additions, Credit for Early Action will bring great rewards to our country, our economy, and our environment. It will save money, give industry the certainty to plan for the future, and promote energy efficiency and renewable energy, all while reducing our risk from climate change. This legislation sends the right message: companies will be rewarded for doing the right thing—increasing energy efficiency and renewable energy use.●

RICHARD G. ANDREWS

● Mr. BIDEN. Mr. President, I rise today to recognize a man who has been a pillar of loyalty, integrity and continuity in Delaware's U.S. Attorney's office for the past 15 years.

We all know men and women who are the pillars of federal government offices—people who keep the wheels of government turning as changes occur around them. Richard G. Andrews is that pillar who keeps Delaware's U.S. Attorney's Office standing tall and strong. I respect his legal talents, professionalism, work ethic and people skills. And I recognize this dedicated public servant today, not because he's retiring—fortunately he's still working as hard as ever—but simply because he deserves the recognition.

As an Assistant U.S. Attorney since 1983, and Chief of the Criminal Division for the past five years, Rich has earned a reputation as a tough, fair prosecutor in the nearly 40 felony jury cases he has tried. He was involved with the most far-reaching FBI undercover sting operation in Delaware history that sent several top State and County officials to prison for bribery convictions. He also sent the Vice President of the Pagan Motorcycle Club to jail for 25 years for running a drug distribution ring. And he prosecuted the men convicted of bilking the federal government and taxpayers out of nearly half-a-million dollars in a student loan scam.

Rich Andrews started his legal career learning from the best—he was law clerk to the late U.S. Court of Appeals Judge for the Third Circuit, Chief Judge Collins J. Seitz.

It's no wonder that distinguished experience marked the beginning of many more honors to come. In 1996, FBI Director Louis Freeh issued a commendation to him for the convictions of three top officials of Madison & Co. in $1 million securities fraud case. In 1993, he was commended for prosecuting ocean dumpers off the Delaware coast.

Rich continues to pass on his craft to young attorneys, teaching Criminal Trial Advocacy courses. And he goes the extra mile for victims, serving as Chairman of Delaware's Criminal Justice Council's Victims' Subcommittee.

Delaware and our country's U.S. Department of Justice are better for the continued service of Rich Andrews. He is an honest, down-to-earth, tough prosecutor and dedicated public servant. It is my pleasure to recognize this second-in-command as he continues to serve as the Chief Criminal prosecutor

for Delaware's U.S. Attorney's Office. It's a simple thank you for a job well done.●

ANTITRUST MERGER REVIEW ACT

● Mr. DEWINE. Mr. President, I rise today in support of the ''Antitrust Merger Review Act'' (S. 467), a bill that I introduced with Senator KOHL, the ranking minority member of the Antitrust, Business Rights and Competition Subcommittee.

S. 467 is, plain and simple, a bill that imposes time limits on the FCC review of telecom mergers. This bill will not limit the scope of the FCC review, or attempt to dictate to the FCC how to evaluate these mergers; instead, it will simply impose a deadline for FCC action.

As I have stated before, telecommunications mergers have a major impact on competition, and they require careful scrutiny from the FCC. However, careful scrutiny does not mean endless scrutiny. These mergers must be evaluated in a timely fashion, so that the merging parties and their competitors can move forward. The longer these deals remain under review the longer the market remains in limbo, and the longer it will be before we see vigorous competition.

Accordingly, Senator KOHL and I have introduced S. 467, and plan to work with our colleagues on the Judiciary Committee and with Senator MCCAIN and Senator HOLLINGS and the rest of the Commerce Committee, to move this bill forward and help increase the pace of competition in the telecommunications industry.●

● Mr. KOHL. Mr. President, I rise today in support of the ''Antitrust Merger Review Act'' (S. 467), a bill that I introduced with Senator DEWINE, my colleague on the Antitrust Subcommittee. This measure sets a deadline on the Federal Communications Commission when it reviews mergers. In other words, our bill says to the FCC: approve a merger, reject it, or apply conditions. But don't sit on it.

All too often, telecommunication companies, their customers, and their employees are left to mercy of a time-consuming merger review process—a process in which the two lead agencies, the Department of Justice and the FCC, act in sequence rather than in tandem. Like the DOJ and the Federal Trade Commission, who have deadlines under the Hart-Scott-Rodino laws, there is no compelling reason to let the FCC ''hang back'' and wait until the end.

Our bill is simple, effective and straightforward, and sets reasonable time limits for the FCC to follow. When a license transfer application is filed, the FCC will have 30 days to decide whether or not a ''second request'' for further information is needed from the merging companies. If this second request phase is needed, the FCC will then have six months after receiving the additional material—so-called ''substantial compliance''—to make a determination. For those familiar with antitrust laws, these time limits are nothing new or shocking. If anything, they make common sense by creating a framework for a timely decision. And this measure is entirely consistent with the thrust of the 1996 Telecom Act, which strengthened the hand of the antitrust laws in addressing telecom mergers. See, e.g., Public Law 104–104 § 601(b).

But Mr. President, let me also tell you what this bill is not. First, while our measure sets time limits on the FCC's merger review process, it does not change the FCC's substantive role in approving or rejecting these deals. Others have suggested doing this, but many of us believe that the FCC through application of its ''public interest test'' can obtain market-opening concessions from merging companies that the DOJ, under antitrust laws, simply cannot. Second, though some in Congress may want to revisit other aspects of the Hart-Scott-Rodino antitrust laws, this bill is not a vehicle for substantive changes—they are best left for other measures at another time.

This is not a perfect piece of legislation to be sure, but it is a step in the right direction. Still, it is a work in progress, so we plan to work together with our colleagues, Senator HOLLINGS and Senator MCCAIN, and to get input from all the affected parties. After that, we will ask for our colleagues' support for this bipartisan proposal, which will help companies get on with their businesses, and employees and consumers get on with their lives.

Finally, Mr. President, I ask that the text of the bill be printed in the RECORD.

The text of the bill follows:

S. 467

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 ''Antitrust Merger Review Act''.

SEC. 2. RESTATEMENT AND IMPROVEMENT OF SECTION 7A OF THE CLAYTON ACT.

(a) IN GENERAL.—Section 7A of the Clayton Act (15 U.S.C. 18a) is amended to read as follows:

''SEC. 7A. (a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

''(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce;

''(2)(A) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of $10,000,000 or more are being acquired by any person which has total assets or annual net sales of $100,000,000 or more;

''(B) any voting securities or assets of a person not engaged in manufacturing which has total assets of $10,000,000 or more are being acquired by any person which has total assets or annual net sales of $100,000,000 or more; or

''(C) any voting securities or assets of a person with annual net sales or total assets of $100,000,000 or more are being acquired by any person with total assets or annual net sales of $10,000,000 or more; and

''(3) as a result of such acquisition, the acquiring person would hold—

''(A) 15 per centum or more of the voting securities or assets of the acquired person, or

''(B) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).

''(b)(1) The waiting period required under subsection (a) shall—

''(A) begin on the date of the receipt by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice (hereinafter referred to in this section as the 'Assistant Attorney General') of—

''(i) the completed notification required under subsection (a), or

''(ii) if such notification is not completed, the notification to the extent completed and a statement of the reasons for such noncompliance,

from both persons, or, in the case of a tender offer, the acquiring person; and

''(B) end on the thirtieth day after the date of such receipt (or in the case of a cash tender offer, the fifteenth day), or on such later date as may be set under subsection (e)(2) or (g)(2).

''(2) The Federal Trade Commission and the Assistant Attorney General may, in individual cases, terminate the waiting period specified in paragraph (1) and allow any person to proceed with any acquisition subject to this section, and promptly shall cause to be published in the Federal Register a notice that neither intends to take any action within such period with respect to such acquisition.

''(3) As used in this section—

''(A) The term 'voting securities' means any securities which at present or upon conversion entitle the owner or holder thereof to vote for the election of directors of the issuer or, with respect to unincorporated issuers, persons exercising similar functions.

''(B) The amount or percentage of voting securities or assets of a person which are acquired or held by another person shall be determined by aggregating the amount or percentage of such voting securities or assets held or acquired by such other person and each affiliate thereof.

