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## Senate

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

### PRAYER

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

Lord of all life, You have given us the hours of this day to work for Your glory by serving our Nation. Remind us that there is enough time today to do what You want us to accomplish. Release us from that rushed feeling when we overload the agenda with things which You may not have intended that we cram into today. Help us to live on Your timing. Grant us serenity when we feel irritated by trifling annoyances, by temporary frustration, by little things to which we must give time and attention. May we do what the moment demands with a heart of readiness. Give us the courage to carve out time for quiet thought and creative planning to focus our attention on the big things, on those important things that we must decide and eventually vote on with a decisive vote. Help us to be silent, to wait on You, to receive Your guidance. May the people we serve and those with whom we work sense that, in the midst of the strain and stress of political life, we have had our minds replenished by listening to You. In the name of our Lord. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Washington State is recognized.

### SCHEDULE

Mr. GORTON. Mr. President, this morning the Senate will immediately resume consideration of H.R. 2646, the Coverdell A+ education bill. Under the

previous order, this Senator will be recognized at 9:30 a.m. to offer an amendment with respect to block grants. Members who have remaining amendments to the Coverdell bill are encouraged to come to the floor to offer and debate those amendments. Senators are reminded that any votes ordered this morning with respect to pending amendments will be stacked to occur at approximately 3 p.m. Further votes will occur throughout today's session as we attempt to complete action on this important piece of legislation.

Mr. President, this is the message from the majority leader, and I want to emphasize the last point. It is his intention that we finish all amendments and debate on final passage of this bill before the end of the session today. So those who have amendments should come to the floor and offer them in order, after the debate on my own is complete.

Now, Mr. President, I ask recognition in order to present an amendment.

### RESERVATION OF LEADER TIME

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

### EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2646, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington, Mr. GORTON, is recognized to offer an amendment regarding block grants, on which there shall be 30 minutes equally divided.

The Senator from Washington.

AMENDMENT NO. 2293

(Purpose: To provide for direct awards of education funding)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. FRIST, Mr. HAGEL, Mr. MACK, Mr. COVERDELL, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. DOMENICI, Mr. NICKLES and Mr. CRAIG, proposes an amendment numbered 2293.

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

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

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

Mr. GORTON. Mr. President, I ask the following Senators be listed as original cosponsors of the amendment: Senator FRIST, Senator HAGEL, Senator MACK, Senator COVERDELL, Senator HELMS, Senator BOB SMITH, Senator DOMENICI, Senator NICKLES, and Senator CRAIG.

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

Mr. GORTON. Mr. President, last fall during the debate of the Labor, Education appropriations bill, I introduced an amendment to consolidate more than a dozen Federal aid programs for education from kindergarten through 12th grade into a single block grant, with the block grant going to each individual school district across the United States. The amendment had

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



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three goals: To see to it that each school district receive more money than it does at the present time by sending directly to the school districts money now kept by the Department of Education for administrative purposes and money kept by State educational agencies for administrative purposes. The second goal was to reduce the flood, the blizzard, of paperwork imposed on all of our school districts across the country with respect to dozens, perhaps even hundreds, of separate programs directly or indirectly aimed at the education of our children between kindergarten and 12th grade. And the third and philosophical reason for the amendment was the belief that the professional educators, the parents, and the elected school board members in each State and school district in this country had the education of their children close to their hearts and really knew, in each community, more about what the children of that community required in connection with education policy than did any person in Washington, DC, whether a bureaucrat in the Department of Education or a U.S. Senator in this body.

Perhaps the most difficult conclusion for any of us here to reach is that maybe we don't know as much as do people at home about the immediate problems and challenges that they face in a wide range of areas—in this case, most particularly, education. So it was an attempt to allow 10,000 flowers to bloom, to allow each individual school district far more discretion than it has at the present time to determine where Federal aid could best be used. After all, we only come up with 6 to 8 percent of the money that our schools spend. We don't have a right to come up with 50 or 60 percent of the rules and regulations and forms with which our schools must contend. That burden lessens the ability of teachers to teach and administrators to administer and school board members to set policies.

Somewhat to my surprise, that amendment was passed by a vote of 51 to 49. It was objected to, partly on substantive grounds and partly on procedural grounds. It had not been the subject of hearings. The House of Representatives was uncomfortable with it. The President was opposed. And it was eventually dropped in the conference committee on that appropriations bill. Since then, however, it has been a matter of major discussion among school officials all across the United States. It has been the subject of hearings here in the U.S. Senate, conducted by my distinguished friend and colleague, Senator FRIST from Tennessee, on a bipartisan basis. I have spent countless hours talking to educators on the subject and listening to both their praise and to their concerns. As a consequence, this amendment is somewhat changed from the previous amendment. This amendment will last for 5 years, but its effective date will be delayed in order to give the people of each State a very real choice in the

way in which they receive their Federal aid for education.

We heard the representative of at least one State school superintendent say that he liked the present system. We heard several State school superintendents say how much more they could do with the money dramatically to reform education policy if the money came to each of the 50 States, to their Governor or to their superintendent of schools. Many of the outside intellectuals and academics in the field of education feel that it is at the State level that true education reform is taking place.

We hear from many school board members—I hear from many of them in my home State and so do other Members—that they liked my original proposal to get rid of both bureaucracies and allow each individual school district to make these decisions.

So this amendment gives each State a choice. The State legislature in the next year may elect to continue the present system, it may elect to take the money at the State level going through whatever educational establishment that State has established, or it may elect, either positively or by taking no action, to allow the money to go directly through to school districts.

Senator FRIST will offer a second-degree amendment allowing that choice to be rescinded to change the amendment I think friendly to the proposition.

As a consequence, we will be able to determine whether or not the proposal I made last year is a significant benefit to education, whether the best system is one in which each State makes its own choices, much as we have done with respect to welfare reform, or whether the present system is best, because there will be States that make each of these three decisions.

I hope that this will turn this proposal into a bipartisan proposal. I am not sure why anyone should oppose that triple option allowing a different way of doing things. Only if we regarded the present education system as perfect should we reject an experiment of this sort.

The second objection, the second apprehension that was close to universal, was the proposition that if we went to a block grant, if we combined all of these ideas into a block grant, Congress would immediately lose interest in education and the block grant would inevitably decline and that the money wouldn't be there for schools. I believe the interest in education here to be high enough so that that would not have taken place, but the concern was very real.

In responding to that concern, we have set authorization levels for the 5 years during which this experiment will take place, each of which rises modestly in each of those years consistent with the balanced budget agreement and the projections of the freeze under which discretionary spending

will operate. This proposal says that if in any year we don't meet that authorization level, the whole experiment falls and ends, and we go back to the present system. We have guaranteed not only a continuation of effort, we have guaranteed a modest increase in that effort over the years.

Finally, we have a hold harmless under which school districts say that no school will receive less money if they elect one of the two systems other than continuing the status quo than they would have received otherwise, with the distribution of title I money based on the number of title I eligible students fundamentally, bilingual money based on the number of bilingual students fundamentally, and a distribution of the balance on the basis of the prosperity and poverty of a given State.

I think we have something very positive for education here, a system that will get more money into the classroom, will allow more experimentation, will allow us to find out whether the present system is the best system we can come up with or a State-based system or a local-based system.

At this point, Mr. President, I urge my colleagues of both parties to look at this very carefully, not to judge it necessarily on the basis of the way in which they judged last year's proposal but to judge it on the basis of whether or not they have a sufficient trust in their own elected school board members, elected by the same people who elect us, to make better judgments, in some cases, about their schools than we can make here on a one-size-fits-all basis in Washington, DC.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to oppose the Gorton amendment. I listened with great interest to the Senator's presentation, as I did the last time we debated this issue. Of course, we understand now that if the States want to go out to their taxpayers and raise taxes and to vote those taxes to any of the points that the Senator desires, they have every right to do so, and there is nothing that any of us are doing here that would prohibit them from doing it.

The fact is that the resources which are being provided here and which the amendment is directed to are the resources that are being raised at the Federal level and have been targeted to those aspects of our educational systems that have been identified as being meaningful in terms of our national interest and our national purpose. The Senator's amendment effectively eliminates the Drug-Free Schools Program. That would be included in his block grant, but the funding would not be there.

Maybe parents are speaking to the Senator from Washington and saying they don't like a drug-free program in their schools, but parents in my State are saying they like it and they hope it will be enhanced.

They talk about dispute resolutions that are being developed in various schools. They don't want that program emasculated or effectively destroyed. It does not reach a level of priority in the Gorton amendment.

When I go around my State of Massachusetts, particularly after all of the publicity that was received in the international competition about where the United States stood in areas of math and science, they are not saying cut out the Eisenhower Math and Science Education Training Program. They are asking me, "Do we have in our schools qualified teachers in math and science, and what are you going to do in your higher ed bill to try to have enhanced math and science qualified teachers who are going to teach our children in our schools?"

Too many of the teachers who are teaching in the schools in my State—and in every other State, I might add—are not qualified to teach in their particular courses. One of the most effective programs is math and science under the Eisenhower program. That doesn't exist in the Gorton amendment.

Maybe people are going around and saying to their Senators that math and science training and additional enhancements for our teachers is something in which they are not interested. But I do not hear that in Massachusetts. I do not hear that.

We have support for programming that is going to enhance academic achievement and accomplishments to raise the bar. One of the most important transitions we have seen in terms of education policy is to free ourselves from dumbing down academics, from social promotions in the various schools, and setting high academic standards. The provisions that exist in Federal law would be virtually eliminated by the Senator's amendment. I do not find parents in my State saying, "We are not interested in establishing higher academic standards in our schools." That is eliminated.

If, in particular, communities do not choose to take advantage of these programs, they do not have to take advantage of these programs. But why deny the people in my State the opportunity to take advantage of it if it is desired in the local community and the State makes that determination of priority? It is a partnership today. It is a partnership, but they effectively are denying it under the Gorton block grant resolution.

Mr. President, our role is extremely limited. We provide maybe 7 cents out of every dollar that is extended locally—maybe 6, 7, 8 cents. A chunk of that goes into nutrition programs. A good part of that is the title I programs, additional help and assistance in terms of IDEA, a small part in terms of the bilingual program and a few others, such as the math and science programs. In the Eisenhower math and science training, it is about \$360 million, but it is a very good qualified pro-

gram. And for the life of me, I do not understand where this demand is coming to vitiate that and eliminate those programs.

If a particular community wants to innovate and create and try to do all these other kinds of matters that the Senator talks about, then let them go ahead and do it, let them go ahead and do it. But these programs have been targeted, been basically developed with strong bipartisan support, I might add, or they would not be on the books. We have had strong bipartisan support in terms of the safe and drug-free schools.

We have had it with regard to the Eisenhower training programs, math and science training programs. They will be reinstated when we are dealing again with the Higher Ed Act, with strong bipartisan support. Effectively, we are saying, without a day of hearings, with a very limited debate here for 30 minutes—a few hours in the last session of Congress—that we are effectively emasculating all of these programs.

It is not sound education policy, and I think it is unwise policy for us to be considering at this particular time. We ought to be looking and evaluating each of these programs one by one. If they are having a heavy administrative burden, we ought to examine that and address that. That is why we are commending the work that has been worked out with Senator DEWINE, Senator WELLSTONE, Senator JEFFORDS, and others in our committee for consolidating various work training programs, 126 work training programs in six different agencies to eliminate those administrative costs and to try to do it in a way as to protect the function but eliminate a lot of the administrative costs.

We have been involved in the last several years with waiving various rules and regulations in States and in educational districts, which is working out. And we can do that, selectively and effectively. We welcome the opportunity to do so. We have had evaluations, and they are effective. We welcome the opportunity to work with Members here. The leader in that effort was Senator Hatfield of Oregon, who is a leader in education as well as an attempt to try to give the focus of limited Federal funds to areas which have national purpose and national accord.

Finally, Mr. President, we do not have accountability under the Gorton amendment. We hear a great deal about trying to have greater accountability so we know what are going to be the results of investments of scarce Federal funds. We do not have that in the Gorton amendment. We do not know what is going to happen when that money goes out into these various communities. There may be some feel-good measures that people feel good that they are able to try to move various resources around in different directions, but we do not know what the outcomes are going to be. You do not have the accountability.

So finally I just say that we have a relationship at the Federal, State, and

local community levels in terms of education. It is a partnership. I think it is fair to review that partnership. It is fair to examine various programs and what is effective in that partnership. But we raise money at the Federal level for national purposes, safe and drug-free schools. We made that a part of our war on drugs in this country.

It is a matter of national policy. We said we want, as a national policy, to have drug-free schools. That is effectively eliminated in this program. We said we want focus and attention on math and science in our schools, and we developed a program that if initiated in the local communities on a competitive basis will provide those resources. That program is eliminated.

We have said as a matter of national policy that—and just about everyone agrees with that—we ought to raise the bar in terms of academic achievement and accomplishment. Let us go ahead and do that. And we have an agreement by parents. They are enthusiastic about it. And that is going to be eliminated under this program.

Mr. President, this is not an advance. It is rearranging the deck chairs, but we are not enhancing the academic opportunities for children in this country with this amendment. And I hope that it will not be accepted.

Mr. President, how much time do we have on this side?

The PRESIDING OFFICER. You have 5 minutes 40 seconds.

Mr. KENNEDY. I withhold the balance of the time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GORTON. Mr. President, those deck chairs, as I remember, were sitting on the deck of the Titanic. It is already going down.

I ask unanimous consent that Senator ASHCROFT be added as a cosponsor to the amendment.

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

Mr. GORTON. Mr. President, I am saddened by the response of Senator KENNEDY. This amendment was revised very substantially after consultation, wide consultation with people thoughtfully interested in education.

By the terms of the amendment, any State that wants to continue the present system and thinks it is best may do so, any State that wants to operate its Federal aid through its State educational entity may do so, and any State that thinks that education will best be conducted at the local level will be permitted to do so. How that destroys programs or hurts education is beyond my understanding.

In January, Dr. Carlotta Joyner of the General Accounting Office came before the Senate budget task force and said in three areas of education 15 Federal departments and agencies administer 127 at-risk and delinquent youth programs; 11 Federal departments and agencies administer more than 90 early childhood programs; and

9 Federal departments and agencies administer 86 teacher-training programs.

Twenty programs are consolidated into this block grant for those States that wish it. It takes about one-third of all of the money that the U.S. Department of Education spends on education from kindergarten through 12th grade. To say that once we reduce the rulemaking functions of the U.S. Department of Education we are going to destroy education is to say that neither State education agencies nor local school districts nor superintendents nor teachers either know what they are doing or care about what they are doing.

That is simply wrong. They know more and they care more because they are right there with our children. If it does not work, it will go out of existence. Any State that does not want it does not have to take it. I believe this is an amendment that ought to be adopted unanimously. I regret the opposition of the Senator from Massachusetts. What we are doing is improving education and getting more dollars into the classroom, not less.

Mr. President, I yield such time as he wishes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DOMENICI. Two?

Mr. GORTON. I yield the Senator 1 minute. Sorry.

Mr. DOMENICI. Mr. President, I rise to congratulate both Senator GORTON and Senator FRIST. Senator FRIST conducted a series of hearings in his Budget Committee task force from which came much of the factual information and evidence of the great need for reform in the programs that are now in the Gorton amendment.

Frankly, I think what has happened is some are still looking at last year's Gorton amendment and assuming that is the bill before us. This is about one-third of the Department of Education's programs, a little over \$10 billion out of a little over \$30 billion. So one-third of it will be block granted.

But the point of this amendment this year for those who thought we were going to in some way dismantle the programs nationally, this bill has options in it so if anybody wants to stand up and say these Federal programs are the greatest thing and the States love them and the school boards love them and they participate wholeheartedly and they are effective, they can say that. It really isn't true, but they can say that, and we can stand up and say, well, fine, if they are that good, obviously, the States and school boards across the land will choose the option to keep them just like they are and let the Federal Government run them. The healthy part of this is it is going to be a wonderful experiment.

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

Mr. DOMENICI. I ask unanimous consent I be permitted to speak for 1 additional minute and it not be counted against Senator GORTON's time.

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

Mr. DOMENICI. This will be a wonderful experiment, for if, indeed, some States choose to remain under the bureaucratic programs that in many cases do not even fit the needs, and in many cases States do not even participate because they are so far from what the needs are, if they want to, they keep the programs. And then a number of States may go the other route, it will be marvelous for Americans to be able to see, in about 5 or 6 years, which approach helped the kids more, which approach got more education dollars into the classroom on a day-by-day basis, addressing the major problems that the school boards and State school boards find to be the real areas of need at the State level.

I think it is time to let States make that choice. Let us see which one works best—categorical strings attached, Federal programs that frequently miss the mark, or the approach that Senator GORTON has. I am delighted to be a cosponsor.

I yield the floor.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 5 minutes 40 seconds and the manager has 1 minute.

Mr. DORGAN. Let me make a couple of comments.

First, I think the Senator from Washington, Senator GORTON, is a thoughtful legislator and I have agreed with him on a number of education policies, including last year his fairly controversial amendment on IDEA. I supported him on that and I thought his amendment was the right amendment.

This is an area in which there is just some philosophical disagreement. Let us be honest, there are some—I don't think the Senator from Washington is among them, or perhaps the Senator from New Mexico—there are some who very much believe the Federal Government should not be involved in education in the elementary and secondary education at all.

The Republican Party platform in 1996 said, "This is why we will abolish the Department of Education and end Federal meddling in our schools." I am not suggesting that is what this amendment does, but philosophically there are people, and a fairly significant number in your party, who really believe there should not be a Federal Department of Education, who believe that these programs represent meddling, and it ought to all be done at the local level.