''(c) The following classes of transactions are exempt from the requirements of this section—

''(1) acquisitions of goods or realty transferred in the ordinary course of business;

''(2) acquisitions of bonds, mortgages, deeds of trust, or other obligations which are not voting securities;

''(3) acquisitions of voting securities of an issuer at least 50 per centum of the voting securities of which are owned by the acquiring person prior to such acquisition;

''(4) transfers to or from a Federal agency or a State or political subdivision thereof;

''(5) transactions specifically exempted from the antitrust laws by Federal statute;

''(6) transactions specifically exempted from the antitrust laws by Federal statute if approved by a Federal agency, if copies of all information and documentary material filed with such agency are contemporaneously filed with the Federal Trade Commission and the Assistant Attorney General;

''(7) transactions which require agency approval under section 10(e) of the Home Owners' Loan Act (12 U.S.C. 1467a), section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), or section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842);

''(8) transactions which require agency approval under section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) or section 5 of the Home Owners' Loan Act (12 U.S.C. 1464), if copies of all information and documentary material filed with any such agency are contemporaneously filed with the Federal Trade Commission and the Assistant Attorney General at least 30 days prior to consummation of the proposed transaction;

''(9) acquisitions, solely for the purpose of investment, of voting securities, if, as a result of such acquisition, the securities acquired or held do not exceed 10 per centum of the outstanding voting securities of the issuer;

''(10) acquisitions of voting securities, if, as a result of such acquisition, the voting securities acquired do not increase, directly or indirectly, the acquiring person's per centum share of outstanding voting securities of the issuer;

''(11) acquisitions, solely for the purpose of investment, by any bank, banking association, trust company, investment company, or insurance company, of (A) voting securities pursuant to a plan of reorganization or dissolution; or (B) assets in the ordinary course of its business; and

''(12) such other acquisitions, transfers, or transactions, as may be exempted under subsection (d)(2)(B).

''(d) The Federal Trade Commission, with the concurrence of the Assistant Attorney General and by rule in accordance with section 553 of title 5, United States Code, consistent with the purposes of this section—

''(1) shall require that the notification required under subsection (a) be in such form and contain such documentary material and information relevant to a proposed acquisition as is necessary and appropriate to enable the Federal Trade Commission and the Assistant Attorney General to determine whether such acquisition may, if consummated, violate the antitrust laws; and

''(2) may—

''(A) define the terms used in this section;

''(B) exempt, from the requirements of this section, classes of persons, acquisitions, transfers, or transactions which are not likely to violate the antitrust laws; and

''(C) prescribe such other rules as may be necessary and appropriate to carry out the purposes of this section.

''(e)(1) The Federal Trade Commission or the Assistant Attorney General may, prior to the expiration of the 30-day waiting period (or in the case of a cash tender offer, the 15-day waiting period) specified in subsection (b)(1), require the submission of additional information or documentary material relevant to the proposed acquisition, from a person required to file notification with respect to such acquisition under subsection (a) prior to the expiration of the waiting period specified in subsection (b)(1), or from any officer, director, partner, agent, or employee of such person.

''(2) The Federal Trade Commission or the Assistant Attorney General, in its or his discretion, may extend the 30-day waiting period (or in the case of a cash tender offer, the 15-day waiting period) specified in subsection (b)(1) for an additional period of not more than 20 days (or in the case of a cash tender offer, 10 days) after the date on which the Federal Trade Commission or the Assistant Attorney General, as the case may be, receives from any person to whom a request is made under paragraph (1), or in the case of tender offers, the acquiring person, (A) all the information and documentary material required to be submitted pursuant to such a request, or (B) if such request is not fully complied with, the information and documentary material submitted and a statement of the reasons for such noncompliance. Such additional period may be further extended only by the United States district court, upon an application by the Federal Trade Commission or the Assistant Attorney General pursuant to subsection (g)(2).

''(f) If a proceeding is instituted or an action is filed by the Federal Trade Commission, alleging that a proposed acquisition violates section 7 of this Act or section 5 of the Federal Trade Commission Act, or an action is filed by the United States, alleging that a proposed acquisition violates such section 7 or section 1 or 2 of the Sherman Act, and the Federal Trade Commission or the Assistant Attorney General (1) files a motion for a preliminary injunction against consummation of such acquisition pendente lite, and (2) certifies the United States district court for the judicial district within which the respondent resides or carries on business, or in which the action is brought, that it or he believes that the public interest requires relief pendente lite pursuant to this subsection, then upon the filing of such motion and certification, the chief judge of such district court shall immediately notify the chief judge of the United States court of appeals for the circuit in which such district court is located, who shall designate a United States district judge to whom such action shall be assigned for all purposes.

''(g)(1) Any person, or any officer, director, or partner thereof, who fails to comply with any provision of this section shall be liable to the United States for a civil penalty of not more than $10,000 for each day during which such person is in violation of this section. Such penalty may be recovered in a civil action brought by the United States.

''(2) If any person, or any officer, director, partner, agent, or employee thereof, fails substantially to comply with the notification requirement under subsection (a) or any request for the submission of additional information or documentary material under subsection (e)(1) within the waiting period specified in subsection (b)(1) and as may be extended under subsection (e)(2), the United States district court—

''(A) may order compliance;

''(B) shall extend the waiting period specified in subsection (b)(1) and as may have been extended under subsection (e)(2) until there has been substantial compliance, except that, in the case of a tender offer, the court may not extend such waiting period on the basis of a failure, by the person whose stock is sought to be acquired, to comply substantially with such notification requirement or any such request; and

''(C) may grant such other equitable relief as the court in its discretion determines necessary or appropriate,

upon application of the Federal Trade Commission or the Assistant Attorney General.

''(h) Any information or documentary material filed with the Assistant Attorney General or the Federal Trade Commission pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this section is intended to prevent disclosure to either body of Congress or to any duly authorized committee or subcommittee of Congress.

''(i)(1) Any action taken by the Federal Trade Commission or the Assistant Attorney General or any failure of the Federal Trade Commission or the Assistant Attorney General to take any action under this section shall not bar any proceeding or any action with respect to such acquisition at any time under any other section of this Act or any other provision of law.

''(2) Nothing contained in this section shall limit the authority of the Assistant Attorney General or the Federal Trade Commission to secure at any time from any person documentary material, oral testimony, or other information under the Antitrust Civil Process Act, the Federal Trade Commission Act, or any other provision of law.

''(j) Beginning not later than January 1, 1978, the Federal Trade Commission, with the concurrence of the Assistant Attorney General, shall annually report to Congress on the operation of this section. Such report shall include an assessment of the effects of this section, of the effects, purpose, and need for any rules promulgated pursuant thereto, and any recommendations for revisions of this section.

''(k)(1) The consideration by the Federal Communications Commission of any application for a transfer of license, or the acquisition and operation of lines, that is associated with an acquisition subject to this section shall be governed by the procedures set forth in this subsection.

''(2)(A) Upon receipt of an application referred to in paragraph (1), the Federal Communications Commission may submit to the party or parties covered by the application a request for any documents and information necessary for consideration of the transfer of license, or acquisition and operation of lines, addressed in the application.

''(B) The Federal Communications Commission shall submit a request under subparagraph (A), if at all, not later than 30 days after receipt of the application in question.

''(3)(A) A party subject to a request from the Federal Communications Commission under paragraph (2) shall submit to the Federal Communications Commission the documents and information identified in the request.

''(B) At the completion of the submission to the Federal Communications Commission of documents and information pursuant to a request under subparagraph (A), the party submitting such documents and information shall certify to the Federal Communications Commission whether or not such party has complied substantially with the request.

''(4) Whenever consideration of an application referred to in paragraph (1) includes one or more requests for documents and information under paragraph (2), the Federal Communications Commission shall complete the consideration of the application not later than 180 days after the date on which all parties covered by such requests have certified to the Federal Communications Commission under paragraph (3)(B) that such parties have complied substantially with such requests.

''(5)(A) In any case in which the Federal Communications Commission does not request under paragraph (2) any documents and information for the consideration of an application referred to in paragraph (1), the Federal Communications Commission shall approve or deny the transfer of license, or the acquisition and operation of lines, covered by the application not later than 30 days after the date of the submittal of the application to the Federal Communications Commission.

''(B) In any case in which the Federal Communications Commission requests under paragraph (2) documents and information for the consideration of an application referred to in paragraph (1), the Federal Communications Commission shall approve or deny the

transfer of license, or the acquisition and operation of lines, covered by the application on the date of the completion of consideration of the application under paragraph (4).

''(C) If the Federal Communications Commission does not approve or deny an application for a transfer of license, or for the acquisition and operation of lines, by the date set forth in subparagraph (A) or (B), whichever applies, the application shall be deemed approved by the Federal Communications Commission as of such date. Approval under this subparagraph shall be without conditions.

''(6)(A) Any party seeking to challenge the reasonableness of a request of the Federal Communications Commission under paragraph (2) shall bring an action in the United States District Court of the District of Columbia seeking a declaratory judgment or injunctive relief with respect to that challenge.

''(B) In seeking to challenge the compliance under paragraph (3) of a party with a request under paragraph (2), the Federal Communications Commission shall bring an action in the United States District Court of the District of Columbia seeking a declaratory judgment or injunctive relief with respect to that challenge.

''(C) The period of an action under this paragraph may not be taken into account in determining the passage of time under a deadline under this subsection.

''(7) No provision of this subsection may be construed to limit or modify—

''(A) the standards utilized by the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) in considering or approving transfers of licenses, or the acquisition and operation of lines, covered by an application referred to in paragraph (1); or

''(2) the authority of the Federal Communications Commission under that Act to impose conditions upon the transfer of licenses, or the acquisition and operation of lines, pursuant to such consideration or approval.

''(8) Subsection (g)(1) shall not apply with respect to the activities of a party under this subsection.''.

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) Subsection (k) of section 7A of the Clayton Act, as amended by subsection (a) of this section, shall take effect 30 days after the date of the enactment of this Act, and shall apply with respect to applications referred to in such subsection (k) that are submitted to the Federal Communications Commission on or after that date.●

TRIBUTE TO MICHAEL A. NAPP

● Mr. SANTORUM. Mr. President, I rise today to pay tribute to Michael A. Napp from Milton, Pennsylvania for achieving the honored rank of Eagle Scout. Scouting is recognized around the world as one of the premiere citizenship and leadership training activities. I am proud of the young people in Pennsylvania, like Michael, who go the extra mile to achieve this honorable rank.

Eagle Scouts learn valuable lessons in leadership, honor and pride in their communities. Since joining the scouts as a Tiger, Michael has served in several leadership positions including Senior Patrol Leader and Historian. In addition to his involvement in scouting, Michael has assisted in a cleanup day in the borough of Milton and participated in an Adopt-A-Highway program. He is also active in high school track and field and a member of the Junior National Honor Society, the National Spanish Honor Society and the Key Club.

Mr. President, I ask my colleagues to join with me in commending Michael Napp for his outstanding community involvement. He has provided an excellent example for youth in Pennsylvania, and throughout the country.●

TO NULLIFY ANY RESERVATION OF FUNDS DURING FISCAL YEAR 1999 FOR GUARANTEED LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 882 which has been received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 882) to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD.

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

The bill (H.R. 882) was deemed read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate immediately proceed to the executive session to consider the following nomination on the Executive Calendar: No. 5; I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nomination appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate immediately return to legislative business.

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

The nomination considered and confirmed is as follows:

NATIONAL INDIAN GAMING COMMISSION

Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission for the term of three years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HONORING MORRIS KING UDALL

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 40.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 40) honoring Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, a motion to reconsider be laid upon the table, and a statement of explanation appear in the RECORD.

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

The concurrent resolution (H. Con. Res. 40) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—S.J. RES. 13

Mr. JEFFORDS. Mr. President, I understand that S.J. Res 13, which was introduced earlier by Senator ABRAHAM and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the resolution for the first time.

The bill clerk read as follows:

A joint resolution (S.J. Res. 13) proposing an amendment to the Constitution of the United States to protect Social Security.

Mr. JEFFORDS. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 9, 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Tuesday, March 9. I further ask consent that, on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period for morning business until 11:30 p.m., with the following limitations: 10:30 to 11:30 under the control of Senator DURBIN or

his designee; 11:30 to 12:30 under the control of Senator FRIST. I further ask consent that at the hour of 12:30 p.m., the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

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

Mr. JEFFORDS. Mr. President, I further ask unanimous consent that when the Senate reconvenes at 2:15 p.m., the Senate resume consideration of S. 280 for debate only, to be equally divided between the chairman and ranking minority member, or his designee, until the hour of 4 p.m. I further ask that the cloture vote occur at 4 p.m. without the mandatory quorum under Rule XXII having been waived.

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

PROGRAM

Mr. JEFFORDS. For the information of all Senators, at 2:15 p.m. on Tuesday, the Senate will resume consideration of the Ed-Flex legislation. Under the order, a cloture vote will occur at 4 p.m. on Tuesday, with second-degree amendments needed to be filed by 3 p.m. in order to qualify for post-cloture.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following my remarks and the remarks of Senators FEINGOLD, MURRAY and KENNEDY.

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

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

MEASURE READ THE FIRST TIME—S. 564

Mr. FEINGOLD. Mr. President, I understand that Senate bill 564, introduced earlier today by Senators MURRAY, KENNEDY and DASCHLE is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 564) to reduce class size, and for other purposes.

Mr. FEINGOLD. I ask for its second reading.

Mr. JEFFORDS. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. JEFFORDS. If the Senator from Wisconsin will yield, I have a couple of comments that I would like to make.

Mr. FEINGOLD. That's fine.

PROGRESS ON THE ED-FLEX BILL

Mr. JEFFORDS. Mr. President, I want to follow up by saying I think it's important that all of my colleagues understand that, hopefully, what will happen tomorrow is we will be able to make some progress. I hope that my colleagues will read the amendment that we have offered and that we will hopefully have action tomorrow, which will give an opportunity for the schools themselves to make the choice as to whether or not they desire to either spend the money on new teachers or to spend it on special education.

It is a simple amendment, and I hope that the members will give it some consideration. We desire to move the process along. It is hard for me to understand how anyone could disagree with giving the local schools that option. The President had this bill put in and it had no hearings. It was put in in the final moments of the last session. I am sure that if we had an opportunity, we might have been able to get this amendment on. This will move the process along.

I point again to the chart behind me, which indicates that what we are trying to do is to relieve the incredible pressure that is placed on our local governments by having to fund special education themselves in the States—primarily all of it. We promised to fund 40 percent of it back in 1975 and 1976. We are now at around 11 percent. If we were to fully fund it, it would do more to allow the local communities and the States to be able to meet the educational needs of their people than any other act of this Congress. That is what we are pushing for. I think it is a reasonable thing to do. It would have no impact, of course, on the Elementary and Secondary Education reauthorization, except to give a tremendous opportunity for local governments to be freed up to work, and we could design programs to go along with those options.

With that, I hope tomorrow we will be able to move matters along with this amendment, which I think everybody ought to find desirable.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

NIGERIAN ELECTIONS

Mr. FEINGOLD. Mr. President, just over a week ago we witnessed a seminal event in Nigeria, the West African country that could hold the key to stability and prosperity in the region. Millions of Nigerians participated in an election to select the first civilian president in almost two decades. Since gaining its independence in 1960, Nigeria has survived a number of military coups and has been under the military rule of one regime or another for most of that time. Last weekend's election was only the second democratic presidential election in Nigeria the last 39 years. According to the official results, former Gen. Olusegun Obasanjo won a majority of votes throughout the country, and will be inaugurated as a civilian president on May 29.

Yet, Mr. President, what could have, and should have, been a proud moment in Nigeria's history was marred by significant irregularities, fraud and low voter turnout.

Coincidentally, election weekend was also marked by two important announcements by President Clinton: his determinations pursuant to the drug certification law and the publication of the annual State Department Human Rights Report. Under the drug law, Nigeria was identified among those countries that failed to meet the test for cooperation on anti-narcotics efforts but were granted waivers exempting them from the economic penalties imposed by the law. The administration explained this decision with respect to Nigeria by expressing hope that it would be able to work more effectively after the ''nation's transition to democracy.'' At the same time, the human rights report noted significant progress in Nigeria's human rights record, although it still acknowledged that significant problems remain.

Now, as Nigeria plots its course through the next stage of its multiphase transition to civilian rule, Nigerians, and we in the international community, must figure out how to react to these concurrent, though sometimes contradictory, developments.

Let me elaborate. The February 27 presidential elections marked the last of a series of four types of elections—local council, gubernatorial, legislative and presidential, respectively—that have taken place over the past three months according to the transition program established by General Abdusalami Abubakar. Despite some disturbing irregularities, these elections, and the campaign period preceding them, were conducted in a calm and orderly fashion, and—with the exception of a few localized incidents—without violence or physical intimidation. This process has been marked throughout by a clear demonstration of Gen. Abubakar's commitment to the transition program, including the handover of power to elected civilian authorities on May 29, and the genuine efforts of the Independent National Electoral Commission charged with the responsibility for conducting the elections themselves.