My point is this: There have been certain national priorities that we have tried to address with the programs that we have developed for elementary and secondary education at the Federal level. By far the bulk of funding for elementary and secondary education is at the local level. They run the schools; they finance the

schools. If we were to decide, "Let's not care about how these moneys are spent that go to State and local governments from the Federal Government for elementary and secondary education," I would say then let's not be a tax collector here. That is what we would be. If we say we don't care how the money is spent, we will collect the money and throw it back there, all we end up being is a tax collector to add extra money for elementary and secondary education. In that case I say, raise the money at home. Why pass around an ice cube? All that does is mean you get less money back when you do it that way, so just raise the money at home. Don't do it at all. Just suggest there aren't national programs of national interest or national need.

Some of us here believe very strongly that what we have done with the Department of Education and the kind of "gap funding" we have provided for certain title programs and other programs of some national importance and national interest and national need have advanced the issue of education in this country. It doesn't mean we have tried to run the school systems. We haven't and shouldn't and won't. It does mean that a number of these things we have done nationally strengthens the schools. It fills in areas of national need on issues of national importance that otherwise would not have gotten done.

Again, I have great respect for the Senator from Washington, but I will oppose his amendment simply because I happen to think that what we have done in creating a Department of Education and in providing some directed gap financing for programs that represent national interest and national need—drug-free schools program being one, for example, and many, many others that are very important that I think have strengthened education in this country.

I understand there will be a second-degree amendment offered here and that will allow a few more minutes of discussion. But let me just say again, I think this stems just from some philosophical differences. I respect those on the other side who say, "Well, you can spend this money better at home." I say, if that is the case that there shall be no national purpose and no national interest with respect to some of these issues, let us not have tax collectors in Washington raising the money here and taking it away before they send it back home. Just have the folks back home raise all the money and spend all the money.

If you believe there are certain things that are worthy—including programs like title I and so many others—that have advanced education in this country and been very helpful, not intrusive, but very helpful, to State and local governments who run our elementary and secondary school systems, if you believe that, then I think you support what we have done to improve it and strengthen it.

I yield back the remainder of our time. My understanding is there will be offered a second-degree amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mr. GORTON. Mr. President, my friend from North Dakota makes two arguments. One, a philosophical argument against the abolition of the Department of Education, based on the philosophy that there is a function of the Department of Education in Washington, DC. That, however, is not an argument against this amendment since this amendment does not abolish the Department. It takes only about one-third of the money that it is spending in K through 12 education.

The second argument the Senator from North Dakota makes is that it is absolutely essential for the success of our educational efforts that there be very strict rules coming from the Department of Education to every school district in the United States. That would be a forceful argument if we had been a tremendous "signal" success in these policies. Nothing indicates that we have been. It is one of the reasons we are debating education policy here today.

What I proposed is an opportunity to try three experiments: Continue the present system, allow the States to do it, or allow local school districts to do it. I remain puzzled that anyone should say that we are so successful today that we can't experiment, we can't change. Let's try for a while three different systems and see which one works the best. Competition always ends up with the best results.

I yield back the remaining time.

The PRESIDING OFFICER. Time on the amendment is expired.

AMENDMENT NO. 2294 TO AMENDMENT NO. 2293

(Purpose: To provide for direct awards of education funding)

Mr. FRIST. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 2294 to amendment No. 2293.

Mr. FRIST. I ask unanimous consent reading of the amendment be dispensed with.

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

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

Mr. FRIST. I understand we have 15 minutes on either side.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Mr. President, I rise today in support of the Gorton amendment and also rise to explain the amendment which I just submitted.

As has previously been referred to this morning, I have had the opportunity over the past 6 months to chair the Senate Budget Committee task

force on education. During that series of seven hearings that we held, I listened very carefully to a number of witnesses. Both Democrats and Republicans alike came before our committee and discussed the nature of the Federal role in education. The terms that were used and the picture painted was that we had this sprawling endeavor, that is duplicative in many ways, that has not been focused to the degree that any of us would like, which in turn, in many ways, has tied the hands of the education establishment, has tied the hands of State communities and local communities and local school administrators and teachers and principals and parents. We have heard it again and again.

I applaud Senator GORTON for building upon his amendment from last year. The amendment that we see today, which I think goes a long way toward accomplishing the goals as recommended by the task force to consolidate—not eliminate, but consolidate—the various efforts we have at the Federal level to accomplish what we want to accomplish; that is, to educate the young people, K through 12 today. We have not been successful in the past. We all know that. That has been demonstrated again and again.

The amendment that I introduced today makes the Gorton amendment, I believe, even stronger. Under the Gorton amendment, a State must choose within a 1-year time period and pursuant to a majority vote in their State legislature and with the concurrence of the Governor, one of three options. Again, the beauty of this amendment is that there are three options. After the initial selection under the Gorton amendment, a State can only change that selection one time and only after a 3-year period.

My amendment would simply allow a State which has chosen to remain in the current system—again that is the beauty; if a State elects not to change under the Gorton amendment, they don't have to change—if a State does say we will stay exactly as we are today, continue the categorical program that they have today, under my amendment they will be able to opt any time over the next 4 years to go into one of the block grant programs.

That is the extent of my amendment. In addition, we heard from States like Kentucky that have biennial State legislatures, and it gives them the opportunity to make that decision after they next meet, since the underlying amendment had this 1-year time limit. The real theme to the Gorton amendment is the flexibility that is given to localities—flexibility for individual localities and individual States to decide for themselves, based on their own priorities, based on their own identified needs, how to best spend their education dollars.

My amendment builds on that flexibility, allowing States to decide, and they are given more choice. The need for consolidation could not be clearer

today. We know that over the last 20 years we have had stagnant student performance in science, mathematics, and reading. We have seen that data again and again. Our task force looked at the Federal role in education, and we found this sprawling, unfocused effort that did suffer from a programmatic reluctance to ask the fundamental question: What works and what doesn't work? There is something inherent in the program that prevented us from asking that question, until today.

We saw these huge charts that take the 500 Federal programs, or 2,900 programs of the Department of Education, and we saw these overlapping, intertwining, well-intended programs that have lacked the focus, have lacked the streamlined consolidation approach, and they have not worked. What the Gorton amendment allows us to do is choose a system, not change it all for two block grants of about \$10 billion, to choose based on your individual needs what might work for you.

We have already tabled, over the last 2 days, a school construction program. We will debate other amendments that create a program for dropout prevention, to create new programs. The beauty of the Gorton amendment is that we give the States and the localities the money, and if they have a problem with dropouts, they can identify that program and use the money there. If they don't have a problem, they don't have to use it there. For technology development, we give the States and the localities the option to decide how to spend that money.

It is not a partisan issue. People have tried to make it, both in the media and sometimes on the floor, Republicans versus Democrats. We listened carefully in our task force to the Democratic officials from the Chicago school system. They extolled the virtues of flexibility. That is what the Gorton amendment is all about. They said that the flexibility in much of their own program's success in reforming the Chicago system can be—it draws back to that use of block grants, which has that flexibility. They said to our task force: "We know the system, and we believe we know the things that it needs to have in order to improve." They continued: "So the more flexibility we have with Federal and State funds, the easier it is to make those changes."

Florida's commissioner of education went on to say: "We at the State and local level feel the crushing burden caused by too many Federal regulations, procedures, and mandates. Florida spends millions of dollars every year to administer inflexible categorical Federal programs that divert precious dollars away from raising student achievement. Many of these Federal programs typify the misguided, one-size-fits-all command and control approach."

Those were the words of Florida's commissioner of education.

We also heard that the Department of Education has indeed made some progress in eliminating some regulations and consolidating programs. Secretary of Education Riley reported that the Department eliminated 64 programs. But then we heard 2 weeks later from the General Accounting Office that the Department still oversees 244 separate individual programs. Given that the Department and the Secretary are moving in the direction of streamlining and consolidation, it is really confusing to me why the Department and the administration oppose the Gorton amendment, which does just that; it consolidates, it does not eliminate the Department of Education, it does not eliminate the targeted populations; it consolidates and allows individual communities to best choose how to use those same amounts of dollars.

Accountability was mentioned. It is a red herring. The Gorton amendment very specifically provides for accountability to both the Federal Government and to those people who really care the most. I am absolutely convinced that the people who really care the most are the parents of those children in those schools. The Gorton amendment very specifically requires public involvement in planning a strategy for the use of block-granted funds and an accounting to the public of the results once the funds are used. Accountability is specifically addressed.

Targeting. We heard about the title I population. That is specifically spelled out in this amendment. There is no weakening of the targeting nature of the Federal funding of things like title I. It is interesting to note that the Gorton amendment does not do this. In fact, 100 percent of title I part A funds would flow directly to the local education agencies—100 percent. There is no cutting there. Under the Gorton amendment, 100 percent of the funds would be used by the schools in the classrooms, not with that administrative overlay, administrative cut taken off to be spent here in Washington, DC. No; this makes sure that the targeted populations receive the funds in the classroom.

The premise behind both my second-degree amendment and the Gorton amendment is flexibility. States and localities will have the flexibility to decide for themselves how to best use education dollars, not the U.S. Congress' well-intended layering on of program on program, not the administration's budget proposal sent to us in which there were eight new education programs. Another four have been proposed here in the last 2 days. No; we want those moneys, that accountability, that flexibility to be carried out at the local level.

The task force heard testimony of numerous witnesses. We heard from Susan Gendrich, who runs a wonderful public school in Murfreesboro, TN, called Cason Lane Academy. We heard that the real beauty, the reason they have been able to accomplish so much,

is because they were given the flexibility to have remedial schoolwork in the afternoons by using unused funds that otherwise would have gone to something they did not need.

Yes, let the States and the localities exercise some creativity. That is where the innovation actually is. Again, remember, in the last 20 years we have been stagnant in school performance. What we have done through 500 programs, spending \$100 billion a year, has not improved education in our public schools. Let's give them an option. That is what this is, an option to keep what you have, to go to a block grant program. Our current approach is simply not working. Let's try a new approach, something novel, and return decisionmaking authority to those closest to our students—the States and the localities.

Mr. President, I urge adoption of the FRIST amendment, and I reserve the balance of my time.

I yield 5 minutes to the Senator from Missouri.

How much time remains?

The PRESIDING OFFICER. Four minutes 42 seconds.

Mr. FRIST. I yield 4 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise to commend Senators GORTON and FRIST for what I believe to be a very important step forward in providing the basis for educational achievement by students. Sometimes I think in all the debate we have about education, we get worried about one group of individuals who might manage funds here and one group who might manage funds there, and whether or not this would be directed by this group or that group. The ultimate objective of our program in education is student achievement. We want students to develop, as a result of our educational efforts, the capacity to grapple with the issues of the next century. We ought to ask ourselves on a regular basis, How is that best done? How do we elevate the capacity and the performance of the students? What is it that gets that done best?

Well, I think this particular effort on the part of the Senator from Washington and the Senator from Tennessee recognizes two or three important principles in student achievement. First, nothing is more directly correlated to student achievement than parental involvement. The more influence we give to parents, to community leaders, and to the role models who are right around those students in shaping the students' opportunities, the more likely those students are to achieve. Study after study shows that when parents are involved, when schoolteachers and community officials are involved, when the culture around the student is involved in decisionmaking and they get active in the schools, that is when achievement goes up.

Now, this block grant approach is going to move toward the parents, toward the communities, toward the stu-

dents, toward the cultural leaders who surround the students, and give the right to make and the opportunity to make decisions that they believe will best motivate and enhance the capacity of students to achieve. It is very, very important.

Second, I believe that it is very difficult to make intelligent decisions for the whole country under the rubric of a single prescription. There are a lot of health problems in the United States. But if we were to say we were going to prescribe a single wonder drug, I think people would wonder about it. They know they would like to be able to go to their doctor to decide what is wrong with them, what their problems are, and to get a prescription that would really make a difference to them. I think when we give the capacity to deploy resources to State and local school agencies and we don't tell them what sort of prescription there has to be but we allow them to use the resources to best achieve what is needed in that area, we provide the basis for student achievement for actually delivering through the educational process what it is we need to deliver.

I visited a school in southwest Missouri just this last year. Both State and local governments had so many strings on what they said money could be used for that they could not do what needed to be done. They needed to build new classrooms. They were laboring under a requirement that they had to spend so much of the money for teacher's salaries. They wanted to be able to do teacher's salaries. But they first needed classes. Because it was a high growth area, they were trapped between needing to get the classrooms first, for which they could not spend the money, and having to spend the money for teachers. They couldn't use the teachers until they had the classrooms.

We really need to free the people who care the most about America's future—they are parents, community leaders, school leaders, teachers, and administrators at the local level. We need to free them to be able to deploy resources effectively.

There is a myth in Washington; that is, that we can make something where one size fits all. The truth of the matter is one size fits none.

These amendments are fundamentally beneficial amendments which will help Americans develop and shape better schools for their children in which students achieve.

I thank the Senator from Tennessee. The PRESIDING OFFICER. Who yields time?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, once again I think we have a philosophical difference here. I don't see that parents, teachers, schools, and local officials are not free now. They are certainly free now to develop their own programs, raise their own money, and

run their own schools. They do that. They are free to do that. They do it every day in every way.

The local school in my hometown of 300 people is run by the local school board. They raise the money in the local tax district. The school board hires the teachers. They decide with the State government about the curriculum. They are perfectly free to do that, and do it every day.

The Senator from Washington indicated this is not a debate about abolishing the Department of Education. He is absolutely correct about that. This, however, represents a seed from the same garden. That is why I mentioned that in the 1996 Republican National Party platform it says: "That is why we will abolish the Department of Education and Federal meddling in our schools."

It is a seed from the same garden that says, by the way, if there is any money going back from the Federal Government, let's make sure that there is no purpose for that money; let's make sure it goes back in the form only of general aid and not some kind of assistance, as has historically been the case for compensatory education for poor children.

One-half of the Federal money that has been spent since 1960 for elementary and secondary education has been spent for compensatory education for lower-income children. It has been remarkably successful.

Once again, let me emphasize that we don't run and never will run the local school districts, and we don't finance the local school systems. This is kind of gap financing for certain things that we have considered a national purpose, among which, as I mentioned, is compensatory education for lower-income children, but other areas as well.

Let me mention just a couple of them: The School-to-Work Program, the Safe and Drug-Free Schools Program. What if, for example, this amendment passes, and it is decided that in 45 States, while we have said there ought to be a national priority on the Safe and Drug-Free Schools Program, and here is the money for it, 45 States say, "Well, sorry. It is not our priority. That is not our priority. We are not going to do that." Yet, we keep sending the money, and we have 45 States in which there is not a safe and drug-free schools program.

My question to the Senator from Tennessee and the Senator from Washington is: Why would we want to keep spending the money in that case? Why would we want the Federal Government to become a tax collector for local school districts for no national purpose? They have said, "We want your money, but there is no national purpose served in having a safe and drug-free school program." I don't think that makes any sense.

I say just do this through the front door. If one really doesn't want the Federal Government to be involved in these programs, just end the financing for the programs.

What we are suggesting here is not—the Senator from Washington is correct—abolish the Department of Education, although I certainly think there are plenty who want to do that. But I think the American people probably would not approve of that. So it is the kind of an approach that says, "Well, let's simply abolish the purpose for the money but continue to provide the money." I just do not understand that.

The Senator from Missouri made a general point about education. Let me say that I agree with what he said about education. Education works in our local schools all across this country when you have a teacher that is a good teacher, when you have a student who comes to school willing to learn, and when you have a parent involved in that education. Those three elements are critical and necessary for education to work. There is no question about that.

We debated yesterday the question of the priority of school construction to see if there could be some incentive to promote further investment in school construction. That was not the priority yesterday. There needs to be other discussions. Regrettably, I wish it was. But that is also a rather important point. That child must go through the classroom door of the classroom that is a good classroom in good repair and not overcrowded.

I mentioned a week ago that I was at the Cannon Ball school—at an Indian school, a public school, and a public school district—and a second grader named Rosie Two Bears, she is going to school this morning in a school that is not in good repair. You can have all the other things that work, and then to have classes where one teacher is teaching two classes back and forth at 50-minute intervals with kids with desks that don't have a half an inch between them, because there is not room with 140 kids and 40 staff people in a building that is 90 years old, part of which is condemned, and they have two bathrooms and one water fountain for 180 people, that is not in good repair. Does that school need substantial investment to make sure this second grader named Rosie who goes to school has the same opportunity that your kids and my kids do? Absolutely.

We have a lot to do, and a lot of challenges.

This issue, however, is not about the general financing of elementary and secondary education, because we do not do that. The general financing and the management of our elementary and secondary education system is done at home. That is where it ought to be done. We have, however, in recent decades indicated there are some basic issues of national purpose to be served by creating a title I program, a vocational education program, and a safe and drug-free schools program. That represents national interests and a national purpose that you would hope to see attained at every school district in

every State all across this country. Some say, "Well, let's just retreat on this issue of national purpose. Let's just back up on this issue of national importance." The Senator from Washington last year when he offered his amendment included, for example, title I in vocational education. He did not include it this year. I am pleased to see that because, frankly, it seems to me that if you just look at what has happened to the success of these programs you can't help but conclude that what we have done, while not perfect, has been enormously important in the lives of a lot of students, especially poor students in every school district in this country.

The General Accounting Office recently found that the targeting of the Federal education programs to those with the greatest financial need has been very successful.

In fact, they say for every dollar the Federal Government provides to a student, in general, it provides \$4.73 to an impoverished student.

What that means is what we have tried to do has largely worked to try to fill in some gaps to say that where there is not adequate funding locally and where we have a sense of national purpose about something that we know needs to be done, we are going to try to fill in that gap.

It seems to me to say that we are going to retreat on that and say what we are going to send back now will just be general aid—I say the right approach for that is, if you are going to retreat altogether, just say we will not be sending categorical aid because we do not sense a national priority or a national purpose or a national interest and therefore we won't send the money either.

Or, alternatively, you can end up deciding there is no national purpose here and we will not support the national interest in these programs, safe and drug-free schools being an example, but we will continue to be a tax collector and will collect the taxes and then send the money back. Gee, I think the folks back home would be much more impressed with a straightforward approach to this alternative, which I don't support, in which we say we do not support the programs and we will not collect the money for it; you do what you will back home.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee has 29 seconds remaining.