Although the turnout was much lower than expected, particularly for the presidential election, millions of Nigerians opted to participate in the process, either through voting or civic work. According to reports from domestic and international observers, the conduct of the presidential election in many places was smooth, orderly and implemented according to the established procedures. Particularly noteworthy was that the head-of-state himself, General Abubakar, was denied the

opportunity to vote because he arrived at his polling site too late to follow the required accreditation process. This adherence to proper procedures is indeed encouraging.

Doubly encouraging is the clear and strong wish of the overwhelming majority of Nigerians for a swift and orderly transition to democratic civilian rule.

Mr. President, I commend and congratulate the Nigerian people who contributed to these positive developments in the electoral process.

But Mr. President, these commendations and congratulations are dampened by reports of massive irregularities in this election, which can be more properly called deliberate fraud. I find these reports deeply discouraging.

At polling stations in several areas, particularly in what is known as the South-South zone, the turnout observed by domestic and international monitors was significantly lower than the vote totals reported at a statewide level. This suggests that there were a considerable number of ballots included in the final count that were not submitted by legitimate registered voters. Domestic and international monitors also noted that the reported collated results from a particular local government area exceeded the combined total votes from the polling stations in that area. Additionally, at some locations, voters were denied the opportunity to vote because ballots were delivered suspiciously late or in insufficient numbers. Finally, certain procedures established by the electoral commission were not consistently applied. According to the report issued by the Carter Center/National Democratic Institute Observer Delegation, these included the failure to use indelible ink at many polling stations, the failure to ensure ballot secrecy, late poll openings, and a failure to adhere to an accreditation process that was distinct from the actual voting process.

Reports of these malpractices are indeed disturbing. Although it remains unclear whether the fraudulent activities had an impact on the ultimate outcome of this election, such irregularities risk bringing the legitimacy of the process into question and must be condemned.

Indeed, former President Jimmy Carter, who led a 66-person observation delegation and spent considerable time in the country, was so disturbed by these irregularities that he sent a terse, two-sentence letter to the chairman of the electoral commission. The letter said—quote—''There was a wide disparity between the number of voters observed at the polling stations and the final results that have been reported from several states. Regrettably, therefore, it is not possible for us to make an accurate judgment about the outcome of the presidential election.'' Since 1989, President Carter has led delegations to observe electoral processes in 15 countries and has rarely had such harsh words to say regarding the outcome. This assessment truly gives me pause.

Mr. President, in addition to the views expressed by international observers, I would also like to emphasize the importance of the views of the main domestic observer group, The Transition Monitoring Group, or TMG. The TMG is an umbrella organization formed of more than 60 human rights and civil society groups from throughout Nigeria. Together, these organizations fielded some 10,700 monitors to observe voting and counting at a large number of the country's 115,000 polling stations in all of the country's 36 states. In its interim report, the TMG noted that the kinds of malpractices observed in the elections ''have the potential to erode the confidence of the electorate in the whole transition.'' Therefore, the report recommends, and I quote:

> It is important for the incoming civilian government to appreciate and understand that the emphasis in the current process has been on transition to civilian rule, rather than the establishment of full-blown democracy to Nigeria. Any triumphalist insistence on a ''winner-take-all'' stance on the basis of a supposed democratic mandate must be avoided. The incoming civilian government must therefore begin to make determined and sustained efforts to cultivate democratic norms and values amongst its members, as well as in the society at large.

Mr. President, this is a key observation. The large number of reports of deliberate fraud, combined with the low voter turnout, appear to weaken the mandate for Gen. Obasanjo. His strong mandate, however, is for the development of civilian democratic rule. The General certainly has the capacity to embrace that mandate and implement true civilian rule according to the wishes of his people. Whether he chooses to go this route or not remains to be seen. I strongly urge him to take the needed steps to allow real democracy to take root in Nigeria. He should act decisively to develop effective democratic institutions, establish appropriate decentralization of decision-making throughout the three levels of government, integrate the military into democratic society, and create the mechanisms of transparency and accountability that will allow the people to gain confidence that they are truly governing themselves.

Key to these measures, of course, will be the adoption of a broadly accepted constitution. Amazingly, the ongoing transition process has been conducted without the benefit of a constitutional framework. The current military government has said it will introduce a constitution in the near future. I hope it will be promulgated as an interim framework, and not imposed as a final document. Then I hope the president-elect will institute a democratic procedure to debate and develop a new constitution that can have popular support.

Mr. President, as I said at the beginning, Nigerians and we in the international community, must decide how to react to these developments. My own assessment is mixed. Therefore, I have a few words to say about the two executive branch announcements that were issued just prior to the election, the drug certification decision and the human rights report.

Although there was little concrete progress on important anti-narcotics efforts between the United States and Nigeria, the President decided to grant Nigeria a vital national interests certification in order to support the transition underway in Nigeria. That decision paves the way for the administration to provide needed economic and security assistance to the new civilian government in Nigeria once it is inaugurated. In this particular case, I wish the decision to waive the sanctions under this law could have waited until inauguration day actually arrives. The United States has until now had a strong sanctions regime against Nigeria, which has provided significant leverage for us in that country. Slowly, we were beginning to open up that relationship, with the loosening of visa restrictions last fall. Now, however, by appearing to bless the efforts of the current Nigerian regime on narcotics enforcement, we have removed an important source of leverage. Despite good communication between Nigeria's National Drug Law Enforcement Agency and our own Drug Enforcement Agency, the fact is little progress has been made in key areas. Nigerian efforts have been unsatisfactory on extradition of offenders wanted in the United States, implementation of Nigeria's own national drug strategy and related laws, stemming corruption among law enforcement personnel, and targeting Nigeria-based worldwide narcotics and money laundering organizations.

Mr. President, the loss of our leverage on these important issues makes me nervous. Yet I am inclined to be ''cautiously supportive'' or at least ''cautiously open-minded'' about this decision as long as the administration's plans for working with the government are moderated and deliberately paced. A cautious approach is essential so that in the event of a severe downspiral, the United States will not be overly exposed. I look forward to extensive consultation with the executive branch on such plans.

Mr. President, I must also note some of the observations in this year's State Department report on human rights in Nigeria. I am pleased that the report indicates substantial improvement in Nigeria's human rights record in the latter part of 1998 as compared to its previously extremely poor record. Nonetheless, despite progress in the reduction of government use of lethal force and torture, the ending of harsh suppression of a free press, and the restoration of citizens' rights to choose their government, the report acknowledges that serious human rights problems persist.

In particular, Nigerian security forces continue to commit

extrajudicial killings, although generally not of a political character. During frequent fuel shortages, the police and military deployed to maintain order at filling stations repeatedly killed customers and operators, according to press reports. During the month of November alone, members of the combined police and military anticrime task force known as ''Operation Sweep'' reportedly committed at least 16 extrajudicial killings. Although some improvements were made, harsh prison conditions and denial of proper medical treatment contributed to the death of inmates. While Gen. Abubakar apparently began a serious effort to release political detainees, the lack of authoritative information regarding the exact number of remaining detainees served to confirm the fact that Abacha-era security forces were able to put persons in detention with very little concern about due process or accountability.

In addition, several of the important military decrees, which grant the security forces sweeping powers of arrest and detention, remain on the books.

Given the longstanding pattern of human rights abuses and some uncertainty about how widely accepted the new civilian president will be, the report acknowledges that there is significant potential for a continued unacceptable human rights environment in Nigeria.

Mr. President, I have long been concerned about the human rights situation in Nigeria. I have introduced several pieces of legislation designed to encourage democratization and respect for the rule of law in that country. I desperately want to support an active and proactive U.S. policy toward the country. For now, most signals seem to indicate that the transition will continue to be smooth and peaceful. However, I am concerned that in truly wishing the best for the Nigerian people and in looking for ways to support the transition, the United States will in effect hold Nigeria's rulers to a lower standard of good governance than it traditionally has demanded. I know that the administration is anxious to work with the new government, and if all goes well, I would encourage that.

The conduct of the elections last weekend did not inspire much confidence in the process, and this is a great disappointment. However, it does not mean we should throw in the towel in the fight to foster a democratic Nigeria. No. In fact the opposite is true. We must continue to be vigilant and encourage Nigeria and its new leadership to follow the right path. This means the United States should continue to help Nigeria develop democratic institutions and to strengthen political and civic organizations at all levels of government. We should help the military remove itself from political life and become integrated into democratic society. But we should do this carefully and thoughtfully. And that is the best way we can help Nigeria help itself.

Mr. President, I ask unanimous consent that the text of a March 1 New York Times editorial on this subject be printed in the RECORD.

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

[From the New York Times, Mar. 1, 1999]

NIGERIA'S PRESIDENTIAL ELECTION

Olusegun Obasanjo, a former general, will be the next president of Nigeria, according to preliminary election results. His selection reflects the complexities of power in Nigeria today. When the country's current leader, Gen. Abdulsalami Abubakar, took over last June, he promised a transition to civilian rule after 15 years of disaster under general after general. Mr. Abubakar has kept his promise. But the transition is incomplete. Military officers, who largely bankrolled Mr. Obasanjo's candidacy, will continue to loom over his government. Mr. Obasanjo will have to break with them to have any success in improving life in Africa's most populous nation.

General Abubakar took power after the death of Gen. Sani Abacha, one of the most corrupt and certainly the most despotic of Nigeria's recent military rulers. Their thievery and mismanagement turned Nigeria, one of the world's richest nations during the oil boom of the 1970's, into one of the world's poorest. General Abacha snuffed out political life in this once-vibrant country, jailing many of his rivals, including General Obasanjo.

In his nine months in power, General Abubakar reversed much of the political crackdown. Most political prisoners are now free. Newspapers publish openly. This election was the first in many years in which the Government did not dictate the number of parties, although General Obasanjo's opponent has complained about fraud in Saturday's voting.

But General Abubakar's early promises to bring corrupt or brutal officers to justice have melted away. Some political opponents arrested on trumped up charges are still in jail. General Abacha's decrees muzzling the press are still on the books, and lately some journalists who write sensitive stories have been harassed and their publications confiscated. Police have killed protesters, with the worst repression in the Delta, Nigeria's poorest region despite being the source of its oil wealth.

Many Nigerians hope that Mr. Obasanjo's government will end the military's political role, but this is unlikely. Mr. Obasanjo, who was president from 1976 to 1979, is the only military ruler to leave office voluntarily. Yet he is still close to the armed forces. Military men finance his party, and one of its biggest supporters is Ibrahim Babangida, among Nigeria's less savory former military rulers. That money allowed Mr. Obasanjo to build a political machine that won a majority in both houses of parliament in elections earlier in February.

Desperately needed economic reforms and anti-corruption measures will anger officers, the main beneficiaries of the present morass. Reversing the poverty and environmental destruction of the Delta is another urgent task that may be hindered by Mr. Obasanjo's links to the armed forces, which are hated there. Those ties may also prevent him from calming ethnic tensions. He is a Yoruba from Nigeria's southwest, but many Yoruba distrust him, viewing him as closer to the northern army officials who have traditionally run Nigeria. To have any success in tackling these daunting problems, Mr. Obasanjo must make his government not the last stage in a military transition, but the first stage of full civilian rule.

Mr. FEINGOLD. I thank the Chair. I yield the floor.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 tomorrow morning.

Thereupon, the Senate, at 6:59 p.m., adjourned until Tuesday, March 9, 1999, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 1999:

DEPARTMENT OF JUSTICE

JULIO M. FUENTES, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE ROBERT E. COWEN, RETIRED.

ROBERT A. KATZMANN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JON O. NEWMAN, RETIRED.

M. JAMES LORENZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE RUDI M. BREWSTER, RETIRED.

W. ALLEN PEPPER, JR., OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI VICE L. T. SENTER, JR., RETIRED.

KAREN E. SCHREIER, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA VICE RICHARD H. BATTEY, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

To be lieutenant

JAMES W. BARTLETT, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR IN THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

PATRICK FINNEGAN, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHRISTOPHER D. LATCHFORD, 0000
JAMES E. BRAMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LEE G. KENNARD, 0000
JAMES A. MATZ, 0000
THADDEUS A. PODBIELSKI, 0000
FORTUNATO I. STANZIALE, JR, 0000
MICHAEL E. THOMPSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WESLEY D. COLLIER, 0000
RUDOLPH DANIELS, SR., 0000
JACOB Z. GOLDSTEIN, 0000
LARRY E. HARRELSON, 0000
HARLAND C. MERRIAM, JR., 0000
GARY L. MOORE, 0000
THOMAS L. MUSSELMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 3064:

To be colonel

DAVID E. BELL, 0000

To be lieutenant colonel

KATHLEEN DAVID-BAJAR, 0000
*RICHARD W. THOMAS, 0000

To be major

*WILLIAM J. KEELEY, 0000

HOWARD LOCKWOOD, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STANLEY A. PACKARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

TODD D. BJORKLUND, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

TAREK A. ELBESHBESHY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GLEN C. CRAWFORD, 0000
LEONARD G. ROSS, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE JUDGE ADVOCATE GENERAL'S CORPS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531 AND 3064:

To be major

JAN E. ALDYKIEWICZ, 0000
*EUGENE E. BAIME, 0000
*EDWIN B. BALES, 0000
*DAVID L. BARBER, 0000
JOHN M. BERGEN, 0000
*PAUL N. BRANDAU, 0000
*MARK A. BRIDGES, 0000
LARRY C. BURNER II, 0000
*LORIANNE M. CAMPANELLA, 0000
*BRUNSON K. CAMPBELL, 0000
*MICHAEL R. CLARKE, 0000
JOHN B CLARKSON, 0000
*IAN G. COREY, 0000
*ARTHUR J. COULTER, 0000
*DAVID T. CRAWFORD, 0000
JONATHAN B. CROCKER, 0000
*BOBBI J. DAVIS, 0000
*JOSEPH A. DEWOSKIN, 0000
*MICHELLE A. DEXTER, 0000
BRENDAN M. DONAHOE, 0000
*MARGARET K. ECKROTE, 0000
*MARCELLA R. EDWARDSBURDEN, 0000
*STEVEN E. ENGLE, 0000
MARY M. FOREMAN, 0000
*SCOTT G. GARDINER, 0000
JOHN S. GERSCH, 0000
*CARISSA D. GREGG, 0000
*JEANNINE C. HAMBY, 0000
*MARK W. HOLZER, 0000
*JOHN A. HUGHEY, 0000
*RAYMOND A. JACKSON, 0000
*CHERYL K. KELLOGG, 0000
*PATRICK B. KERNAN, 0000
*WILLIAM M. KUIMELIS, 0000
*JAMES A. LEWIS, 0000
*FRANK A. MARCH, 0000
EUGENE J. MARTIN, JR. 0000
*TANIA M. MARTIN, 0000
*WILLIAM R. MARTIN, 0000
*MYRNA A. MESA, 0000
*CHRISTINA E. MILLS, 0000
*SHANNON M. MORNINGSTAR, 0000
DUC H. NGUYEN, 0000
KEITH E. PULS, 0000
*PAUL A. RAAF, 0000
TYLER L. RANDOLPH, 0000
*SCOTT E. REID, 0000
*CARRIE F. RICCISMITH, 0000
CHARLES H. ROSE III, 0000
*MICHAEL P. RYAN, 0000
*SAMUEL A. SCHUBERT, 0000
*GEORGE R. SMAWLEY, 0000
*DAVID W. STARRATT, JR., 0000
*RONDA W. SUTTON, 0000
*MARK H. SYDENHAM, 0000
*JOANNE P. TETREAULT, 0000
*WALTER L. TRIERWEILER, 0000
*CHRISTOPHER B. VALENTINO, 0000
*BRADLEY E. VANDERAU, 0000
*ALBERT R. VELDHUYZEN, 0000
DAVID D. VELLONEY, 0000
*NANCY A. WALDRON, 0000
*JEFFREY T. WALKER, 0000
*LOUIS P. YOB, 0000