Mr. FRIST. And the other side?

The PRESIDING OFFICER. Six minutes 22 seconds.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. In my 29 seconds, let me make it very clear that the Gorton amendment continues to target title I, the student. The disadvantaged students still get the money, still get the programs. The difference is that 100 percent of the money gets down to the classroom where it is needed.



The Gorton amendment has as its underlying theme flexibility and accountability, the two things that we have heard again and again are necessary to accomplish our goals of educating students. We are not doing a good job. Our education system is not successful. When we compare ourselves in the 12th grade to science students all over the world, out of 21 countries only 2 do worse than us. It is not successful.

This bill preserves choice. It gives options: No. 1, to continue to receive this \$10 billion in Federal funds under the current system with the same regulations, no change. You can choose that. Or your second choice: Have those Federal funds sent directly to the local school districts minus the Federal regulations. Or choice No. 3: Have Federal funds sent to the State education authority minus Federal regulations.

As Frank Grogan, Florida's commissioner of education, said:

With education, we are already beginning to see States becoming living laboratories. If left to pursue reform without added Federal burdens and interference, States can learn from the success and mistakes of others with the freedom to emulate some programs as models and/or discard those that are ineffective.

The Gorton amendment gives that opportunity, with accountability built into those States and the local level.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes 22 seconds.

Mr. DORGAN. Let me just make another quick point.

You will not find a challenge anywhere in this Chamber by anyone who would stand up and say it is not important to have local people making local decisions, that some of the best decisions that can be made can be made locally. No one is going to contest that.

The point I am making is this: Local governments, State and local officials who run the elementary and secondary school systems in many cases over now many years, have indicated they do not have the resources to provide the kind of help we provide in title I as a gap financing that moves certain kinds of assistance to poor children or children who go to poor school districts.

Now, the amendment of the Senator from Washington does not put title I in this block grant category this time, as I indicated he did last year but does not this time, as I understand it. I address the Senator from Washington. Is that correct?

Mr. GORTON. No, the Senator is not correct. Title I is in this amendment. However, the money is distributed only on the basis of title I-eligible students. In other words, the school districts will get the same amount of money and will still be targeted for title I-eligible students. But it is in this amendment.

Mr. DORGAN. My understanding was that title I was not part of his amendment. We were trying last evening and

this morning to understand exactly what the language would be.

That makes his amendment much, much worse than I had previously thought. It does confirm then what I said earlier, that we have taken a successful approach in which we have tried to provide some compensatory education assistance especially directed at impoverished areas and at poor children, and have done it in a very successful way, and now say but all of that will become a pot of money that we send back, and we will just become tax collectors for local governments or for school districts and say, "You all pretty much retool this and rethink what you want to do with it along the lines that represent your priorities." They have their priorities, and should have their priorities, and their priorities are to govern how they run their schools. And they are free to do that.

Again, the discussion earlier was about they are not free somehow. Of course, they are free. State and local schools are run by the State and local school districts. They are free to raise their money, free to impose taxes, free with their State governments to develop curriculums. Of course, they are free to make those decisions. But in areas where we have provided some assistance based on what we perceive to be a national purpose, the amendment says, let us provide the money but no requirement that anyone sign up to this national purpose. And again I come to the issue of safe and drug-free schools. There are a good many of them: Eisenhower Professional Development, the Innovative Education Program, the Technology Challenge Grants, and so on—safe and drug-free schools.

Have we decided, or should we decide, or will we decide as a country on a national need to have a safe and drug-free schools program across this country that is stimulated by some financing that we say you must pursue this and must have it because there is a national purpose for this, and we will provide some financing help because we are mandating something? Are we at a point where we say, no, there is no longer a national purpose for a Safe and Drug-Free Schools Act? Let's have a Safe and Drug-Free Schools Act, for example, in North Dakota, but the other 46 States say, "Gee, we don't want one; this is not a national priority."

Drugs and the issues surrounding drugs and young Americans and schoolchildren are a national priority. It is of national interest. And we have decided in the Safe and Drug-Free Schools Act that we want to provide some funding if we are going to provide a mandate here, some funding from the Federal Government to say to these school districts, "We would like you to do this as a sense of national purpose and national interest, and here is some financing to help you do it."

The amendment is an amendment that essentially says, well, let's con-

vert all of those national interests and urges to some notion of general aid, and so we will then be tax collectors and we will just collect money and send it back. I say as I started, that is like passing an ice cube around. By the time you get to the sixth or seventh position on that ice cube passing, there is no ice cube left.

A much more straightforward way of doing this would be to say we don't believe these are programs of national interest, and therefore let us say to local governments, "Raise your own money and spend your own money. We are out of the way." We are, as their party would suggest in their platform, abolishing the Department of Education. Get out of the way and let everyone else do their thing.

There is a different way, and the other way is to recognize that most all of elementary and secondary education is funded by, controlled by, the local people back in the home districts and the school district in the towns. It will always be that way. But there are things that represent a national interest, and those kinds of policies and those kinds of issues, debated over many, many years here in this Congress, resulted in the construction of a program called title I and other title programs. The Safe and Drug-Free Schools Act, the Technology Challenge Grants, and others have been, I think, enormously important to say to the local school districts, "While you are there, we are going to offer some help, for example, to see that you get your school wired up to the Internet. If you need help to do that, here is some help to do that, to see that you have a safe and drug-free schools program in your school district, in your schools."

That has been the nature of our involvement in education. Again, it is very seductive, I think, to say, well, gee, shouldn't local people make all these decisions. Yes, I think so. With their money they should make all their decisions in their elementary and secondary education programs. But isn't there a circumstance where we have some issues of national importance where our money, our resources, our investment ought to follow that urge of national importance on the Safe and Drug-Free Schools Act? I think so. To back away from that, I think, would be a mistake.

I yield back the remainder of my time.

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

Mr. GORTON. Mr. President, I understand the minority will simply permit the Frist second-degree amendment to pass by a voice vote. I will then ask for a rollcall vote, which will take place at 3 o'clock, on the underlying amendment.

Mr. DORGAN. Might I, by consent, say to the Senator from Washington, while we do not support the second-degree amendment, the second-degree amendment is a rather technical change of the underlying amendment



and we see no purpose in having another rollcall vote on that. While I do not support it, we will accept a voice vote on the second-degree and then have a recorded vote on the underlying amendment today.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 2294) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2293

Mr. GORTON. Mr. President, in 1768 in a letter to George Wythe, Thomas Jefferson wrote,

No other sure foundation can be devised for the preservation of freedom and happiness . . . Preach a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against the evils [of misgovernment].

As a nation we have long recognized the importance of education of the future well-being of our children and our nation. A quality education is vital in an increasingly competitive global environment and indeed, as Jefferson notes, to the preservation of our democracy. Every Senator undoubtedly wants to do everything in their power to improve the educational opportunities for all children. It is one of our highest priorities in the U.S. Senate.

As many of my colleagues may recall, last year I offered an amendment to the fiscal year 1998 Senate Labor, Health and Human Services Education appropriations bill that consolidated most federally funded K-12 education programs, and sent that money directly to local school districts free from the mandates and regulations imposed on our schools by Washington, DC, bureaucrats. The Senate approved the amendment but, at the administration's insistence, it was stripped from the final bill.

For most of this half century Washington, DC, has been dominated by people who believe that centralized decisions and centralized control exercised by Washington, DC, is the best way to solve problems, including those in the classroom. This approach has not worked. As Washington, DC, has taken power and authority from local school districts, our schools have not improved. But, old habits die hard. The belief in centralized power is still very much alive. When I proposed my amendment last year, every single Democrat in the Senate opposed it and the President strongly criticized the approach of returning money and authority over education to our school districts.

Why is the status quo no longer acceptable? There are a multitude of reasons. As many of you know, the results of the Third International Math and Science Study (TIMSS) were recently

announced. Unfortunately, those graduating from our high schools did not fare well. Twelfth grade students from the United States did not achieve at a level I would call acceptable, with scores below the international average in both science and mathematics.

Is it because the United States has not been devoting sufficient resources to education? The facts don't bear out that assessment. Resources devoted to education have been increasing in constant dollars almost yearly for the last 25 years, but there has been no significant change in the achievement of students.

What do we have to show for our investment? We have a web of literally hundreds of Federal education programs woven throughout 39 Federal departments and agencies and totaling \$73.1 billion in 1997. I wish I had a comprehensive list of all the Federal education programs to show you, but the Department of Education doesn't know exactly how many there are.

In January of this year Dr. Carlotta Joyner of the GAO appeared before the Senate Budget Committee Education Task Force and presented us with a graphic that highlights the web of Federal education programs in only the three areas of education: At Risk and Delinquent Youth, Early Childhood programs, and Teacher training programs. What this chart shows is that 15 Federal departments and agencies administer 127 At Risk and Delinquent Youth programs, 11 Federal departments and agencies administer more than 90 Early Childhood programs, and 9 Federal departments and agencies administer 86 Teacher Training programs.

It is no wonder that more and more, our states and local school districts are being suffocated by a tidal wave of papers, forms and programs, each of which no doubt began with good intentions. The net result of this tidal wave, however, is precisely what makes it difficult to set priorities in each of the many varied states and school districts across the country to determine that which will best serve their students. I firmly believe that the elected school board members, parents, superintendents and principals, as well as governors and legislatures, are dedicated to providing the best possible education for school children that they possibly can, and that they are better able to make decisions about what is best for their students than are Members of Congress or bureaucrats in the Department of Education.

It is extremely arrogant of us here in this body to set detailed requirements for very specific education programs that apply to children all across the United States. It's wrong to believe that Congress or the Department of Education has all the answers to the variety of problems our schools and educators face. Why should a bureaucrat in Washington, DC, decide what's best for the children in Washington State? They don't know Walla Walla from Wenatchee from Woodinville.

Over the past several months I have had the opportunity to meet with parents and educators from across Washington State and the Nation. They have expressed a great deal of concern about the stifling nature of the rules and regulations that come along with the myriad of federal education programs in existence. In fact, several have commented that although school districts receive only about 7 percent of their funding from the Federal Government, with that money comes 50 percent of the rules and regulations they must comply with.

A perfect example of the crushing nature of Federal rules, regulations and paperwork comes from a program I didn't even include in my amendment. The Bellevue School District, a suburban school district east of Seattle, has gathered all the paperwork necessary to begin, just begin, the file they are required to keep for special education students under the Individuals with Disabilities Education Act (IDEA). Placed end to end, this paperwork extends for almost 40 feet. 40 Feet! We have allowed bureaucrats in Washington, DC, to impose half or more than half of the rules and regulations that so often frustrate innovation and success in our schools.

Therefore, I have come to the conclusion that Congress must do more to free State and local officials from the burden placed on them by the Federal Government to educating America's children. We must be willing to admit that somebody else may know a little bit more than we do about this subject. My firm belief is that the wisdom needed to educate our children lies in States and individual school districts—with parents at home, with teachers in the classroom, with principals in the schools, and with school board members who, almost without exception, are public-spirited citizens who have run for election to a job that does not pay or pays very little. We must keep in mind that the same citizenry who elected us to the U.S. Senate also elected our school board members. It is unlikely that they were wise in electing us and ignorant of their own interests in picking their school board members.

I have listened to educators from around the country and have applied those lessons to the crafting of this amendment. My amendment makes several changes that address the concerns of those who have been kind enough to take the time and work with me and my office to improve upon the work begun during last year's appropriations process.

First, there were concerns that any attempt to block grant education funds to local communities was simply a back door attempt to cut funding. My amendment makes it crystal clear that is not what this effort is about. My amendment authorizes specific levels of funding through fiscal year 2003, targets that appropriators must meet in order for the block grants to continue.

If these targets are not met, we would revert to the status quo.

Others have expressed concern that my amendment is an attempt to close the Department of Education. Nothing could be further from the truth. My amendment is not about abolishing the Department of Education—my amendment is about giving communities the flexibility they need to educate our children. Even after enactment of my amendment, there would be plenty of work left for the Department. My amendment does not even touch on the Department's responsibilities with respect to higher education. And even though my amendment includes more than 20 Federal education programs, that is but a fraction of the total number of education programs administered by the Department of Education, not to mention the Federal Government as a whole.

Concerns have also been expressed about the targeting of Federal funds to disadvantaged students. The concern is that because Federal funding often is targeted at a specific population, block granting funds and allowing States and school districts to decide how those funds are spent will mean those populations will no longer be served. Well, this mentality is what led to the creation of the quagmire of education programs we find ourselves wallowing in today. My amendment retains specification for what populations the Bilingual Education and Education for the Disadvantaged (Title I, Part A), funds are to be spent, but it leaves up to States and school districts the method by which those populations are best served. As for the list of 20 Federal programs, my amendment outlines a series of allowable uses such as hiring new teachers, magnet schools, charter schools, and combating illiteracy, which give local officials flexibility in designing reforms to improve the achievement of students. The total amount of funding that gets to the classroom will be considerably greater because so much less will get lost in the gears of administration at two, three or four different levels of bureaucracy between Washington, DC, and the classroom. As I've stated previously, we cannot assume that Washington, DC, knows best when it comes to educating the diverse population that exists in America today.

I have heard comments that different states have different opinions about how they should receive federal funds. As a member of the Senate Budget Committee Education Task Force, chaired by my good friend and colleague Senator FRIST, I had a chance to hear from Frank Brogan, Commissioner of Education from the State of Florida, and Henry Der, Deputy Superintendent of Public Instruction from the State of California. Mr. Brogan and Mr. Der have widely different opinions about the efficacy of involving the Federal Government in decisions regarding education in their States. Mr. Brogan states,

Congress should identify priority areas and allow States to designate the dollars for specific programs.

With Education, we are already beginning to see States becoming living laboratories, testing varied programs and options. If left to pursue reform without added Federal burdens and interference, States can learn from the success and mistakes of others, . . . with the freedom to emulate some programs as models and/or discard those that are ineffective.

Mr. Der followed Mr. Brogan with,

We submit to you that the roads toward devolution will result in less opportunities for those with special needs and will retard the leadership role that the U.S. Department of Education has played, as well as undermine the accountability that we need to build into our education programs."

Therefore, it became clear to me that States should have a choice concerning how they receive their Federal funds, and my amendment gives them that choice. My amendment says that States will have three options with respect to how they receive Federal education funds. Simply put, a State legislature, with the concurrence of the Governor, will choose from one of three methods for receiving Federal funds: (1) States can continue to receive Federal education funds through current categorical programs; (2) States can receive Federal education funds in a block grant to the State Educational Agency; or (3) States can direct the Federal Government to send Federal education funds directly to their Local Educational Agencies.

There are also provisions in my amendment that respond to other concerns about the immediate financial impact on States and school districts. My amendment includes a 100 percent hold harmless, so that no State or school district will receive less than what they received before enactment of this legislation. Further, there is a provision which says that for those States receiving a multiyear grant through one of the programs included in the block grant, that multiyear grant will be funded through to completion in order to provide an appropriate transition from one process to another.

Finally, my amendment encourages accountability by requiring States and school districts to collect information about how Federal funds are spent, as well as involving parents and other members of the public in debates over how funds will be utilized.

As you can see, my amendment is based on the principal that with additional authority and money schools would receive from this reform, our teachers, parents, principals, and school boards would be inspired to do even more for our children. They would not, as some suggested during debate on this issue last year, be inspired to build swimming pools. They would be inspired to make sure that every child in their community receives the best education possible. While I think this example shows the fundamental difference between the approach I advocate, and that of the administration, I

just have to ask this question: Does anyone really believe that there are parents, teachers or school board members in America who would rather use scarce education dollars for swimming pools instead of providing a quality education for their children?

On February 10 of this year, I had the opportunity to visit the Union Gap Elementary School and learn about the tremendous work they are doing, in the words of their Superintendent Bob McLaughlin, to 'heal' their children's reading difficulties.

More than three years ago, Dr. McLaughlin became painfully aware that the Union Gap School District did not have a program to assist its students who were having difficulty learning to read. Dr. McLaughlin then took it upon himself to search out a program which would be both affordable and helpful to the students. During the 1995-96 school year, Dr. McLaughlin discovered the Read-Write program and soon thereafter the program underwent a 10-week test in the school.

The test was so successful that at the conclusion of the 10-week test run the school board adopted the program and fully implemented it for the 1996-97 school year. Since the program has been implemented, significant gains have become evident.

Dr. McLaughlin also took the time to explain to me his previous experience as a principal at a neighboring high school upon which brought him to the conclusion something should be done about reading comprehension at the elementary level. As a high school principal, Dr. McLaughlin would continually see students entering his school unprepared to read and write effectively, and in many instances no where near grade level. The frustration he experienced seeing these kids struggle through high school without the necessary tools drove Dr. McLaughlin to seek a solution at Union Gap Elementary. As Dr. McLaughlin and other teachers at the elementary school know, once you teach a child to read that child has gained a skill he or she retained for a lifetime of enrichment.

This instance is a clear example of the innovative work school districts are engaging in to improve the education of their students. Under the Gorton Amendment, Dr. McLaughlin and his school board would have the flexibility to expand this program if that is what they felt was in the best interest of their students. I doubt seriously that Dr. McLaughlin would consider tennis courts or swimming pools to be a priority.

This issue boils down to each Senator asking if he or she believes schools will be improved through more control from Washington, DC, or by giving more control to parents, teachers, principals, superintendents, and school board members? I believe our best hope for improving the education of our children is to put the American people in charge of their local schools.

Mr. President, I wonder if the minority manager will agree to a unanimous

consent agreement that I have 3 additional minutes on this amendment? I do see my colleague from Washington here. We are going forward with that amendment, and I would like just 3 minutes further to speak on this subject.