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

WILLIAM L. CHANEY, 0000
CALLAN J. BROWN, 0000
SHERYL L. DICKINSON, 0000
SANDERS M. MOODY, 0000
MICHELE BOUZIANE, 0000
FRANK R. LEVI, 0000
MICHAEL G. LUPOW, 0000
TIMOTHY D. SEARCHFIELD, 0000
JASON S. KING, 0000
KAREN A. WEAVER, 0000
PETER W. MALDINI, 0000
KEVIN A. SMITH, 0000
DENNIS R. HOOKS, 0000
JANIECE N. BENJAMIN, 0000
ELIZABETH A. ASHBURN, 0000
CONNIE M. ROOKE, 0000
WILLIAM D. ADKINS, 0000
PETER B. TREBBE, 0000
MICHAEL A. BILLEAUDEAUX, 0000
RENEE C. KERN, 0000
DAVID S. DEUEL, 0000
PAUL G. LEDOUX, 0000
JEFFREY M. SMITH, 0000
CECIL D. MC NUTT, 0000
CORNELL C. THOMPSON, 0000
CARLOS L. MERCADO, 0000
DARREL W. CREACY, 0000
HERMINIA E. MC CULLOUGH, 0000
RAYMOND J. LECHNER, 0000
RICHARD L. BATES, 0000
JEFFREY J. HAUKOM, 0000
MICHELE N. CIOFFI, 0000
WILLIAM E. SASSER, 0000
GREGORY J. VIOLA, 0000
LANCE E. ISAKSON, 0000
KIMBERLY J. AVSEC, 0000
MONICA L. ROCHESTER, 0000
PHILIP M. MC MANUS, 0000
RICHARD F. CHRISTENSEN, 0000
DANNA L. LOPEZ, 0000
KELLY A. COUGHLIN, 0000
CYNTHIA A. LEDERER, 0000
CAROL M. STEARNS, 0000
CARL W. HINSHAW, 0000
KATHLEEN A. WARD 0000
WILLIAM A. RIMBACH, 0000
RUSSELL F. HELLSTERN, 0000
WENDY M. HULDERSON, 0000
LADONN A. HIGHT, 0000
ROBERT MITCHELL, 0000
CURTISS C. POTTER, 0000
PATRICK R. DOZIER, 0000
JOSH C. PETERS, 0000
DANIELLE F. WILEY, 0000
KEVIN M. CARROLL, 0000
PETER A. CASSON, 0000
MATTHEW F. LAVIN, 0000
JONATHAN H. MAIORINE, 0000
MICHAEL C. FARRELL, 0000
DAVID E. OLSON, 0000
JAMES A. WILLIAMSON, 0000

To be lieutenant (junior grade)

FRANK A. SLABINSKI, 0000
THOMAS P. SULLIVAN, 0000
SCOTT K. WETTER, 0000
MATTHEW E. MOHRMAN, 0000
JAMES G. BELLAIRE, 0000
JULIE A. FARRELL, 0000
THOMAS W. SULLARD, 0000
TONI N. GAY, 0000
STACEY A. GOW, 0000
EVAN J. GALBO, 0000
ERIC J. STORCH, 0000
KEVIN M. NAGATA, 0000
KATHLEEN C. GARZA, 0000
QUINTIN P. ELLIS, 0000
JAMES W. HILL, 0000
JEFFREY R. MORGAN, 0000
GERALD K. MC MAHON, 0000
MICHAEL B. DOLAN, 0000
BRIAN P. HILL, 0000
PAUL T. MARKLAND, 0000
LARRY A. WASHBURN, 0000
WILLIAM E. SHEA, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE NURSE CORPS, MEDICAL SERVICE CORPS, MEDICAL SPECIALIST CORPS AND VETERINARY CORPS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531 AND 3064:

To be lieutenant colonel

TIMOTHY K. ADAMS, 0000
CYNTHIA B. ALOOT, 0000
*SUSAN C. ALTENBERG, 0000
BRIAN E. ANSELMAN, 0000
LARRY W. APPLEWHITE, 0000
LORRAINE A. BABEU, 0000
BRUCE B. BATES, 0000
*ROXANNE E. BAUMGARTNER, 0000
EARNESTINE BEATTY, 0000
LINDA M. BOWDEN, 0000
MARK W. BOWER, 0000
GWENDOLYN S. BRASWELL, 0000
DEBORAH E. BRAY, 0000
ARTHUR W. BREHM, 0000
DONALD W. BROCKER, JR., 0000
MICHAEL A. BULEY, 0000
*JAMES M. CAMP, 0000
KENNETH G. CANESTRINI, 0000
SCOTT F. CASS, 0000
CARLA L. CASSIDY, 0000
PERRY R. CHUMLEY, 0000
MARCIA D. CLEMMONS, 0000
REBECCA A. COCKMANTHOMAS, 0000
THERESE A. CONNER, 0000
*LARRY L. CONWAY, 0000
JOHN P. COOK, 0000
LAURIE A. CUMMINGS, 0000
SHERILYN V. CURRY, 0000
JEFFREY A. DANCHENKO, 0000
MARTHA A. DAVIS, 0000
DAVID A. DAVIS, 0000
RAFAEL E. DEJESUS, 0000
JANE M. DENIO, 0000
EDWARD J. DICK, JR., 0000
ROBERT DOMINGUEZ, 0000
JAMES A. DUNKIN, 0000
MARYANN G. EDMONDSON, 0000
TINA M. ELLIS, 0000
JOHN D. FAIREY, 0000
FRANCES E. FINEGAN, 0000
YOLANDA D. FLORES, 0000
JANE E. FREUND, 0000
JAMES M. GAMERL, 0000
BARBARA A. GILBERT, 0000
*NEIL G. GLENESK, 0000
MARK B. GOLD, 0000
ANN GREDIAGIN, 0000
DONALD E. HALL, 0000
DARRELL J. HANF, 0000
CURTIS S. HANSEN, 0000
GARY A. HERSCHBERGER, 0000
DUANE N. HILL, 0000
ANNIE J. HOFFMAN, 0000
*STEVE HOROSKO III, 0000
REGINALD W. HOWARD, 0000
NANCY J. HUGHES, 0000
GLENN T. IACOVETTA, 0000
ANASTASIA M. IPPOLITO, 0000
KATHLEEN R. JARBOE, 0000
DIANNE JOHNSON, 0000
CAROLYN M. JOLITZ, 0000
GEORGIA L. JONES, 0000
PATSY R. JONESLUGO, 0000
DAVID L. KELTY, 0000
KATHY D. KING, 0000
*FRANCIS W. KLOTZ, 0000
PAUL M. KONDRAT, 0000
LOUIS P. KOZLOWSKI, 0000
FRANCES E. KRAMER, 0000
CAROL W. LABADIE, 0000
EDGAR A. LABRADOR, 0000
MITZIE A. LARKIN, 0000
MARY J. LAURIN, 0000
MICHAEL H. LEDOUX, 0000
JANET Y. LEE, 0000
KAREN A. LEMAY, 0000
DONALD R. LETT, 0000
THOMAS J. LITTLE, JR., 0000
JOSE L. LOPEZ, 0000
DAVID L. MACDONALD, 0000
*DEBRA D. MARK, 0000
LAWRENCE A. MARQUEZ, 0000
PAUL K. MARTIN, 0000
BEVERLYANN H. MAULTSBY, 0000
GLORIA J. MAXWELL, 0000
MICHAEL S. MC DONALD, 0000
TERESA Y. MC PHERSON, 0000
MARK A. MELANSON, 0000
MARK A. METZGER, 0000
MEGAN K. MILLS, 0000
BARRY L. MITCHELL, 0000
RICHARD S. MITCHELL, 0000
TIMOTHY J. MOORE, 0000
ALBERT W. MORAN, 0000
*MURIEL A. MOSLEY, 0000
*BEULAH L. NASHTEACHEY, 0000
JEFF A. NECHANICKY, 0000
WADE M. NELSON, 0000
WILLIAM R. NEWCOMBE, 0000
CAROL A. NEWMAN, 0000
LILLY J. NOBLE, 0000
REBECCA J. OSKEY, 0000
*HEIDI C. OVERSTREET, 0000
KEVIN B. OWENS, 0000
AUDREY L. PERRY, 0000
DENISE A. PERRY, 0000
ELAINE S. PERRY, 0000
TANYA D. PERRY, 0000
HERMAN F. PETERSON, 0000
DAVID D. PETERSON, 0000
JOHN L. POPPE, 0000
JACK R. POWELL, 0000
JOHN D. QUINLIVAN, JR., 0000
*MARTINEZ A. RAMOS, 0000
SANDRA A. RAY, 0000
TIMOTHY D. REESE, 0000
MARIA D. RIVERA, 0000
LEON L. ROBERT, 0000
DAVID S. ROLFE, 0000
ANGELA M. ROSS, 0000
LINDA L. ROWBOTHAM, 0000
DAVID L. RUBLE, 0000
JUDITH RUIZ, 0000
LAURIE J. SANDSTROM, 0000
*ARTHUR C. SAVIGNAC, 0000
THERESA M. SCHNEIDER, 0000
JOEL J. SCHRETENTHALER, 0000
FREDDIE SCONCE, 0000
*MARTIN J. SETTER, 0000
SIDNEY L. SHARP, 0000
JAMES A. SIGNAIGO, 0000
HARRY F. SLIFE, JR., 0000
*DAVID J. SMITH, 0000
DAWN M. SMITH, 0000
THOMAS C. SMITH III, 0000
*LOUIS H. SMITH III, 0000
*GARY D. SOUTHWELL, 0000
ROGER P. STAI, 0000
BARBARA J. STANSFIELD, 0000
SHARON L. STEELE, 0000
ROBERT L. STEWART, 0000
*DELLA W. STEWART, 0000
LAWRENCE J. STONE, 0000
THERESA M. SULLIVAN, 0000
ROBERT L. SYVERTSON, 0000
TRACEY L. SYVERTSON, 0000
COLLEEN A. THOMAS, 0000
KRISTINE A. TIMMERMAN, 0000
EDWARD A. TORKILSON, 0000
CHRISTOPHER J. ULLMANN, 0000
JEFFREY M. UNGER, 0000
*MARK A. VAITKUS, 0000
LAAR D. VAN, 0000
JAMES A. WADDELL, 0000
DONALD R. WEST, 0000
ANTHONY K. WHALEY, 0000
JOHN B. WOODWARD, 0000
MARIA A. WORLEY, 0000
TRACY O. WYATT, 0000
MARY E. WYGANT, 0000
DERICK B. ZIEGLER, 0000

IN THE NAVY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS FOR PERMANENT APPOINTMENT AS LIMITED DUTY OFFICERS TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589(A):

To be lieutenant

STEVEN W. ALLEN, 0000
NEEDHAM L. AUSTIN III, 0000
RUBEN J. AVALOS, 0000
GREGORY O. AYDELOTTE, 0000
PHILLIP J. BACHAND, 0000
DAVID G. BAKER, 0000
ROBERT L. BARKSDALE, 0000
DONALD L. BARNHART, 0000
TODD D. BATEY, 0000
RAINFREDO S. BAUTISTA, 0000
THOMAS R. BEARDEN, 0000
MARK A. BELL, 0000
CAESAR S. BENIPAYO, 0000
DALE R. BENNETT, 0000
RUSSELL J. BENNETT, 0000
TERRY W. BENNETT, 0000
EDWIN BERRIOS, 0000
BRIAN T. BERRY, 0000
DAVID W. BIBBS, 0000
MICAL L. BINDSCHATEL, 0000
GARY W. BLAKESLEY, 0000
WILLIAM J. BLOCK, 0000
EDWARD S. BLUESTONE, 0000
BRIAN L. BODOH, 0000
ETIENNE M. BOSCOVITCH, 0000
DANNY E. BOUCHARD, 0000
GLEN D. BOURQUE, 0000
JOSEPH E. BRIGHTWELL, 0000
DAVID W. BROWNELL, 0000
FRED BUCKLEY III, 0000
RODNEY J. BURLEY, 0000
ROBERT G. BURROWS, 0000
AUDREY V. BURTON, 0000
ROBERT G. BYRD, 0000
MICHAEL E. CALDWELL, 0000
ROBERT A. CARMAN, 0000
COLIN M. CASWELL, 0000
RONALD L. CHAMBLIS, 0000
DOUGLAS B. CHANDLER, 0000
LAWRENCE J. CHICK, 0000
DAVID A. CHRISTOPHERSON, 0000
STEVEN A. CIALLELLA, 0000
LINDA L. CIAMBOR, 0000
MARTIN G. CLAEYS, 0000
CRAIG T. COLEMAN, 0000
LACONTA D. COLEMAN, 0000
LEONARD COLEY, JR., 0000
ERIN M. CONARY, 0000
STEVEN W. CONNELL, 0000
JON T. CORSON, 0000
KEVIN CURLEY, 0000
ROBERT E. CURRAN, 0000
RANDALL A. CURTIS, 0000
JOSEPH M. DADY, 0000
RICHARD R. DANIELS, 0000
JAMES D. DANNELS, JR., 0000
JAMES D. DARBY, 0000
FREDDIE L. DAVIS, 0000
GEORGE D. DAVIS III, 0000
GREGORY A. DAVIS, 0000
MERVIN E. DAWSON, 0000
DION D. DECKER, 0000
GREGORY S. DEXTER, 0000
CHRISTOPHER R. DONAHUE, 0000
MATHIS DORF, 0000
DWAYNE D. DUCOMMUN, 0000
PATTI A. DUNCAN, 0000
ROBERT A. DUNCAN, 0000
RHONDA R. DUNN, 0000
MIKE A. EASLEY, 0000
ROBIN J. FARRIS, 0000
SANDRA P. FITCHETT, 0000
GLENN W. FORD, 0000
RANDY A. FORMY, 0000
JAMES J. GALOPPA, JR., 0000
ARTHUR E. GARCIA, 0000
ROBERT A. GARDINER, 0000
DONALD R. GATEWOOD, 0000
JAMES P. GETMAN, 0000
RICKY L. GILBERT, 0000
RANDY A. GINN, 0000
KEVIN M. GLANCEY, 0000
MICHAEL J. GLENN, 0000
JUAN GONZALEZ, 0000
TODD A. GRAF, 0000
michael p. gramolini, 0000
henry k. green, 0000
gerald m. griffin, 0000
craig l. griswold, 0000
david l. groeschel, 0000
frederick l. hafer, 0000
jeffrey l. haire, 0000
william a. hale, 0000
paul e. hamann, 0000
troy l. hare, 0000
lance a. harpel, 0000
william b. hays, jr., 0000
dennis l. hendrix, 0000
dennis j. henman, 0000
edison l. henry, 0000
bryant e. hepstall, 0000
scott a. higgins, 0000
mark r. hildebrandt, 0000
michael e. hiles, 0000
jeffrey t. hill, 0000
james d. hoey, 0000
carl e. hoilman, 0000
donald t. holden, 0000
frederick b. hoo, 0000
jeffrey m. horton, 0000
anthony a. howard, 0000
marthann h. howes, 0000
jesse l. howell, iii, 0000
mark l. hursey, 0000
billy r. hyles, 0000
michael s. ireland, 0000
william d. irvin, 0000
derrick l. jackson, 0000
mark a. jackson, 0000
caroline m. jepson, 0000
charles a. johnson, 0000
BRIAN W. JONES, 0000
MICHAEL J. JONES, 0000
PHILIP A. JONES, 0000
BRYAN L. JUNG, 0000
DONALD J. KELSO, 0000
ARLEN D. KEMP, 0000
JAMES E. KENNEY, JR., 0000
SCOTT A. KIMMEL, 0000
JACKIE D. KNICK, JR., 0000
MARK J. KNIGHT, 0000
ERICH F. LAH, 0000
HUMPHERY G. LEE, 0000
DANIEL L. LIDSTER, 0000
MICHAEL J. LOGAN, 0000
JOHN A. LOISELLE, 0000
RICHARD A. LOTT, JR., 0000
RALPH B. LYDICK, 0000
STEPHEN L. LYONS, 0000
ROBIN A. MAC LEAN, 0000
BRIAN T. MAHONEY, 0000
DANIEL E. MANETZKE, 0000
anthony j. marinelli, 0000
nathan d. marsh, 0000
gary d. martin, 0000
robert d. mc clary, 0000
matthew b. mc coy, 0000
daniel, mc guinness, 0000
ricky mc iver, 0000
robert n. mc lafferty, 0000
robert c. mc millian, 0000
rosario d. mc whorter, 0000
mark e. miller, 0000
dennis l. mitchell, 0000
lucky m. moises, 0000
john b. morrison, 0000
gilbert p. mucke, 0000
james l. muniz, 0000
kendal s. nakanishi, 0000
richard a. naystatt, jr., 0000
richard r. neal, 0000
jimmie b. newton, jr., 0000
lee a.c. newton, 0000
william w. newton, iv, 0000
john m. nicholas, 0000
steven m. nickerson, 0000
john m. o'brien, 0000
MICHAEL J. OEHLRICH, 0000
KATHLEEN A. OMELIA, 0000
VINCENT ORTIZ, 0000
NORMAN C. OWEN, 0000
BOBBY W. OZLEY, 0000