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

Mr. GORTON. Mr. President, my friend and colleague from North Dakota and I, together, less than 2 months ago, voted with 94 other Members of this Senate for a bill relating to transportation covering somewhat more than four times as many billions of dollars as this amendment does. Unlike the House of Representatives, we included no specific programs in that transportation bill. We decided there was a national purpose for transportation but that the priorities as to how that money for highways ought to be spent should be set by States—generally speaking, not by elected officials in those States, but usually by a highway bureaucracy.

No one said that, because we weren't telling the States what roads to build, there was no national purpose and we should abandon transportation as a national issue. Yet the Senator from North Dakota says that, rather than give a three-way option to States with respect to \$10 billion a year in education money, it would be philosophically more consistent to abandon the field because, after all, the States might set different priorities; maybe the States and local school districts don't care about drugs or don't care about disadvantaged students.

Mr. President, that is a basic philosophical difference between us. The thought being expressed to me—that elected school board members and principals and teachers and parents and even State legislators don't care much about education or about education priorities—boggles the mind. We are the only people who do so? We are the only people who can set the way in which national priorities are carried out? We and bureaucrats at the Department of Education? Let me tell you, we come up with 7 percent of the money and 50 or 60 percent of the rules? In one field not covered by this, where the Senator from North Dakota did support me, we give 9 percent of the money for disabled education and we set rules that are so stringent that some school board members are saying they are going to defy those rules because they cannot provide for a safe environment for their students. In title I, the forms are exceeded only by IDEA.

This proposal will allow schools to spend more money on disadvantaged students, more money on bilingual students, and do it in a way that suits the particular needs of the districts, if the State elects to do so. Any State that agrees with the position of Senator DORGAN is perfectly free to keep the present system. Any State that feels it can do a better job will be allowed to do a better job. And any State that

feels its elected school board members can do a better job will be allowed to do that.

Maybe Senator DORGAN is right. If so, we will learn by experiment. But unless we feel—with him and Senator KENNEDY—that the present system is working magnificently, that our system of education is so good that it doesn't need to be changed or experimented with at all, we should reject this amendment.

Mr. DORGAN. Mr. President, I know the Senator from Washington will allow me, by consent, 2 minutes to respond.

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

Mr. DORGAN. The Senator from Washington chooses an inappropriate example to begin with, the highway system. We provide Federal money to the State of Washington. But if I go to Washington and drive on roads that are constructed in the State of Washington by his State highway officials with Federal money, I know I am not going to drive on a roadbed of marshmallows or cork. Why? Because his highway officials must follow the Federal prescribed rules about what kind of highways they are going to build with those Federal funds.

My only point is, if the Senator from Washington suggests that if, for example, the Safe and Drug-Free Schools Program is not a national priority, let's give them the money for it but not require them to do it, I think that is a huge step backwards. Is it in most instances the case that people closer to the problem can spend the money more effectively? Absolutely. That is why almost all of elementary and secondary education is done and managed and controlled locally. But there are some programs of national interest for which we provide the financing and for which we hope there is a national purpose and to which we will have all school districts subscribe. That is the purpose for all this.

I find it interesting. You could make the same case about food safety. You could have exactly the same debate. Say, do you think back home they are not concerned about food safety? Why do we need national food safety standards? Do you think back home in every State they are not concerned about food safety? Of course they are. Of course they are. But it is something of national interest and national importance, and that is the gap financing that is involved here with respect to these kinds of programs. Are they perfect? No. Should they be changed? Yes. Should we retreat from them? In my opinion, I think that would be a huge mistake.

I yield the remainder of my time.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator MCCONNELL be added as a cosponsor to the Gorton amendment.

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

Mr. GORTON. Mr. President, seeing there is the sponsor of another amend-

ment here, I think proper procedure is to move to that amendment.

Mr. President, I ask for a rollcall on the Gorton amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Gorton amendment is temporarily laid aside and the Senator from Washington, Senator MURRAY, is recognized to offer an amendment on which there shall be 30 minutes equally divided.

The Senator from Washington.

AMENDMENT NO. 2295

(Purpose: To express the sense of Congress regarding reductions in class size)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2295.

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

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

The amendment is as follows:

At the end, add the following:

#### **TITLE —SENSE OF CONGRESS**

##### **SEC. —01. SENSE OF CONGRESS.**

Congress makes the following findings:

(1) Qualified 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 help the parents further their children's education.

(2) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than the students in larger classes, and that those achievement gains persist through at least the 8th grade. For example:

(A) In a landmark 4-year experimental study of class size reduction in grades kindergarten through grade 3 in Tennessee, researchers found that students in smaller classes earned significantly higher scores on basic skills tests in all 4 years and in all types of schools, including urban, rural, and suburban schools.

(B) After 2 years in reduced class sizes, students in the Flint, Michigan Public School District improved their reading scores by 44 percent.

(3) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children. One study found that urban 4th-graders in smaller than average classes were  $\frac{3}{4}$  of a school year ahead of their counterparts in larger than average classes.

(4) Smaller classes allow teachers to identify and work sooner 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 outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions and if teachers received intensive, continuing training in

working effectively in smaller classroom settings.

(7) State certified and licensed teachers help ensure high quality instruction in the classroom.

(8) According to the National Commission on Teaching and America's Future, the most important influence on student achievement is the expertise of their teachers. One New York City study comparing high- and low-achieving elementary schools with similar student characteristics, found that more than 90 percent of the variation in achievement in mathematics and reading was due to differences in teacher qualifications.

(9) Our Nation needs more qualified teachers to meet changing demographics and to help students meet high standards, as demonstrated by the following:

(A) Over the next decade, our Nation will need to hire over 2,000,000 teachers to meet increasing student enrollments and teacher retirements.

(B) 1 out of 4 high school teachers does not have a major or minor in the main subject that they teach. This is true for more than 30 percent of mathematics teachers.

(C) In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or mathematics teacher who holds a degree in that field.

(D) In 1991, 25 percent of new public school teachers had not completed the requirements for a license in their main assignment field. This number increased to 27 percent by 1994, including 11 percent who did not have a license.

(10) We need more teachers who are adequately prepared for the challenges of the 21st century classroom, as demonstrated by the fact that—

(A) 50 percent of teachers have little or no experience using technology in the classroom; and

(B) In 1994, only 10 percent of new teachers felt they were prepared to integrate new technology into their instruction.

(11) Teacher quality cannot be further compromised to meet the demographic demand for new teachers and smaller class sizes. Comprehensive improvements in teacher preparation and development programs are also necessary to ensure the effectiveness of new teachers and the academic success of students in the classroom. These comprehensive improvements should include encouraging more institutions of higher education that operate teacher preparation programs to work in partnership with local educational agencies and elementary and secondary schools; providing more hands-on, classroom experience to prospective teachers; creating mentorship programs for new teachers; providing high quality content area training and classroom skills for new teachers; and training teachers to incorporate technology into the classroom.

(12) Efforts should be made to provide prospective teachers with a greater knowledge of instructional programs that are research-based, of demonstrated effectiveness, replicable in diverse and challenging circumstances, and supported by networks of experts and experienced practitioners.

(13) Several States have begun serious efforts to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring qualified teachers.

(14) 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-qualified.

#### SEC. \_\_\_\_02. SENSE OF CONGRESS.

It is the sense of Congress that Congress should support efforts to hire 100,000 new teachers to reduce class sizes in first, second, and third grades to an average of 18 students per class all across America.

Mrs. MURRAY. Mr. President, we have been debating education policy for several days and actually several times over the last several months here on the floor of the U.S. Senate. I am very excited about that, because one of the reasons I came here to the U.S. Senate was to make sure that we focus on real issues that affect everyday average families across our country. There is nothing more important to any parents than making sure, when they send their children off to school in the morning, that they get the kind of education that will mean they will be a success in this country.

I am disappointed, however, that the bill before us, the Coverdell IRA proposal, will not provide that kind of quality education that parents are demanding. I believe it is a flawed policy which really will not make any meaningful difference for either private or public school students and their families. It is not a real results-driven proposal.

Many of my colleagues have been out here on the floor over the last several days talking about what the IRA Coverdell proposal will do and that it will only mean \$7 for a family in the future. Many of my colleagues have talked about how it will begin us on a road to publicly funding private schools, and the dangers of that.

We can debate that. But I am here today to bring forward an amendment that I believe will make a substantial difference in our children's education across the country, and that is regarding the issue of class size. Ask any parent who sends his or her child off to school what question they ask when their child comes home on the first day of school. It is, "How many kids are in your class?" They ask that because they know it will make a difference in whether or not their child gets the attention and the education he or she needs throughout that entire school year. If there are 40 kids in the classroom, or 35 kids in the classroom, your child will not get the kind of education and attention that he or she needs and deserves in this complex world that we live in today.

My amendment that is before the Senate is a sense of the Congress that we should support efforts to hire 100,000 new teachers so that we can reduce class sizes in first, second and third grades to an average of 18 students per class all across America.

This is simply a sense of the Congress saying this is the way we should move forward. We have been on the floor before to debate this issue, and this Congress has said no, they are not going to fund lower class sizes. I am back today because I believe this is the kind of difference that we can make, that we should make, and that we must make.

Reducing class sizes will make a difference for children across the country.

Will 100,000 teachers be enough? No, but it will be an impetus. This amendment simply will send a message that we understand the issue and we are willing to take it under consideration and move it forward.

I know as a former educator what a difference it makes to have a smaller class size. I have taught 4-year-olds. I have had 18 children in my classroom. I have had 24 children in my classroom. It means the difference between having the time to work individually with students or simply having crowd control for the entire classroom.

Every teacher of early grades will tell you the more time they have with their students, the better chance they have to make sure that all students will have the chance to learn to read, to learn to write, to learn the basic skills that will mean that they are a success throughout their later years. It also means that those teachers will have the time to deal with the complex problems that come before them as a teacher in our classrooms.

I distinctly remember one time I had with a class when I had a young student come to class and we were in the process of talking about the alphabet. We were talking about one of the letters. I was talking with my young children about different words that begin with the letter A, and all of a sudden a young child in my classroom just simply blurted out to me, "My dad didn't come home last night; he was arrested." My entire class stopped. How could I have talked about the alphabet? How could I have talked about the words that started with the letter A?

I had a devastated child in my classroom of 24. Yet, I could not take the time to sit with him and work with him because I had 23 other children in my classroom who needed attention and whose parents wanted them to learn about the alphabet.

That child probably went on to a very troubled adulthood. We could have made a difference simply by having fewer students in the classroom, by simply having the time to deal with these kind of problems. Don't just take it from me as a former educator, take it from the studies.

I have submitted a number of studies in the past as I have talked about this issue on this floor. A 1989 study of the Tennessee STAR Program which compared the performance of students in grades K through 3 in small and regular size classes found that students in small classes of 13 to 17 students significantly outperformed other students in math and reading every year at all grade levels across all geographic areas.

My sense of the Congress simply says we understand this is significant. It says we in the Senate want to make a difference in the learning of American children, and we want to move forward on the progress of reducing class size and take that on as an issue in this country.

I have talked about it as an educator. I have talked about the studies many times that prove what I say, but we should also be listening to other people. I know that when we were here a month ago and debating, I submitted a number of letters from different teachers from across my State and across this country, but I want to specifically have printed today a letter, and I ask unanimous consent that a letter to the editor by State Senator Al Bauer be printed in the RECORD.

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

[From the Columbian, April 15, 1998]

MURRAY HAS THE RIGHT IDEA

The April 5 editorial, "Patty Murray's teacher plan is costly mandate," criticized the plan by U.S. Sen. Patty Murray, D-Wash., for the federal government to hire 100,000 new teachers to reduce class sizes nationwide.

The editorial warned that "unintended consequences can destroy any attempt at progress," noting that a school district in the Seattle area cut early childhood education for at-risk youngsters because of its decision to reduce class sizes.

The criticism makes the best case for Murray's proposal. If that school district had the additional federally funded teachers to reduce class sizes in all grades, it would not have to negatively impact Head Start and at-risk programs. Matter of fact, the district could also improve those programs by smaller class sizes.

As for the criticism that 100,000 new teachers would need that many more new classrooms, teachers are creative enough to develop curriculum around the needs of children without additional classrooms.

I visited several classrooms this year where two teachers shared 46 or more students. With Murray's proposal, a third teacher could be added to such a team, thereby reducing the student-teacher ratio from one teacher for 22 students to one for 15. We are not talking about added classrooms; we are talking about more teacher time for each student so that fewer students fall through the cracks.

As for how Murray should pay for the additional teachers, Congress should pay in the same way the members propose to pay for a highway budget that is billions of dollars higher than the balanced-budget agreement.

It sounds like what happened in the State Legislature this past session. The majority party refused the proposal by us Democrats to spend \$50 million more for class size reductions, particularly in the early-grades. The majority also decided to propose to the voters in November to transfer currently used sources of revenue for education from the general fund to the highway fund.

The editorial correctly urges school districts to sue the Legislature for underfunding education from the State level. In 1977 the Legislature was sued, and the courts ruled that it was the paramount duty of the Legislature to fully fund kindergarten through grade-12 education. As a consequence, in the Vancouver School District school levies dropped. A person with a \$50,000 home or property saved \$254 a year.

It is time to get the Legislature to live up to the court's mandate. Where are our priorities? Children's education lasts forever; asphalt lasts a few years.

I am glad we have Murray in the U.S. Senate. By speaking out for our most valuable assets, our children, she is exerting the leadership on educational matters she dem-

onstrated while serving in the State Senate.—State Sen. Al Bauer, Vancouver.

Mrs. MURRAY. Mr. President, Al Bauer is a former colleague of mine in the State Senate of Washington. He is also a former educator, and he speaks from his heart when he talks about education. He wrote in his letter that hiring more well-trained teachers will help school districts stave off cuts to other special programs for at-risk students. He argues that more teachers does not have to mean more classrooms. It is the number of well-trained adults in the room that is important, because students' access to time with the teacher is at the heart of learning. He argues that Congress can pay for class-size reductions if we can put billions of extra dollars into transportation.

State Senator Al Bauer is absolutely right. The arguments against this proposal are not valid. It doesn't mean that we need more class space. It doesn't mean that we will siphon money from other places.

It does mean that this Congress, this Senate, the people on this floor are listening to what parents and educators and people across this country are saying. When we send our children off to school, we want to know they are safe, we want to know they will learn, and we know they will be safe and they will learn and get the attention they need if we begin to focus on class size in this country.

Now, a person could spend a year or a lifetime searching, and they would not be able to find someone who understands education in Washington state more deeply than Senator Al Bauer. And he happens to be a former educator, and he happens to be a Democrat. But Senator Bauer and I stood together in the state Senate, and we worked with our Republican colleagues to do everything we could to improve public education.

He knows and I know that Republicans and Democrats in Washington state can work together. They have worked together to reduce class size, increase family involvement in school decisions, fund school construction, improve teacher quality, allow communities to set higher standards for students, publish school report cards, hold schools accountable for results, reward schools that do well and mediate schools that are failing, increase student's options about which school they attend.

All these things were bipartisan proposals, based on what local school communities told us would work to improve results for students. And the great news is that many of these proposals have actually improved things in Washington state schools.

And when I think about the partisan tone of this debate on education, and I look at the education IRA proposal which offers only a seven-dollar a year solution to only a few families—I think of all the things we could be doing that would really make a difference for all

students. And class size improvement is near the top of that list.

I think it is important to listen to what educators say. I want to read to you what some of the educators have written to me as I have talked about this issue over the last several months.

Larry Swift, who is the executive director of the Washington State School Directors' Association, wrote to me, and I especially appreciate his words because I am a former school board member and Larry Swift represents the school board members across my State. He says:

As we pursue our state's goal of improving learning for all of our students, it becomes increasingly important that all of our resources be used efficiently and effectively. The most valuable resource in today's schools is the people who devote their time and effort to make schools successful—the teachers. Reducing the ratio of students to adults is particularly critical for youngsters with a variety of learning challenges that must be overcome if those students are to meet the new, higher learning standards.

Mr. President, Larry Swift is right. Representing the school boards across my country, he makes a very clear case that increasing the number of teachers and reducing the class size is critical because we are requiring our young students to know more today than we ever have before in the history of this country.

Let me also quote from Kenneth Winkes, who is the head of the Association of Washington State Principals. He represents all the principals in my State, and here is what they say:

It is increasingly evident that students entering our schools have diverse and unique needs which can only be addressed by principals, teachers, and support personnel who are not overwhelmed by crowded classrooms. Rather, educators must be able to devote attention to each student in smaller, more manageable classes.

That is what principals say.

Mr. President, I ask unanimous consent that four short statements be printed in the RECORD.

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

WASHINGTON STATE SCHOOL  
DIRECTORS' ASSOCIATION,  
Olympia, WA, March 20, 1998.

"As we pursue our state's goal of improving learning for all of our students," Larry Swift, executive director of the Washington State School Directors' Association, said, "it becomes increasingly important that all of our resources be used efficiently and effectively. The most valuable resource in today's schools is the people who devote their time and effort to make schools successful—the teachers. Reducing the ratio of students to adults is particularly critical for youngsters with a variety of learning challenges that must be overcome if those students are to meet the new, higher learning standards.

"We acknowledge and commend Senator Murray for leading the way to assuring that our students have the learning environment and the human resources necessary for the kind of schools that will provide the opportunities and training they need to become successful," Swift said.

The Washington State School Directors' Association is a statewide organization representing all of the 1,482 locally-elected

school board members from the state's 296 school districts. WSSDA serves as an advocate for the state's public schools, provides training and technical assistance for school board members and is very active in the legislative process.

—  
THE ASSOCIATION OF  
WASHINGTON SCHOOL PRINCIPALS,  
*Olympia, WA.*

The Association of Washington School Principals (AWSP) is strongly committed to supporting legislation which reduces class size in our public school system. It is increasingly evident that students entering our schools have diverse and unique needs which can only be addressed by principals, teachers, and support personnel who are not overwhelmed by crowded classrooms. Rather, educators must be able to devote attention to each student in smaller, more manageable classes.