JAMES D. OZOLS, 0000
WILLIAM A. PAETZ, 0000
SCOTT D. PALUMBO, 0000
Gerald A. Papenfuss, 0000
David J. Parks, 0000
Michael H. Parry, 0000
Paul A. Patricio, 0000
Johnny L. Payne, 0000
Avery L. Penn, 0000
William Pennington, 0000
Jose R. Perrez, Jr., 0000
Leonard J. Perrier, Jr., 0000
Mackey C. Phillips, 0000
Cary T. Pierce, 0000
Daryl Pierce, 0000
Ricky Pierce, 0000
Charles A. Pinero, 0000
Jeffery D. Post, 0000
Iakopo Poyer, 0000
Nicklos R. Prelosky, 0000
Duncan L. Perston, 0000
Todd J. Prosser, 0000
John P. Protz, Jr., 0000
Thomas Prunsinowski, 0000
Robert L. Pryor, 0000
Harry S. Putnam, 0000
Antonio C. Ramos, 0000
Andrew G. Raymond, 0000
Leith E. Regan, 0000
Steven R. Rehard, 0000
Vane A. Rhead, 0000
James D. Rhoads, 0000
Edward J. Rhyne, 0000
Steven L. Rice, 0000
Harry L. Robinson, 0000
Ralph E. Roe, Jr., 0000
Loren R. Rolls, 0000
Spurgeon L. Root, 0000
Daniel M. Rossler, 0000
Michael D. Rutledge, 0000
Doce D. Salazar, 0000
DAVID B. SAUCEDO, 0000
ANDREW W. SCHMIT, 0000
MATTHEW H. SCHMITT, 0000
CAROL J.A. SCHRADER, 0000
JOSE A. SEIN, 0000
GEORGE R. SHARP, 0000
RICHARD W. SHARP, 0000
JAMES D. SHAW, 0000
WILLIAM J. SIEGRIST, 0000
MICHAEL A. SIMMONS, 0000
CAREY J. SIMS, 0000
MARK K. SIZEMORE, 0000
PHILIP E. SMITH, 0000
DAVID L. SPENCER, 0000
CLETIS STRAUSBAUGH, 0000
KURT E. STRONACH, 0000
MARK G. SUCHSLAND, 0000
TIMOTHY J. SULLIVAN, 0000
CHARLES D. SWILLEY, 0000
ORLANDO A. TEOFILO, 0000
GUYTON L. THOMPSON, JR., 0000
LAUREN L. TROYAN, 0000
JOSEPH P. TUBBS, 0000
THOMAS E. TWIDDY, 0000
GARY L. VANERT, 0000
PETER J. VARGA, 0000
PATRICK A. VEGA, 0000
Gregoary R. Vigesaa, 0000
Mary M. Wadsworth, 0000
Michael A. Wallace, 0000
Daryl F. Walls, 0000
Lee G. Ward, 0000
John A. Wardean, 0000
Curtis W. Warrenfeltz, 0000
Carville C. Webb, 0000
Charles W. Webb, 0000
Henry A. Webb, 0000
Robert L. Weldy, 0000
Shawn T. Whalen, 0000
Darrell White, 0000
Michael a. Whitt, 0000
Wayne R. Wilcox, Jr., 0000
Allen M. Williams, 0000
Ervin K. Williams, 0000
Gilbert L. Williams, 0000
James D. Winters, 0000
Jeffrey A. Worley, 0000
KEVIN E. WRIGHT, 0000
BILLY C. YOUNG, 0000
RYSZARD W. ZBIKOWSKI, 0000
CARL ZEIGLER, 0000

To be lieutenant (junior grade)

LEON S.E. ABRAMS, 0000
ROBERTO M. ABUBU, 0000
ANTHONY M. ANDERSON, 0000
DONALD J. ANDERSON, 0000
JAMES D. ANDREWS, 0000
LUKE ARKINS, 0000
PETER T. AVRAM, 0000
SCOTT A. BAIR, 0000
PERRY G. BECKMAN, 0000
MICHAEL T. BROADUS, 0000
GREGORY B. BROWN, 0000
JAMES P. BUNNELL, 0000
SCOTT L. CARPENTER, 0000
KERRI D. CASHION, 0000
PATRICK T. CHRISTIAN, 0000
WASNA C. CLEMMONS, 0000
GREGORY T. COOGAN, 0000
GERALD A. COOK, 0000
ANTHONY R. COPELAND, 0000
BEATRIZ COST, 0000
THOMAS H. COTTON, 0000
BARRY L. COX, 0000
JOSE M. CRUZ, 0000
PHILLIP D. DAMIN, 0000
ISAAC DANIEL, JR., 0000
SAMUEL L. DENSON, 0000
BRIAN J. DETERS, 0000
PAUL DICKSON, 0000
DANIEL E. DOOLITTLE, 0000
LISA H. EDSON, 0000
CHARLES W. ENSINGER, 0000
MICHAEL G. FARMER, 0000
KIRK FLANAGAN, 0000
FLORENCE M. FOX, 0000
THOMAS A. GABEHART, 0000
JOEL M. GODDEN, 0000
STEVEN P. GOODMAN, 0000
GREGORY S. GORDON, 0000
FRANCIS P. GORMAN, 0000
JON C. GRANT, 0000
CHRISTOPHER HAMMOND, 0000
JOHN M. HANSEN, 0000
KEITH A. HARIG, 0000
JAMES E. HORST, 0000
DAVID C. HOWARD, 0000
BILLY D.J. HUNTER, 0000
CHARLOTTE M. HURD, 0000
GLEN P. JACKSON, 0000
BRIAN D. JACOBSEN, 0000
HAROLD J. JAMES, 0000
VINCENT J. JANOWIAK, 0000
KENAN D. JARRETT, 0000
DARRON K. JOHNSON, 0000
JAMES D. JOHNSON, 0000
GREGORY J. KAYSER, 0000
THOMAS P. KENNEDY, 0000
BRYANT S. KOHUT, 0000
LOWELL R. KURZ, 0000
DAVID E. KUSH, 0000
KEITH R. LAFOUCADE, 0000
THOMAS J. LALLY, 0000
JEFFERY D. LAMB, 0000
TIMOTHY B. LAWS, 0000
JOSEPH A. LEONGUERRERO, 0000
MARTIN H. LEVERING, 0000
DAVID R. LEVESQUE, 0000
DWAYNE L. LLOYD, 0000
SHANNON L. LOVEJOY, 0000
DAVID G. LU, 0000
DEAN S. LYONS, 0000
PHILIP E. MARK, 0000
ROBERT F. MASSARO, 0000
JOSEPH B. MAYERS, 0000
DAVID E. MC CONAGHAY, 0000
THOMAS W. MC DONALD, 0000
ARTIS E. MC ELHANEY, 0000
BRUCE D. MC GEE, 0000
CAROL A. MC MILLAN, 0000
DAVID W. MC NULTY, 0000
ANGEL M. MELENDEZ, JR., 0000
DANIAL D. MILLER, 0000
CHARLES W. MILLINER, 0000
EUGENE H. MINCEY, 0000
JON P. MUMPER, 0000
ELIZABETH K. MYATT, 0000
CLIFTON B. MYGATT, 0000
PETER K. NILSEN, 0000
DAVID K. NUHFER, 0000
GERALD R. OLIN II, 0000
JEFFREY PARA, 0000
MICHAEL T. PIECHURA, 0000
TODD L. PITTS, 0000
WILLARD POINDEXTER, 0000
WILLIAM J. POWELL, 0000
CLIFFORD S. RADER, 0000
WILLIAM D. REABE, 0000
PAUL J. ROUSHIA, 0000
JOHN R. SAUTER, 0000
MICHAEL D. SCHELL, 0000
JEFFERY L. SCOTT, 0000
ANTHONY W. SHIPMAN, 0000
TIMOTHY S. SHIPMAN, 0000
RICHARD E. SIMPSON JR., 0000
GERALD T. SODANO, 0000
DEAN M. SPRINGSTUBE, 0000
DAVID R. STIEGER, 0000
LAURENCE G. STOREY, 0000
FRED K. STRATTON, 0000
KENNETH W. SZITTA, 0000
THERESA A. TALBERT, 0000
DONNA L. TARPINIAN, 0000
HIRAM THOMPSON JR., 0000
KENNETH E. TRANTHAM, 0000
JAMES A. TRUHETT, 0000
TERANCE E. TUCKER, 0000
EDWARD C. VAUGHN, 0000
STANLEY VICKERS, 0000
MARK E. WARNER, 0000
LARRY G. WELLS, 0000
TROY A. WESTPHAL, 0000
DELMAS WHITTAKER JR., 0000
JOHN A. WILHELM, 0000
ANTHONY G. WILLIAMS, 0000
RICKIE D. WILLIAMS, 0000
WILLIAM H. WILLIAMS, 0000
CHARLES A. WILLIAMSON, 0000
JULIUS C. WILSON, 0000
BRUCE A. WITT, 0000
BYRON WRICE, 0000
DANIEL C. WYATT, 0000

CONFIRMATION

Executive nomination confirmed by the Senate March 8, 1999:

NATIONAL INDIAN GAMING COMMISSION

MONTIE R. DEER, OF KANSAS, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.