Recent studies on reduced class size and their impact on student performance, undertaken in Tennessee (STAR study) and Wisconsin (SAGE study), speak to learner benefits in areas such as reading, language arts, and math. In our own state of Washington, reduction of class size and improved student performance are priorities for both legislators and educators.

AWSP is convinced that class size reduction is essential if our state's, and nation's, efforts towards school improvement are to be successful. We appreciate and support Senator Patty Murray's commitment to this end.

—  
WASHINGTON EDUCATION ASSOCIATION,  
*Federal Way, WA, Friday, March 20, 1998.*

WEA PRESIDENT APPLAUDS SEN. MURRAY'S  
WORK ON CLASS SIZE

STATEMENT OF LEE ANN PRIELIPP, PRESIDENT OF THE WASHINGTON EDUCATION ASSOCIATION, REGARDING SEN. PATTY MURRAY'S WORK TO LOWER CLASS SIZES IN WASHINGTON, MARCH 20, 1998

Every student deserves a safe and effective learning environment, and we commend Sen. Murray's devotion to this pressing issue. Washington currently has the fourth largest class sizes in the United States, a dubious distinction which we must work to change.

When educators have too many students in a class, it is hard for them to give each student the individual attention that students need. It is this individual attention that is at the heart of the learning process, and it is crucial in helping our students succeed.

The 65,000 members of WEA support Sen. Murray in her work to lower class size in Washington. This is an issue that is getting worse, and which we can no longer ignore. Thank you, Senator Murray, for working to give our students the education they need and deserve.

—  
AMERICAN FEDERATION OF  
TEACHERS,  
*Washington, DC, March 20, 1998.*

STATEMENT BY SANDRA FELDMAN, PRESIDENT, AMERICAN FEDERATION OF TEACHERS ON REDUCING CLASS SIZES

Modern schools and more well-trained teachers are the right antidote for the overcrowding that plagues too many American schools. Research shows that youngsters, especially in the early grades, perform better in smaller classes that allow for greater one-on-one instruction. Smaller classes also help teachers maintain discipline. Parents and teachers understand this well, and that's why Senator Murray is absolutely correct in supporting the President's proposal to provide subsidies for school construction and to emphasize teacher recruitment.

Several new studies clearly demonstrate the link between reduced class sizes and improved academic achievement. A sampling:

STAR, the highly reputed Tennessee class-size study, analyzed the achievement levels of K-3 students randomly assigned to classes of 13 to 17. Those in small classes did much better than students in regular classes in math and reading, every year and in all grades. The small classes made the biggest difference in the scores of children in inner-city schools.

SAGE, a Wisconsin program begun in 1996-97, reduces class size for K-3 children in certain high-poverty schools. At the end of the first year, SAGE kids had made significantly greater improvements in reading, language arts, and math than children had in similar schools.

Mrs. MURRAY. Mr. President, I have numerous quotes from teachers, and I can tell you from personal anecdotes, as I have talked with teachers throughout my State, it makes a difference when you have time, it makes a difference when you have to turn away three or four students with a question because you simply don't have time. We demand higher learning skills. We have a responsibility to do something about it. We can't just say, "Oh, it's a local school district problem." "Oh, it's a State problem." "Oh, it's somebody else's problem."

We have a responsibility in the U.S. Senate as leaders in this country to send a message that we want to make a difference and we are listening to the people we represent that class size makes a difference.

Let me also tell you what some students say, because I have a group of students who are my advisors. They are called my student advisory youth involvement team or SAYIT. I go to them and ask them to tell me what they think of the issues we are debating.

On the issue of class size, this is what students say:

Brook Bodnar, who is age 16, recently moved from a school with larger classes to Olympia High School which has smaller classes. She says:

... with smaller classes I'm learning so much more. Class is going so much faster.

That is what a student says.

Jared Stueckle, age 16, a junior at Selah High School, believes education should be a higher priority in funding and that class size is a good investment. Jared says:

The classes in which the number (of students) is lower I generally do better, but in a crowded class, the teacher does not give us enough individual attention.

I have numbers of comments from young students. They are excellent. I ask unanimous consent they be printed in the RECORD.

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

CLASS SIZE REDUCTION—WHAT STUDENTS SAY

Meghan Sullivan, age 15, a 10th grader at Tumwater High School, says: "... reduction is needed especially at the K-5 grade levels. This is the beginning of their education and this is where they form study habits and learning skills, so it's more important to get some one-on-one contact with teachers."

Antonella Novi, age 18, a senior at Anacortes High School, says: "Smaller class sizes enrich the learning experience for the student and the teaching experience for the teacher."

Jaime Oberlander, age 16, a junior at Tumwater High School, says: "I know that I have learned more in smaller classes. I have a stronger relationship with the teacher. I am less intimidated to participate in class discussions or ask for help when I need it. I also receive more feedback from my teacher ... my teacher can spend more time critiquing my work and helping me to learn."

Mrs. MURRAY. Mr. President, if we listen to parents, if we listen to teachers, if we listen to principals, if we listen to school board members, and if we listen to our children, we will hear what the American public truly wants and knows is right. Parents say it, teachers say it, studies prove it: Smaller class sizes will make a difference in our children's ability to learn.

My amendment simply says that it is the sense of the Congress that we will move forward in any way we can to make sure that class sizes in this country are reduced to manageable levels.

I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

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

Mr. COVERDELL. Mr. President, we certainly concur with the Senator from Washington that class size is a fundamental ingredient, a concern to everyone. I will simply say that perhaps there are two very meaningful issues that would affect that.

We have just spent over an hour discussing a real bullet that is not a sense of the Senate, it is a real bullet that would free up over \$10 billion to local schools to take care of whatever issue they have. If it is like the Senator from Missouri said, they had to have new classrooms before they could hire new teachers. They could not use the teachers if they did not get the classrooms.

The Gorton amendment which has just been discussed would send over \$10 billion to local schools to do just what the Senator from Washington wants to have done. They would be in a position and be freed to have resources to reduce their class size or to make more efficient the facilities for teaching in these local school districts.

In a moment we will hear from the Senator from Arkansas, who brings a very meaningful perspective to moving these resources directly to classrooms and not letting it get siphoned off en route.

So, Mr. President, with these two points—we have just spent an hour addressing the issue that the amendment of the Senator from Washington alludes to, and we have a real solution here that will be before us this afternoon that really gets to the problem—I yield the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the last



minute of our time be reserved for Senator COVERDELL from Georgia.

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

Mr. HUTCHINSON. I thank the Senator for yielding.

While no one questions the sincerity of the desire of my colleague from Washington to lower the class size and the student-teacher ratio, I think it once again reveals the huge philosophic chasm that has been evident time and time again during this debate on education and the amendments that have been offered on the floor of the Senate, the difference between the approach and the philosophy that we can best do things controlled out of Washington, DC, that knowledge and wisdom flows from this city and this institution, and that we want to concentrate the power and the control over education in this country in Washington.

The effort here to support the President's plan for hiring 100,000 new teachers at the Federal level, I think, is once again evidence that those of us who believe that there needs to be flexibility with local control cannot accept this as moving in the right direction.

One size does not always fit all. While some schools may benefit from reduced class sizes, other schools may not benefit from reduced class sizes. In fact most teachers—most teachers—in this country are satisfied with current class sizes.

For example, according to a survey by the Department of Education, 79 percent of the teachers in my home State of Arkansas are satisfied with current class sizes—79 percent. My sister teaches in public school in Rogers, AR. There are many things that my sister is not satisfied with about education in Arkansas. I know that is true of public school teachers all across the State of Arkansas. There are many things they would like to change and improve. But 79 percent said that that is one area that they currently are satisfied with, that the student-teacher ratio is not the big problem in education in Arkansas.

Over three-quarters of the teachers in Connecticut, Kansas, Montana, Nebraska, Oklahoma, South Dakota, and Wyoming are satisfied with the current class size ratio.

Nationally—I would call the attention of my colleagues—nationally 65 percent of teachers are satisfied with current class sizes. So I suggest if there is a crisis in class size, if there is one group in this country that would know, it would be the teachers of this country. And the teachers of this country are saying that is one area where there is not a crisis. Thus the Washington-knows-best proposal to hire 100,000 new teachers does not make any sense.

Class size does not always mean better education. Many schools with small class sizes have poor achievement results, and vice versa. For example, once again according to the Department of Education, Washington, DC, schools have one of the lowest average

class sizes in the Nation but ranks near the bottom in academic achievement; while Utah ranks near the bottom in class size ratio but ranks very high in student achievement. There is not a direct and definite correlation.

I further point out that average class size has already dropped significantly over the past 40 years and we have not seen a corresponding improvement in student achievement. Average class size has dropped from 27 to 1 in 1955, to 21 in 1975, to 17.3 today. Isn't it interesting that over the last 40 years, while we have seen class sizes consistently drop from 27 to 21 to 17.3, that student achievement scores—student achievement—have been dropping during that same 40-year period?

Average elementary class size has dropped from 30.2 in 1955 to 18.5 today, a dramatic drop in class sizes on the elementary level, and once again we have student achievement scores falling at the same time. According to the Department of Education, most States already have average class sizes of 18 or less.

Although elementary classes are a little bit larger, the national average now is 17.3, with the lowest being in New Jersey and Vermont at 13.8, and the highest being in California at 24 and Utah at 23.8 and Washington State at 20.4.

The average elementary class size—18.5—due to demographics alone, is projected to fall over the next 10 years without any massive infusion of teachers from the Federal level. We will, because of demography, see the class sizes at the elementary level continue to drop. Many States, independent of the Federal Government, independently of anything we do, are already taking actions to reduce class size. My point being, we do not need a new Federal program to hire teachers when the States are already addressing this problem. We should not be imposing this from the Federal level.

Five States—California, Virginia, Massachusetts, Connecticut, and Wisconsin—have already taken dramatic steps to reduce class size by hiring thousands of new teachers in their States. These States are hiring teachers, and they are doing it with State dollars.

Senator MOSELEY-BRAUN yesterday shared convincing pictures that her State needs to use Federal money, if it gets it, for school construction and repair. I do not agree with a Federal program to do that. But Illinois has an average class size of 17. Their great need, according to Senator MOSELEY-BRAUN, is not for an infusion of teachers. Their great need is actually in school construction.

That is the beauty of the Gorton approach. That is the beauty of the dollars-to-the-classrooms approach. I have a bill we introduced that would ensure that the money actually reaches the local level and that the local decision-makers have the right to decide where the need is and how that money should be spent.

Washington, DC, needs funds for school repair, textbooks and other supplies in the District right here. The great need is not for more teachers in the Nation's Capital. The great need is school repair, textbooks, other supplies, perhaps computers. They already have an average class size of 15 in the District. And so what do we say? "Well, let's hire 100,000 new teachers." That is not the great need here in our Nation's Capital. That is not the great need in the State of Arkansas.

There are many needs in education, some of them being resource oriented. But for us to have a one-size-fits-all solution from Washington is not the direction we need to be going.

A new Federal teacher program would further add to the paperwork burden that our teachers already complain about, thus increasing the true cost of this program and reducing its effectiveness. As we have heard so often in this debate, we provide 6, 7 percent of local school funding but we provide 50 to 60 percent of their regulations and their paperwork burden.

So what do we come up with? Another Federal solution with more paperwork and more regulations on that local level. New Federal programs require new Federal bureaucrats to administer the program. We have already placed an enormously heavy burden upon those local teachers, and we don't need to siphon off scarce Federal dollars going to the States currently to start a new program hiring large numbers of teachers with Federal dollars.

My sister, Gerri, teaches at the Reagan Elementary Public School in Rogers, AR. She reflects the attitude of 79 percent of the teachers in Arkansas that class size is not the big problem that she faces. Discipline, yes; many other needs, yes. Class size is not at the top of the list. Arkansas has made great strides. I think we rank 28th in student-teacher ratio nationally. Twenty-eighth is not great, but it is far better than we are in many other categories, including academic scores and the percentage going on to college and so forth. So while we have many challenges, we wouldn't put class size at the top of the list. We couldn't. I have never heard my sister complain once about the size of her class.

I believe the Gorton amendment that we will vote on later today—the dollars to the classroom bill, legislation that I have introduced, that would ensure that 95 cents out of every dollar, Federal dollar, would actually reach the classroom and local control—is a far better approach. Allow local school boards, allow classroom teachers, greater discretion, greater flexibility on how those dollars are used, greater flexibility with fewer Federal mandates. Perhaps they need to paint the classroom. Perhaps they need to buy a computer. Perhaps they need to hire a tutor. Perhaps they have another local need. But what we don't need to do is to start a new Federal program and to hire massive numbers of new teachers from the Federal level.



I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes remaining, and the other side has 2 minutes 47 seconds.

Mrs. MURRAY. Thank you, Mr. President.

I listened with interest to my colleague from the other side of the aisle debate the issue of whether or not we as parents across this country believe that our class sizes should be reduced and that it will make a difference. I heard numbers that don't take into account what is really happening, because that is the number of adults in a school that my colleague from Arkansas referred to—the nurses, the counselors, librarians, social workers. What we are talking about here is the need to put new teachers across this country into classrooms so we can reduce class size.

I speak to all of the people who are listening to this debate today. When you hear somebody say your class sizes are the right size, think about how many kids are in the classroom in your local school; think of the amount of attention they are getting; think about whether or not they are getting the skills that you as a parent want them to get. If you agree with me that class size reduction will make a difference, call this Senate and let us know. Call this Senate and let us know. People across this country need to let us know that you recognize it is our responsibility as adults at every level to make sure that our children are getting a good education. Parents know it, teachers know it, and studies show it: Class size reduction makes a difference. We can't pass this off and say it is somebody else's responsibility; it is our responsibility.

I heard my colleague say there is a philosophical difference. You bet there is a philosophical difference. There is a philosophical difference between those who believe we should go down a path of block grants and cuts, meaning high-need students will get less. There is a proposal that we eliminate the Department of Education and no longer even say public education is in the domain of this country or that we care about it as a priority.

This current budget that was passed by the Republicans just a short time ago cut education by \$2.2 billion. The IRA proposal in front of us that takes us down a road where somebody gets \$7 in the year 2002 for education, it is a narrow road that says in the future only a few children will get a good education.

The philosophy I believe is that every child, no matter who they are, where they come from, or how much money they have in these United States of America, will be able to get a good public education. We can do that by reducing class size, by rebuilding our crumbling schools, by making an invest-

ment in our teachers and training them with the skills they need to teach our children. That is the philosophy that will make sure we have a strong democracy in the future.

I hope that parents across this country weigh in on this debate. It is a critical one for the future of all of us.

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

The Senator from Arkansas has 1 minute 47 seconds remaining.

Mr. HUTCHINSON. Let me respond to a couple of points. The Senator from Washington said the figures I used speak of a number of adults in the school system. That is not the fact. The Department of Education has provided these figures, and it speaks of class size. Average class size has dropped from 27 in 1955 to 17.3 today. That is class size. It has dropped dramatically. And while it has dropped dramatically, student achievement has decreased. Twenty-one countries tested in the 12th grade math and science competency; the United States ranked 19th. There is no disputing our schools have problems, but it is also very evident that simply reducing class size, as we have done over the last 40 years, will not be the magic bullet. It will not be the panacea that suddenly is going to give us great academic achievement.

What we do need is, in fact, greater local control, greater flexibility. The issue is not, as my colleague tried to make it, whether we will eliminate the Department of Education; that is a red herring, a straw man.

The issue and the debate is whether we are going to provide greater flexibility and greater control at the local level, or whether we continue down the path that Washington, DC, is the fount of all wisdom, have all our solutions float from the Nation's Capitol, and it is so evidently demonstrated we don't solve the problem, and in many cases we simply exacerbate them.

I suggest this is a sense-of-the-Senate resolution that is, while well motivated, ill conceived and takes us down the road of further federalizing education, placing greater mandates and greater burdens upon local teachers while not appreciably addressing the educational problems we face in this country.

I ask my colleagues to consider there is a better way.

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

AMENDMENT NO. 2296 TO AMENDMENT NO. 2295  
(Purpose: Expressing the sense of Congress that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms)

Mr. HUTCHINSON. I have a second-degree amendment that I send to the desk.

The PRESIDING OFFICER. The Senator from Georgia has reserved 1 minute.

Does the Senator from Arkansas yield that back?

Mr. HUTCHINSON. I yield that back.

The PRESIDING OFFICER. All time is yielded back.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 2296 to amendment numbered 2295.

Mr. HUTCHINSON. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after "TITLE \_\_\_\_" and insert the following:

#### —SENSE OF CONGRESS

#### SEC. \_\_\_\_01. FINDINGS.

Congress makes the following findings:

(1) The people of the United States know that effective teaching takes place when the people of the United States begin (A) helping children master basic academics, (B) engaging and involving parents, (C) creating safe and orderly classrooms, and (D) getting dollars to the classroom.

(2) Our Nation's children deserve an educational system which will provide opportunities to excel.

(3) States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars.

(4) Several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

(5) While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom; further, it is thought that only 85 percent of funds administered by the Department of Education for elementary and secondary education reach the school district level; and even if 65 percent of Federal education funds reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

(6) American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly \$100,000,000,000 annually.

(7) According to the Digest of Education Statistics, in 1993 only \$141,598,786,000 out of \$265,285,370,000 spent on elementary and secondary education was spent on instruction.

(8) According to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers.

(9) Too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth.

(10) Getting 95 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately \$2,094 in additional funding per classroom across the United States.

(11) More education funding should be put in the hands of someone in a child's classroom who knows the child's name.

(12) President Clinton has stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now."

(13) President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and

that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent.

(14) President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy.

**SEC. —02. SENSE OF CONGRESS.**

It is the sense of Congress that the Department of Education, States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

The PRESIDING OFFICER. There is 30 minutes of debate equally divided on this amendment.

The Senator from Arkansas.

Mr. HUTCHINSON. There is no doubt we are facing a crisis in American education, a crisis that is putting us at risk economically. While it has been 15 years since the education alarm was sounded in this Nation with the report, "A Nation at Risk," most indicators show that U.S. education is still desperately in need of repair.

As I have suggested, mandating the hiring of 100,000 new teachers at the Federal level is not the right answer. I further suggest there is a better way, and that is the dollars to the classroom. If we can take the limited Federal dollars—and I think that is about 67 percent of local funding of the schools right now—if we can take those dollars and assure they actually reach the classroom, we will be far better off. Keep the local control. It will mean more money at the local level.

So the sense-of-the-Senate resolution that I am offering as a perfecting second-degree amendment would simply say that we will make our efforts to ensure that 95 cents out of every dollar actually reaches the classroom. Right now, money does not reach the classroom. It is estimated between 15 percent and 35 percent of Federal funds spent on education never reaches the classroom. My colleagues, that is absolutely amazing. That is astounding, that 15 to 35 percent of Federal funds spent on education never reach the classroom. That is as much as \$5.4 billion of taxpayer money targeted to education that will get lost in nothing but bureaucracy. School systems waste their own money on Federal paperwork. Federal paperwork burdens account for 50 percent of paperwork completed at the State education agencies, yet only 6 percent of their funds come from the Federal Government.

Federal money is wasted—wasted over and over again. If we can take a look at this chart, we have a little example of where some of those Federal dollars are wasted. There are 21,922 publications listed by the Department. What are some of those publications that our tax dollars are being spent on?

They include: 140 studies on checklists; 13 studies on welding; 260 studies on surveys; 100 studies on education re-

searchers researching their research techniques; and 3 studies entitled "Cement: The Concrete Experience."

If there were any other evidence necessary to demonstrate that the solution doesn't come from Washington, DC, I don't know what it would be. This should be sufficient. Is it any wonder that only 65 cents out of every dollar actually reaches the classroom when we are spending Federal education dollars in these ways? Again, three studies were entitled, "Cement: The Concrete Experience."

We also spend Federal education dollars for closed captioning of programs like Baywatch, Jerry Springer, Jenny Jones, Hard Copy, and MTV's Real World. Those are some of the areas where I believe we are currently wasting valuable and precious tax dollars.

So we find that between 15 and 35 percent of these funds are consumed at the Federal bureaucracy. So \$5.4 billion of taxpayer money targeted to education will get lost in the bureaucracy. Federal money is wasted time and time again. The fact is that a large portion of Federal education dollars support this huge and growing Federal and State education bureaucracy.

The question boils down to how we spend the money, not how much we spend. We throw money at problem after problem and find that the problems simply get worse. Even the President said this: "We cannot ask the American people to spend more on education until we do a better job with the money we have got now." So I believe the solution—or at least a step in the right direction is the dollars-to-the-classroom proposal. The fact is that those closest to the students are the parents. That is the first and best "department of education" that has ever existed. And the teachers who spend every day in that classroom with those children and the school administrators know best the individual needs of the students. That is why I am offering this sense-of-the-Senate resolution.

Under the sense-of-the-Senate resolution, we urge that 95 percent of Federal funds should go to the classroom. If 95 percent went to the classroom, each class would have an additional \$2,094 to spend on their particular needs.

I will show this chart to my colleagues. Under the dollars-to-the-classroom amendment, simply go through the figures. The number of students in K through 12 in the United States is 51.7 million. Elementary and secondary Department of Education outlays for fiscal year 1997, according to CBO, were \$15.04 billion. The current estimate of above-mentioned dollars to the classrooms, the 65 percent that actually make it to the classroom under current policies, is \$9.78 billion. The goal of the above-mentioned dollars to the classrooms, 95 percent, would be \$14.29 billion that would get to the classroom. So the added dollars for use in the classroom are over \$4.5 billion. That is without any new taxes. Without any new appropriations necessary, we

would free up \$4.5 billion for use in the classroom to be determined by the local school boards as to how that money could best be spent. That could be the hiring of additional teachers. It could be that in some school districts the great need is to lower classroom sizes. It could also be that they need to build a new school building or purchase some computers. It could be that they need to hire a tutor to help in a particular academic area. Additional dollars per student under this formula of 95 percent would be \$89.23 per student. Average class size is 23.2 for teachers in departments, 25.2 for self-employed—approximately 24 children per class. If you multiply by 24, you come out with over \$2,000 per classroom.

I suggest to my colleagues that that is a far wiser approach than starting a new Federal program. The classroom is where learning occurs. It is where knowledge grows. It is not in some stuffy office in Washington where 35 cents out of every dollar is currently being spent. Thus, we should get the money away from Washington and drive it to the classrooms through that block grant approach that has been so ridiculed. We would be able to accomplish that, where local school boards or the States would be able to make those decisions.

This resolution—it is only a sense of the Senate—lays the groundwork for getting education dollars to the schools, where local officials and parents and teachers can decide how best to spend the money. The question is, whom do we trust? Do we trust Washington, or local school boards, local schools, teachers and parents? A vote for this perfecting second-degree amendment is a vote for the classroom in your States and a vote against bureaucracy. That is the question. Do you want it down in the classroom or do you want to have another Federal bureaucracy hiring more teachers, another overlay, another step in federalizing education in this country?

I ask my colleagues to support this sense-of-the-Senate resolution on dollars to the classroom, where the money can best be used, where the decisions can best be made.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas has 7 minutes remaining.

Who yields time in opposition?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes. But I see the Senator from Washington on her feet at this time. Maybe she would like to address this and then I will make some brief comments about it.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we have had a brief chance to take a look at this amendment. We have not seen it before 10 minutes ago. We are looking at the language now.

The Senator from Arkansas says that he wants 95 percent of the money to go

to classrooms. I don't think anybody disagrees with that. In fact, it is my understanding that much more than that—in fact, 98 percent of Federal funds actually go to school districts and classrooms. So what he is asking for currently is in place.

We go back to why I originally put this amendment before us, which is the fact that we have classrooms that are overcrowded, classrooms where children are not learning. We have classrooms where we as elected officials are demanding that our students learn math, reading, and language skills but simply do not have the ability to do it because of overcrowded classrooms.

Mr. President, we will continue to take a look at this language. I yield to my colleague from Massachusetts for a comment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the amendment of the Senator from Washington is really targeted on a key area of educational policy—that is, the reduced class size—for all the reasons she eloquently presented to the Senate just a few moments ago. It is a time-tested way of enhancing academic achievement and accomplishment for our public schools. The fact is that she has taken this proposal, offered it to the Senate so that we would have an opportunity to state whether we believe that smaller class size would be useful and helpful, particularly in the early grades. That is what this is really targeted on.

The Senator from Arkansas has come in and offered an amendment that effectively vitiates her amendment, by saying that we should be committed to at least 95 cents of the educational dollar going into the classroom. Well, we are in favor of that. This is a rather clever way, evidently, by our Republican friends of trying to obscure the issue of whether smaller class size is an important educational tool.

We agree that 95 percent of the funds ought to go to the classrooms. In many programs, it's more than 95 percent; 98 percent goes through to the classrooms. So why the Senator has made this proposal is to wipe out the MURRAY amendment. Let's not fool ourselves. We can stand up here all day long and say how we want to preserve taxpayer funding to targeted areas in educational programs. We are for it. We are all for it. It is not a new idea. It has already been accepted in the House of Representatives. We hope there will be a voice vote on it. But we ask the Senator, why attempt to vitiate the excellent program or deny the Senator the opportunity to get a vote on her program for smaller class size?

That is what you are basically about. Let's not kid ourselves. Let's not stand up here and take the time of the U.S. Senate and try to say we are all for trying to get the money into the classroom. We are all for that. The Senator has the legitimacy to take the time of the Senate to do so. We are for it. But

what you should say is: By accepting my amendment, we effectively emasculate the Murray amendment, which has tried to put the Senate on record saying that smaller classrooms can be one of a number of tools to try to enhance academic achievement and accomplishment.

You are effectively trying to deny that. Let's call a spade a spade. That is why I certainly hope that we have every intention of getting a vote on the Murray concept. We will have that opportunity to do so at some time. I hope we will persevere.

I think the amendment of the Senator from Washington is a carefully crafted amendment and that we in this body understand the importance of moving towards smaller class size. I heard the Senator eloquently speak from her own personal experience. There isn't a Member in this body who can speak with the personal experience of the Senator from Washington. She has been in the classroom. She has been in large classes and in smaller classes and has been a school board member. There isn't a Member in the Senate who can claim those kinds of credentials. She knows about this as an important concept.

We are not going to be denied by any Senator in here from at least getting an opportunity to vote on that. You can try what you like, but you are not going to be successful. I hope we can get beyond the chaff that is out here and get to the real wheat, which is the Senator's amendment.

If the Senator wants to have a vote on his, good. I hope we would get on with it, if we are serious about having an education debate. But make no mistake about it. The thrust of the Senator's amendment is to effectively deny the Senate an opportunity to vote on the Murray amendment because we all virtually agree. I have not heard a voice out here that isn't going to support the Senator's amendment, which is about 95 cents out of every dollar going to the classroom. That is not what this is about. It is to deny the Senator from Washington of having a fair chance to have her amendment heard. We know our Republican friends are so tied up with this idea of using scarce resources for private schools, and we know the drive that has in terms of the whole Coverdell proposal. But they want to deny even the opportunity for the Senate to address in a short period of time a very important and significant educational policy issue. Even under these restrictive rules, which we had to agree to, they are not going to be able to prohibit the Senator from getting a vote on it.

I hope that we do that in a way that will be accommodated. We can do it nice or do it rough. But we are going to get a vote on it. The Senator can make up his mind which way he wants to play with it.

Mr. DORGAN. Mr. President, may I inquire? What time is available, without consuming time?

The PRESIDING OFFICER. The Senator from Washington controls 8 minutes; the Senator from Arkansas is in control of 7 minutes.

Mr. DORGAN. Mr. President, the Senator from Arkansas may want to respond. But let me make a point that his amendment essentially, as the Senator from Massachusetts says, wipes out the Murray amendment dealing with class size and 100,000 teachers and reducing the class size of first, second, and third grades to an average of 18 students.

The point I made the other day is that this debate is about the priorities of need in education. The Senator from Georgia brings a bill to the floor and says the priority of need is a provision for a tax credit, the bulk of which will go to wealthy folks who send kids to private schools. That is his priority of need. It is not me saying that; it is now the Department of Treasury saying that of the legislation.

The Senator from Washington says there is another need. We talked earlier about school construction. The President and the Senator from Washington has done a lot of work on this issue and talk about the need to reduce the class size of first, second, and third grades. We know that makes a difference in education. That is not rocket science. We know that works. That makes a difference in education.

The second-degree perfecting amendment that has been offered essentially obliterates this and takes it out. The Senator from Massachusetts just indicated—he is absolutely correct—that we are going to get a vote on the amendment offered by the Senator from Washington, Senator MURRAY. We have a right to get that vote. We will, because the Senator from Arkansas says he wants to obliterate that amendment. We will then come back and offer a second-degree at the end of his amendment, and we will get this vote later now rather than sooner. But we will get it.

So I don't have any objection to somebody coming to the floor saying let's have 99 percent of the money spent on education going into the classroom. I have no objection to that. I have no objection to his amendment at all. What I object to is he comes to the floor and says—by the way, the Senator from Washington worked on this for some while, and it was one called for in the President's State of the Union Address—we will just wipe that out. That is not part of the unanimous consent. She has a right to vote on it. What we will do at 11:30 in the morning is just wipe it out.

Finally, let me propound a parliamentary inquiry, if I might, to the Presiding Officer. Is it not the case that the Senator from Washington will be able to offer a second-degree amendment at the end of the perfecting amendment providing this perfecting amendment is approved by the Senate at some appropriate point in this process and get a vote on the second-degree amendment?

The PRESIDING OFFICER. Upon disposition or taking care of the Hutchinson second-degree, other second-degrees would be in order.

Mr. HUTCHINSON. How much time do I control?

The PRESIDING OFFICER. Seven minutes.

Mr. DORGAN. Mr. President, I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, as I began my remarks, I was not trying to play dirty pool, or something, as the Senator from Massachusetts has suggested. The rules are the rules. The rules allow me to offer a second-degree amendment. As I expressed at the very beginning, I think there is a big philosophical difference as to how we improve education in this country because I don't believe that a Federal program of 100,000 new teachers is the best way to do it. It doesn't mean that I somehow am playing dirty pool. We have a great difference of opinion as to what is the best approach.

Everybody stands up and says what we want in this case is to just lower the class size and we are going to have better schools. No one deals with the figures. No one deals with the facts that I have given. I wish somebody would. The Department of Education gives us figures saying from 1955, when the class size average was 27 in this country until the current time when the average size is 18.5 in elementary, 17.3 overall, that we have seen class size drop now by over 10 per class size. During the same 40-year period, we have seen academic achievement decrease.

Furthermore, I wish somebody would explain this to me. Here in Washington, DC, we have one of the lowest average class sizes in the Nation—13. Yet, our Nation's Capital ranks near the bottom in academic achievement. If this is the solution, why 100,000? Let's hire 200,000, if the solution to education in this country is getting class sizes down. Let's get it down to 10. But the fact is we have seen class sizes drop and drop and drop, and at the same time we have seen academic scores—nationalized achievement tests—drop and drop and drop. What do we do? Let's hire more teachers. That is bound to help. Yet, no one wants to deal with the issue. They just want to say this isn't right, that you should offer a second-degree amendment.

By the way, I am so glad about the endorsement of the 95 cents out of every dollar going to classrooms. There is legislation that would do that. I expect now—as Senator DORGAN says—I don't think they actually will but I hope that we get the dollars for the classrooms and allow us to get that money to the classrooms. It is a better approach.

In Utah, the State of Utah ranks near the bottom in class size. In fact, I think it was 48th in class size. Yet,

they are at the top nationally in student achievement. But the way we are going to solve the school problems in this country is hire more teachers.

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

Mr. HUTCHINSON. No, I will not yield for questions at this time. I resent the implication that somehow I have violated the comity of the process by offering a second-degree amendment which sincerely reflects my desire to address the education problems in this Nation in what I believe is a better way and my sincere—my sincere—reluctance to further federalize education in this country by hiring 100,000 new teachers with Federal funds. I think it is the wrong direction.

I think it is the right of any Senator to come and propose a better way.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 3 minutes 1 second remaining.

Mr. HUTCHINSON. I will yield for a question.

Mr. DORGAN. Mr. President, the Senator from Arkansas has offered an amendment that strikes the amendment offered by the Senator from Washington. We had a unanimous consent agreement in this Chamber on how we were going to handle amendments. It provided that she was going to have an opportunity to offer her amendment and get a vote on her amendment. I didn't use the words "dirty pool." The Senator did. But my point is, if we had an agreement that she was going to be able to offer this amendment on the Senate floor and the Senator comes and strikes her amendment, it seems to me that is not what we agreed to some long while ago when we agreed to the rules of this debate.

The Senator is within his rights of offering the second degree. I don't disagree. But my point is the Senator comes to the floor, not just advancing his ideas, but essentially prevents her from getting a vote on her amendment because the Senator strikes the Murray amendment.

Mr. HUTCHINSON. I am not sure what the question is. I yielded for a question.

Mr. COVERDELL. Will the Senator yield?

Mr. DORGAN. Let me ask a question. And while you do this you make the point apparently larger class sizes are better. Do you believe that?

Mr. HUTCHINSON. I have not made that point, as we all well know. Let me say again, what I think I demonstrated very, very clearly is that there is no evidence that simply lowering class size is going to improve academic achievement. That's been the assertion from the other side.

I yield to the Senator from Georgia.

Mr. COVERDELL. I just wanted to clarify the unanimous consent agreement. I have been off the floor for a moment. But the unanimous consent agreed to 12 Democrat amendments, 5

Republican amendments and any second degrees, unlimited. So I don't think anything has happened here that was not appropriate under the unanimous consent agreement.

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

Mr. COVERDELL. I yield.

Mr. HUTCHINSON. Is it your understanding that my offering of the second-degree amendment is any violation of comity as to the agreement that was entered into?

Mr. COVERDELL. No, there is not. That's the point.

Mr. HUTCHINSON. Any implication that somehow I have wronged the Senator from Washington in offering this would be inaccurate?

Mr. COVERDELL. That is inaccurate.

Mr. DORGAN addressed the Chair.

AMENDMENT NO. 2296, AS MODIFIED

Mr. HUTCHINSON. I believe I have control of the floor. I ask the Senator from Georgia if he would be agreeable to me offering this as a first-degree amendment with a recorded vote and removing this as a second-degree amendment, in my effort, in my desire to be as agreeable and cooperative as possible to the Senator from Washington?

Mr. COVERDELL. If I understand—I just heard this—what the Senator from Arkansas is saying, there is a suggestion that your second degree would be framed as a first degree?

Mr. HUTCHINSON. That is correct.

Mr. COVERDELL. On which there would be a vote, and then there would be a vote on the amendment of the Senator from Washington absent the second degree. So both proposals would be voted on. It is my understanding that was agreeable to the Senator from Washington. If it is agreeable to the Senator from Arkansas, I think that could be facilitated.

Mr. HUTCHINSON. It is agreeable to the Senator from Arkansas.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. If the Senator will yield, I will get a vote then on my amendment?

Mr. COVERDELL. That is correct.

The PRESIDING OFFICER. Does the Senator from Georgia want to propose that as a unanimous consent request?

The Senator from Georgia.

Mr. COVERDELL. Let me propose it as a unanimous consent request then.

Mr. DORGAN. Mr. President, reserving the right to object.

Mrs. MURRAY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I have not had a chance to respond. How much time do I have remaining on my side?

The PRESIDING OFFICER. The Senator from Washington has 4 minutes.

Mr. COVERDELL. When I said no more time, I didn't mean to interrupt the time already allotted.

Mr. DORGAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Is it the Senator's intention there be no second-degree intervening amendment before voting on the amendment of the Senator from Washington?

Mr. COVERDELL. Yes. We are agreeing to have a vote on the amendment of the Senator from Washington and the amendment of the Senator from Arkansas, and no other amendment.

Mr. DORGAN. Mr. President, again reserving, and I shall not object, this does correct exactly what we were complaining about. I appreciate very much the opportunity to do that because the unanimous consent agreement gave her the understanding that she was going to be able to offer an amendment, provide the debate and get a vote on her amendment. I do not represent that the intention here was to deliberately prevent that. But the effect—

Mr. HUTCHINSON. Such a suggestion was made.

Mr. DORGAN. But the effect of it is to prevent her from getting a vote on her amendment unless it is corrected. This does correct it, and I think it makes a great deal of sense.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The amendment (No. 2296), as modified, reads as follows:

At the end of the bill, add the following:

TITLE —SENSE OF CONGRESS

#### SEC. —01. FINDINGS.

Congress makes the following findings:

(1) The people of the United States know that effective teaching takes place when the people of the United States begin (A) helping children master basic academics, (B) engaging and involving parents, (C) creating safe and orderly classrooms, and (D) getting dollars to the classroom.

(2) Our Nation's children deserve an educational system which will provide opportunities to excel.

(3) States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars.

(4) Several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

(5) While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom; further, it is thought that only 85 percent of funds administered by the Department of Education for elementary and secondary education reach the school district level; and even if 65 percent of Federal education funds reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

(6) American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly \$100,000,000,000 annually.

(7) According to the Digest of Education Statistics, in 1993 only \$141,598,786,000 out of

\$265,285,370,000 spent on elementary and secondary education was spent on instruction.

(8) According to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers.

(9) Too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth.

(10) Getting 95 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately \$2,094 in additional funding per classroom across the United States.

(11) More education funding should be put in the hands of someone in a child's classroom who knows the child's name.

(12) President Clinton has stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now."

(13) President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent.

(14) President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy.

#### SEC. —02. SENSE OF CONGRESS.

It is the sense of Congress that the Department of Education, States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see the Senator from Washington is on the floor. I will just take a moment or two to talk about support for smaller class sizes. The idea that we say this is going to be the answer in education, of course, no one has represented that.

The PRESIDING OFFICER. The Senator from Washington has 4 minutes.

Mr. KENNEDY. Two minutes. No one has represented that.

But what we have found, for example, as a result of very extensive hearings—I do not know which ones were cited—is that in Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 have lead to a 44 percent increase in reading scores and an 18 percent increase in math scores. In Wisconsin, student achievement in grades K through 3 is also finding similar results. Project STAR in Tennessee, K through 3 in 80 different schools in Tennessee. And in California similar kinds of results. So the idea that this is not a worthwhile educational policy tied into other education policy as a way to help to assist local schools that make that judgment fails, I think, to be credible, and I think that is why we are all grateful we are going to be in a situation that we can have the vote on the amendment of the Senator from Washington and a vote on the amendment of the Senator from Arkansas. I

hope this body will vote in favor of both.

I thank the Senator from Washington for bringing this very important measure to the Senate.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington has 2½ minutes.

Mrs. MURRAY. I thank the Chair. I thank my colleagues from Massachusetts and North Dakota because they are stating the case quite correctly on class size. It absolutely makes a difference when you reduce class size particularly in lower grades.

The Senator from Massachusetts has cited what several empirical studies have shown. The Educational Testing Service says that empirical evidence is clear; smaller classes can make higher levels of student achievement, at least in the elementary school grades and particularly for disadvantaged students.

We have submitted these studies for the Record, and our colleagues are welcome to look at the Record. But I can tell you as an educator, clearly class size makes a difference. There is not a parent in this country who does not want to send their child off to school and know that they are learning how to read, that they are learning how to write, that they are learning math skills. When you have reduced class size, it makes a difference. Ask any parent. Ask any student. Ask any teacher. It will make a difference.

Every parent asks their child on the first day of school when they come home, "Who is your teacher?" How many kids in your classroom?" They ask that because they know it makes a difference. Parents know it. Students know it. Teachers know it. And the studies show it. If you want to help IDEA kids, to which many of my colleagues have been alluding on the floor, I will tell you that class size matters. It matters more than anything else. I think it is absolutely imperative that this Senate go on record stating that we understand that. We are not going to ignore it. We are not going to come up with all kinds of arguments about paperwork and bureaucracy and federalism. We are going to say that as leaders in this country we understand that class size makes a difference. We want to make a difference for our children in our schools across this country, and we can by passing this amendment.

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

Mrs. MURRAY. Yes. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Washington has 15 seconds.

Mr. NICKLES. The question to my colleague from Washington is: How much does your proposal cost, and are these going to be Federal teachers? Are they going to be paid for entirely by the Federal Government or partly by the State government? What is the cost allocation?

Mrs. MURRAY. In the President's State of the Union Address, he said he

wanted us, in our budget, to add 100,000 additional teachers in our classrooms just as we added 100,000 police officers. Within our budget, we will look at how we can do that. My sense of the Senate simply puts us on record, as leaders in this country, that we are going to move in this direction. We have numerous ways of looking at it.

If we can fund roads, if we can fund construction projects across this country, if we can fund numerous projects that we have in our budgets, we certainly can fund lower class sizes for our students across this country that will make a difference.

The PRESIDING OFFICER. The time of the Senator from Washington has expired. The Senator from Oklahoma.

Mr. NICKLES. I ask unanimous consent that each side have an additional 2 minutes to discuss this issue.

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

Mr. NICKLES. Will the Senator yield?

Mr. HUTCHINSON. I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. NICKLES. I appreciate my colleague's response. I said, How much is it going to cost? She said it is in the President's budget. The President's budget says we will spend \$7.3 billion to hire an additional 100,000 teachers. It doesn't really define in the budget how that is going to be done. My colleague from Washington said it is going to be done like we did community policing. He has a goal to hire 100,000 community police. When that started out, it was 100 percent or 75 percent Federal, and then 50 percent Federal, and then 25 percent Federal each succeeding year, and the individual communities had to pick up the greater costs.

I laugh at that. A lot of communities are saying, "We like the program when the Federal Government is paying all of it. We don't like it when we have to pay all of it."

Then I asked my communities in the State, I went around to several communities—I am sure several of my colleagues did—and said, "Are you going to get one of these teachers? Is your school going to get a teacher? Is your school going to get a teacher? Who is going to be lucky enough to get the Federal teacher?" I don't think it makes any sense.

Do I want smaller class size? I would say, in general, yes. Do I think the Federal Government should mandate it, should pay for it? The answer is no. I think the solution is, as our Senator from Washington said, let's give the money and power and control back to the States, and if they want smaller class size, they can make that decision. If they want new buildings, they can make that decision. If they want new computers, they can make that decision. We should not try to say, "Oh, we think this classroom should have another teacher. We are going to have a

Federal teacher here and have the Federal Government pay 75 percent of it or 50 percent of it for the first year." I just don't think it makes sense. I don't think it is affordable.

The \$7.3 billion the President had in his budget was financed on the so-called tobacco deal, and we don't even know whether or not it is going to happen. So I urge my colleagues to support the amendment of my friend and colleague from Arkansas saying that 95 percent of this money should go directly to the classroom. I urge my colleagues not to say we should be dictating to the States how, and put Federal teachers or federally-paid-for teachers in the schools. I think it would be a serious mistake.

If we want to have a sense of the Senate, "Hey, we urge you to have smaller class size," and leave it to the States, fine. But the implication of the amendment of the Senator from Washington is that we need to have the President's program, we need to have the Federal Government writing checks for teachers in individual school districts, and I think that is a mistake.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I have 2 minutes remaining?

The PRESIDING OFFICER. There are 2 minutes remaining under your control.

Mr. HUTCHINSON. I appreciate the Senator from Oklahoma and his clarification on the amendment, the sense-of-the-Senate resolution of the Senator from Washington, because it is not clear whether these are Federal teachers, federally funded or not. It is clear now that it is Senator MURRAY's intention that this fulfill the President's request in his budget; that is \$7.3 billion.

We all want smaller class sizes. My point has been that we have been getting that. Mr. President, 27 was the average class size in 1955, 21 in 1975, 17.3 today. Class sizes are dropping. They will continue to. Demographically, we are told class sizes will continue to decrease.

Furthermore, we know as well that many States are already addressing this problem. California, Virginia, Massachusetts, Connecticut, and Wisconsin have taken dramatic steps to reduce class size on their own. Our whole point has been that 100,000 new teachers hired at the Federal level is not the best use of \$7.3 billion. We would be far wiser in use of limited Federal resources to ensure that that money gets to the classroom, as opposed to starting another Federal initiative, another Federal effort.

We know that our schools have problems. Mr. President, 25 percent of 12th grade scores were below basic reading in the 1994 NAEP test. The literacy level of young adults, 15 to 21, dropped 11 points between 1984 and 1994. That has happened simultaneous with smaller class sizes. We all want smaller class sizes. I think that is wonderful. But is that the best use of scarce resources? The answer is no.

What is the correct answer is to provide maximum flexibility with the fewest possible mandates, ensuring that the highest percentage possible of those dollars gets to the classroom. That is what my amendment does. That is what the "dollars to the classroom" proposal is all about—more money to the classroom with fewer regulations and fewer controls from the bureaucrats in Washington, DC. I think most Americans agree with that, I think most schoolteachers agree with that, and I am sure most parents agree with that proposal.

So I ask my colleagues to vote for this sense-of-the-Senate resolution. It expresses their reluctance, skepticism about another Federal program hiring another 100,000 teachers for our local schools.

The PRESIDING OFFICER. All time of the Senator from Arkansas has expired. The Senator from Washington has 2 minutes.

Mrs. MURRAY. Mr. President, I have listened carefully to the education debate because I care deeply about public education in this country. I believe that our democracy was founded on the principle that all children, no matter who they are or where they come from or how much money they have, should have the opportunity within our public education system in this country to get a good education. I have gone across my State and asked parents and teachers and principals and school board members, What will make a difference? And resoundingly they have said to me we need to focus attention on class size; the Senate needs to focus their attention on class size.

I am, frankly, really tired of the argument that our public education system has failed. Our public education system has not failed. We have failed our public education system. And we have failed it because we have not put in the adequate resources for what we are demanding, as leaders in this country—that our children learn how to read and write and get the skills they need to get jobs one day. These are skills we are demanding. Yet we turn our backs and say we are not going to fund it.

This is an issue of priorities. Are we going to fund public education in this country? Or are we going to do what my Republican colleagues did in this budget and cut \$2.2 billion from education? Mr. President, we can go down a narrow road in this country, and we can pass vouchers, and we can say that we can block grant, and we can make sure that a few kids get a public education. But that is not the country I was born and raised in. That is not the philosophy I believe in. I believe we can do the right thing. I know, and I will tell all of you: Reducing class size makes a difference. Ask any parent. Ask any parent if they know that it makes a difference, and they will tell you yes, it does.

Mr. President, this is a simple amendment that we are offering. It



simply says this Congress understands that class size reduction is an issue that makes a difference and we are willing to look at how we can help make that happen across this country. I urge its adoption.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2295

Mr. KENNEDY. The yeas and nays on the Murray amendment, Mr. President? 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.

The PRESIDING OFFICER. Under the previous order, the Murray amendment and the Hutchinson amendment are temporarily laid aside. The Senator from Indiana, Mr. COATS, is recognized to offer an amendment.

AMENDMENT NO. 2297

(Purpose: To amend the Internal Revenue Code of 1986 to provide an additional incentive to donate to elementary and secondary schools or other organizations which provide scholarships to disadvantaged children, and for other purposes)

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

The PRESIDING OFFICER (Mr. BURNS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 2297.

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

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

The amendment is as follows:

At the end add the following:

**TITLE \_\_\_\_—ADDITIONAL INCENTIVE TO MAKE SCHOLARSHIP DONATIONS**

**SEC. \_\_\_\_ ADDITIONAL INCENTIVE TO MAKE DONATIONS TO SCHOOLS OR ORGANIZATIONS WHICH OFFER SCHOLARSHIPS.**

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

“(m) TREATMENT OF AMOUNTS PAID TO CERTAIN EDUCATIONAL ORGANIZATIONS.—

“(1) IN GENERAL.—For purposes of this section, 110 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

“(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if the amount—

“(A) is paid in cash by the taxpayer to or for the benefit of a qualified organization, and

“(B) is used by such organization to provide qualified scholarships (as defined in section 117(b)) to any individual attending kindergarten through grade 12 whose family in-

come does not exceed 185 percent of the poverty line for a family of the size involved.

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) QUALIFIED ORGANIZATION.—The term ‘qualified organization’ means—

“(i) an educational organization—

“(I) which is described in subsection (b)(1)(A)(ii), and

“(II) which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law, or

“(ii) an organization which is described in section 501(c)(3) and exempt from taxation under section 501(a).

“(B) POVERTY LINE.—The term ‘poverty line’ means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

“(4) TERMINATION.—This subsection shall not apply to contributions made after December 31, 2002.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

**SEC. \_\_\_\_ CLARIFICATION AND EXPANSION OF MATHEMATICAL ERROR ASSESSMENT PROCEDURES.**

(a) TIN DEEMED INCORRECT IF INFORMATION ON RETURN DIFFERS WITH AGENCY RECORDS.—Section 6213(g)(2) (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

“A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer on the return with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN.”

(b) EXPANSION OF MATHEMATICAL ERROR PROCEDURES TO CASES WHERE TIN ESTABLISHES INDIVIDUAL NOT ELIGIBLE FOR TAX CREDIT.—Section 6213(g)(2), as amended by title VI of this Act, is amended by striking “and” at the end of subparagraph (J), by striking the period at the end of the subparagraph (K) and inserting “, and”, and by adding at the end the following new subparagraph:

“(L) the inclusion on a return of a TIN required to be included on the return under section 21, 24, or 32 if—

“(i) such TIN is of an individual whose age affects the amount of the credit under such section, and

“(ii) the computation of the credit on the return reflects the treatment of such individual as being of an age different from the individual’s age based on such TIN.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. \_\_\_\_ CERTAIN CUSTOMER RECEIVABLES INELIGIBLE FOR MARK-TO-MARKET TREATMENT.**

(a) CERTAIN RECEIVABLES NOT ELIGIBLE FOR MARK TO MARKET.—Section 475(c) (relating to definitions) is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULES FOR CERTAIN RECEIVABLES.—

“(A) IN GENERAL.—Paragraph (2)(C) shall not include any note, bond, debenture, or other evidence of indebtedness which is non-financial customer paper.

“(B) NONFINANCIAL CUSTOMER PAPER.—For purposes of subparagraph (A), the term ‘non-financial customer paper’ means any receivable—

“(i) arising out of the sale of goods or services by a person the principal activity of

which is the selling or providing of non-financial goods and services, and

“(ii) held by such person or a related person at all times since issue.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 4-taxable year period beginning with such first taxable year.

Mr. COATS. Mr. President, can I inquire of the time allotted to the Senator for this amendment? My understanding is it is 15 minutes. Is that correct?

The PRESIDING OFFICER. The Senator from Indiana has 30 minutes on this amendment, equally divided. So 15 minutes under the control of the Senator from Indiana.

Mr. COATS. Mr. President, first of all, I compliment the author of the underlying legislation. It has been an extraordinary effort. It is a bipartisan effort, we ought to stress, and it is one that clearly offers long-term improvement in education and opportunities in education for many Americans. I thank them for their work on this, and I intend to support them when it comes to a vote.

There has been a critique of the legislation in that most of the benefits will flow to middle-income Americans and above, and that we are not paying adequate attention to low-income Americans and particularly those who attend urban schools, so many of which are failing urban schools.

That critique is really misplaced because that is not the intent of the bill. There have been other opportunities offered on this floor, again, in a bipartisan fashion. Senator LIEBERMAN and I have joined forces on a number of occasions to try to address specifically the problems of low-income students, minority students, who are receiving inadequate educations, and each time those efforts have been met with a filibuster and defeated.

There have been other initiatives. I have offered some, and other Members have offered some. We are going to continue to do that. So the critique is really misplaced. But in an effort to strengthen the underlying bill which we are addressing, I am offering this amendment which I will explain in a moment.

It is clear that there will be Americans, a sizable number of Americans, who don’t have the income to take advantage of the tax-free savings accounts that are created in this legislation. Under the best of circumstances,



it would take them years to accumulate the amount of money necessary to utilize those funds for alternative means of education. We cannot afford years. We are losing people to the system, and it is an inadequate system.

Let me take a moment to talk about that crisis that exists in urban education.

A recent study published by Education Week points out just how desperate the situation has become. In 1997, just 43 percent of grade-school-age children attending urban schools met the basic standard for reading skills, and that "basic," just for my colleagues' understanding, is defined as being able to read a very simple child's book or children's literature. Among children attending urban schools in high-poverty areas, basic reading ability rates fall to just 23 percent of students. Think of it: Fewer than one in three children attending schools in poor neighborhoods can read a simple story; two-thirds of nonurban students meet the basic standard for mathematics.

Among urban students in high-poverty areas, this one-in-three statistic is truly disturbing. Looking at the area of science, while 65 percent of nonurban students are meeting the basic standard in science achievement, only 38 percent of urban students perform this, and in high-poverty schools, only 31 percent. So, again, fewer than one in three are meeting these standards.

A public school system in which over two-thirds of our children are functionally illiterate in reading, in science, in math is a system that cannot and must not be defended. Yet, those who are opposing any efforts to try to move this system to improve it or reform it, to provide alternatives for children trapped in the system, are met with disdain, are met with challenges.

The logic—actually, I should say the illogic—of the opponents of attempts at reform is difficult to understand, because it is literally condemning poor children to an inadequate education. The one chance they have to escape the plight that they live in is being denied them, because people want to maintain—some people want to maintain—the status quo, and the status quo is bankrupt.

Every year, we debate, as I said, different proposals to permit these low-income children to escape the plight in which they find themselves. Every year, we talk about the need for competition to force public schools to reform the way in which they teach their children. And every year, we are met on the Senate floor with a filibuster by those who say, "No; let's maintain the status quo in the name of absolute equality."

One of the analogies that is often used is that we are just simply trying to throw lifeboats out and scholarships are just lifeboats that are not available to all; and if they are not available to all, then they shouldn't be available to anybody.

A lot of us have seen the recent epic "The Titanic." Fortunately, the opponents of the basis of the proposal that, if you can't help everybody, you shouldn't help anybody were not running the Titanic, because then everybody would have been denied an opportunity to escape on a lifeboat because there were not enough lifeboats for everybody.

If we cannot help everybody all at once, we are not going to help anybody. That is the logic of the opponents of any attempt, whether it is this bill, whether it is the voucher bill that this Senator, Senator LIEBERMAN, and others have been offering, or whether it is any other proposal that other Members have been offering. That is the logic of the opposition. It does not match up.

Recently—I think it was just yesterday or maybe a couple days ago—the President at a press conference with the Democratic leadership challenged the supporters of scholarships to make their case to the Nation, he said. The President said, "You ought to do something rather than just talk about it."

Mr. President, I don't know where you have been lately—well, maybe I do know, preoccupied with other matters—but if you will just look very closely, you will understand that things are being done by those who favor the proposal. We are doing something.

Currently, there are 32 privately funded scholarship programs operating across this country. In virtually every major urban area of this Nation—New York, Washington, Los Angeles, Seattle, Indianapolis, Albany, San Antonio, Atlanta, just to name a few—private citizens are joining forces to provide poor children a way out of collapsing public school systems. To date, these foundations have raised over \$30 million and have provided assistance to over 13,000 children. Just this morning, we learned that a major private funder of private school choice announced a \$50 million gift to San Antonio's program that will permit any low-income student in the San Antonio system to opt out of a public school if they are not getting an adequate education.

I say we are putting our money where our mouths are. Individuals are stepping forward, people are addressing it and are doing so out of a matter of desperation, desperation that children are being left behind and are not buying into this idea that if you cannot do it for everybody right now, don't do it for anybody.

The demand for this is rising. We are all familiar with the New York City Private Scholarship Foundation. When they announced they had 13 new scholarships for low-income children, they received 17,000 applications. Ten percent of the eligible population of New York said, "Give us a chance. Give us something different." They were overwhelmed by the response.

Last year, the Washington Scholarship Fund here in the District of Columbia announced plans to offer 1,000

new scholarships and received 7,500 requests. That represents 15 percent of the eligible population in the D.C. public schools.

A recent poll of minority parents published last year found that two-thirds of them are crying out for some alternative for education. Low-income families in cities around the country are saying, "We refuse to continue to allow our children to be condemned to schools which don't give them any chance to escape the poverty that they live in."

My colleague, Senator LIEBERMAN, has appealed to his party to say: We are the party of equality. We are the party that reaches out to help those who need help, and yet we are turning our backs on the very people our party is supposed to defend. We are condemning them to an inadequate education and therefore condemning them to a life in which they will not be able to participate in the American dream.

The only way out of many of these areas in our urban cities is drugs, athletics, or education. One in 10,000 make it into college athletics. That is the statistics of all the kids playing basketball, baseball, and football: 1 in 10,000 gets a college scholarship. Out of that, the number is infinitesimal of those who can go on and actually earn a living playing professional sports. So while many dream of being the next Michael Jordan, the reality is that only 1 in about 100,000 or maybe a million is going to be that person or have that opportunity.

The next alternative is drugs and crime. And the statistics there are appalling. Children are dying on the streets, as we speak, at tender ages because they think the way out of their plight—the only way out of their plight—is to move drugs. And that is a prescription for death, that is a prescription for incarceration, that is a prescription for failure.

What do parents want? They understand those realities. They want their children to be educated, given the skills necessary to be able to enter today's workplace, given the education to be able to go on and further their education after high school. And they are not getting that in our urban schools.

How does my amendment try to address this? We try to provide a little piece of a solution to the puzzle we are trying to put together, a mosaic we are trying to put together to try to get us out of this conundrum that tweaks the Tax Code a little bit to give a little extra encouragement to people who donate money to those scholarship funds.

Under current law, a contribution to a 501(c)(3) organization that provides scholarships is deductible against income. My amendment would simply give them a 10 percent incentive to try to encourage more people to give more. We offset that so that it is paid for and revenue neutral. I offered an offset which I thought would be fairly attractive, but I could not get the votes to

support it. I did not want to see my amendment fail on that basis, so we worked with the majority leader, we worked with Members, to try to find something that had been vented by the Finance Committee, had been approved as a potential offset. And I do not believe there is any controversy. We have tried to run all the traps on that in terms of the offset.

I can describe the offset. It is two technical items that pay for the change which takes place in the Tax Code with this. What it means is that if a family wanted to donate \$500 to a scholarship fund or an individual, they would get a \$550 deduction for that. It is an extra incentive. It is just a small piece. I mean, people are going to come down and probably say, "Well, this doesn't solve the problem." No, it does not solve the problem, but it is a step in the right correction. It is a tiny step. And I guess we are reaching out saying, at least can we take some tiny steps to help people who find themselves in an absolute lockbox of inadequate education with no way to escape?

This is my latest attempt. I keep trying to bring ideas down here to try to give poor kids, minority kids, kids condemned to failing urban schools, a chance to get out and get an education. I try to use it as a basis to spur some competition so those who run the public schools will get the idea they need to improve their schools.

We really care about these low-income children, which this bill does not address, but, again, that is not the intent of the bill. I think this strengthens the bill. Then we ought to look for ways in which we can encourage alternatives to education and encourage competition in the system that will force some change.

I will never forget the testimony of the former 25-year superintendent of the Milwaukee public schools, an educated man, an African American, who said: Senator, I've tried everything. You can't name a reform proposal within the system that has worked. The unions block it. The public teachers don't want it. We've tried everything. I defy you to name an approach within the current public education system that forces change. Only one thing has forced change in the Milwaukee public schools, and that is the competition from private schools, the vouchers and the scholarships that have been available so that parents can vote with their feet and their children may have a choice. All of a sudden that has wakened up the Milwaukee public schools which has said, "We've got to change or we're going to lose these kids."

So instead of trying to perpetuate a bureaucracy that protects their employment, and their tenure, they have said, "Let's make the changes that will give students an opportunity to learn, to read, to meet the math and the science skills, to advance in their education."

Who do we care more about? Protecting the system or helping the children?

That is the only thing. And so this is an attempt to, one, provide some lifeboats for some kids who are trapped—no, we cannot provide enough for everybody. That really isn't even my intent. My intent is to reform the public school system, because we are going to have, and we need to have, a public school system, a viable public school system, but we can do it by providing competition. In the meantime, we can at least help some kids. This amendment will do that. I hope I have the support of my colleagues in doing so.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 1 minute 40 seconds remaining.

Mr. COATS. Mr. President, I reserve the remainder of my time.

Mr. ROTH. Mr. President, I rise in opposition to this amendment to increase the charitable deduction to 110 percent of any contribution made to an educational institution if the contribution is used to provide scholarships for low-income families.

Education is paramount to the future of our children and nation, and contributing toward the education of another is certainly one of the finest forms charitable giving can take.

Let me also say that I know the distinguished Senator from Indiana has the best intentions with this amendment. I generally believe that charitable giving serves disadvantaged people much better than government programs.

However, there are several concerns that I believe need to be fully examined and addressed before we consider moving down a road that provides a charitable tax deduction in excess of the amount donated. This is a serious departure from settled tax policy principles.

Once we begin to offer charitable tax deductions that are more than the amount donated for low-income scholarships, what comes next?

What other kinds of tax benefits will be proposed where the amount of the deduction exceeds the cost to the taxpayer?

Should these kinds of scholarships be the only charitable activities enjoying this benefit? And, if not, are we prepared to move forward with such a precedent?

There are other concerns I have about the Senator from Indiana's proposal. On what basis does one decide that the percentage should be 105, 120 percent, or a percentage lower than 100 percent? Should we be in the position of choosing among charities and assigning percentages?

Another concern I have is the proposal's attempt to single out one kind of charitable activity and offer it special tax advantages. Why is this kind of charitable activity better than other charitable activities? To do so is a step towards complexity in the tax code.

Mr. President, I believe charitable giving is an activity that we must con-

tinue to encourage with tax benefits. For instance, most taxpayers do not itemize, and therefore, cannot deduct their charitable contributions. This is a feature of our tax policy that concerns many members.

This issue, along with other proposals in the charitable giving area, such as the one from the Senator from Indiana, should be reviewed when the Finance Committee holds hearings on fundamental tax reform.

Mr. President, Senator COATS' amendment is well-intended, but raises too many questions to be hastily considered in a Senate floor vote. Let's pass the Coverdell bill, and deliver to taxpayers education tax incentives we have previously debated and approved.

I urge my colleagues to oppose this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COVERDELL. Mr. President, we conferred with the other side and I am going to ask unanimous consent that the Coats amendment be set aside.

Mr. COATS. Reserving the right to object, I want to make sure that the time remaining is reserved under the amendment.

Mr. COVERDELL. Let me clarify the unanimous consent—that all time remaining be reserved and the amendment be brought back into the queue at the appropriate time.

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

Mr. COVERDELL. Mr. President, as I understand it, the next amendment in order would be a Levin amendment. We are now notifying the Senator that he is next in the order.

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. MCCAIN. 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. MCCAIN. Mr. President, I will soon send an amendment to the desk.

The PRESIDING OFFICER. Under the previous order, the Coats amendment will be set aside.

Mr. LEVIN. Reserving the right to object, I wonder if I can ask the manager of the bill whether or not this amendment has been cleared on our side.

Mr. COVERDELL. It has been cleared on both sides.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I understand that regular order now would call for me to offer my amendment. I tell my friends, if they can work out the issues that they have, that I would be happy to stand aside in the middle of my presentation and turn the floor over to the Senator from Arizona.

AMENDMENT NO. 2299

(Purpose: To replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase the lifetime learning education credit for expenses of teachers in improving technology training)

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself, and Mr. BINGAMAN, proposes an amendment numbered 2299.

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

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

The amendment is as follows:

Beginning on page 2, line 9, strike all through page 10, line 21, and insert:

**SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.**

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

“(4) CONTRIBUTION LIMIT.—The term ‘contribution limit’ means \$500 (\$2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).”

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(B) Section 4973(e)(1)(A) is amended by striking “\$500” and inserting “the contribution limit (as defined in section 530(b)(5)) for such taxable year”.

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

“The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).”

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking “The maximum amount which a contributor” and inserting “In the case of a contributor who is an individual, the maximum amount the contributor”.

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified edu-

cation expenses) is amended by adding at the end the following new subparagraph:

“(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.”

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

“(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.”

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

“(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.”

(2)(A) Section 530(d)(1) is amended by striking “section 72(b)” and inserting “section 72”.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

“(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.”

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by adding at the end the following new clause:

“(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.”

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

**SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.**

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

“(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

“(i) are paid or incurred by an individual who is a kindergarten through grade 12

teacher in an elementary or secondary school, and

“(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual’s capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting ‘50 percent’ for ‘20 percent’.

“(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

Mr. PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent Senator BINGAMAN be added as a cosponsor.

Under current law, there is a learning credit in the Tax Code equal to 20 percent of a student’s college education cost, up to \$5,000. My amendment increases the percentage from 20 percent to 50 percent of those college costs for teachers who return to receive training in technology. We currently have this lifetime learning credit of 20 percent for college costs, up to \$5,000.

Because of the critical importance of our teachers learning how to utilize technology in the classrooms, this amendment would increase that credit to 50 percent of that teacher’s college costs in those courses where he or she received training in technology. The amendment does not affect most of the beneficial aspects of the bill before us. It only removes the most controversial part of that bill relative to the use of the IRA in the K through 12th grades—I will come to that in a moment—but it leaves in place the other parts of the education bill before us, including the extension of the tax exclusion for employer-provided education assistance, the provision of a tax exclusion for withdrawals from State tuition programs, the limited school construction provisions, and, again, the expansion of the education IRA as it relates to college and postsecondary education.

This amendment is necessary in our school districts all over our country because they are making investments in technology, hardware and software, wiring together schools so they can connect their computers, and inside of the school building connecting computers through what is called “local area networks,” connecting our K through 12 classrooms to colleges and universities for distance learning through fiber optics. Lots of new technologies are being provided in our schools at great cost to our taxpayers.

I have spent a lot of time traveling in my State. What I find is that no matter how advanced a school district is in the installation of these technologies, we do not have nearly enough of the professional development, the giving to our teachers those skills that are essential so that they can utilize these education technologies.

School districts vary as to how much technology they have, how much access to the Internet they have, how modern their computers are, how many computers they have for their students, and how well-connected they are to the higher institutions to which they connect. They vary in that regard a great deal. But all of the school districts tell me their teachers who are so experienced in teaching in the traditional ways have not been given the skills to utilize these new technologies. So we are making these huge investments in hardware and software and wiring without making anywhere close to full use of these investments.

A study that was conducted by the Education Testing Service at Princeton, NJ, shows that on the national average only 15 percent of our teachers at the time of the study had at least 9 hours of training in education technology in their lifetime. By the way, that training is mostly spent just teaching a teacher how to use a computer to, for instance, give their grades and keep track of attendance, to input. What we are talking about here is training teachers in the use of technology so that they can use that wealth of information that is now available, those thousands of libraries around the world, those hundreds of field trips that they can bring into their classroom through this technology. What our teachers need to do is have the opportunity to train themselves to use these technologies for those new, wonderful opportunities to bring exciting material into their curriculum, to integrate into their curriculum the material that is now available through these technologies. For instance, in my State, only 10 percent of the teachers had 9 hours of training in their lifetime in the use of education technology for any purpose. The national average is 15 percent. That meant that 85 percent of our teachers did not even have 9 hours of training in their lifetime in the use of education technology.

For the younger generation, it is easy to learn how to input, it is easy to learn how to access the Internet. For those of us who are older, it is not so easy. It takes training. My children teach me how to input, how to access the Internet. For them, it is like breathing. For me, it is work. It is concentration. It is repetition. It is having a mentor. That mentor might be 5 years old. But for me it is more difficult. For our experienced teachers, it takes training. In many cases it takes returning to school. This amendment provides the incentive to go back to school to learn how to use the education technologies which are now made available to our teachers.

This amendment pays for this by restricting the use of the expanded IRA that is in this bill to postsecondary education. This is a highly controversial part of the bill, as we all know. Senator GLENN offered an amendment to strike this provision just as it re-

lates to K through 12. My amendment goes the same distance as Senator GLENN in trying to strike this provision for the reasons which he and so many others have spoken about on this floor. But it takes the funds that are freed up and invests them in this 50-percent lifetime learning credit for teachers who go back to learn how to utilize education technology.

The provision in the bill relative to the use of these funds in the lower grades, K through 12, is flawed for many reasons, I believe constitutionally flawed, but it also has a fundamental unfairness.

It is significantly tilted towards those families with children in private schools. This is according to the Joint Committee on Taxation. These numbers are not mine; these are the numbers of the Joint Committee on Taxation. There are 35.4 million families filing tax returns who have children in public schools. Those families get less than half of the dollars which are utilized in this part of the pending bill; 48 percent of the dollars go to 35 million taxpayers, the ones with children in public schools. More than half, 52 percent, of the dollars, according to the Joint Committee on Taxation, go to 2.9 million taxpayers with children in private schools.

Now, that is a significant inequity. Putting aside its constitutional question, that represents a significant tilt away from public schools. This amendment would strike that part of the expanded IRA. It leaves all the other provisions in the education bill before us that I have talked about. The extension of the tax exclusion for employer-provided education assistance is not touched. The tax exclusion it provides for withdrawals from State tuition programs is not touched by this amendment. The limited school construction language is not touched. The expansion of the education IRA for college and graduate cost is not touched.

What is eliminated is the use of the expanded IRA for kindergarten through the 12th grade, and it uses that money instead to give incentives to teachers to learn how to use the technologies which are being provided at such great cost by our taxpayers to our schools. There is no point in spending a fortune on computers and distance learning and software unless our teachers have the training to fully utilize those technologies, and this amendment addresses that issue.

Mr. BINGAMAN. Mr. President, most of the teachers in today's public schools became educators before the era of personal computers really began and was established. To address the skills of the next generation of teachers, 32 states require a course in education technology as part of the teacher preparation curriculum. 18 states have not yet incorporated such a requirement.

New Mexico teachers must have just one education technology course before they are certified, and some univer-

sities such as New Mexico State University and Eastern are taking the lead in integrating technology into their education school programs. Yet, the majority of New Mexico's current teachers received their training before the start of the computer era in the mid-1980's and the new regulations do not address their training needs.

Nationwide, although 98 percent of schools are equipped with computers to some degree, 90 percent of new teachers, even after a single course, do not feel prepared to use technology in the classroom. Clearly, more skill development needs to take place to increase the comfort teachers feel with technology.

Most of the roughly \$6 million in New Mexico state and federal funding for education technology has been used to purchase and install equipment rather than to train teachers to use new technology. Tremendous resources have been invested in hardware and installing the mechanism for access to the Internet. Sixty five percent of schools nationwide have at least some connection to the Internet, yet only 13 percent of schools have Internet training for teachers, and only 20 percent of teachers say that they readily use the Internet to help with their instruction.

With a teaching load of 80 students and an average salary of \$29,600, most New Mexican teachers cannot afford to pay for their own training or take the summer off to learn how to use computers.

Although we have seen significant progress over the last few years in Federal support for technology and the use of technology in education, the one great deficiency is the preparation teachers need to use technology effectively. This legislation will help to correct the problem by supporting educators' pursuit of training and expertise.

I thank Senator LEVIN for sponsoring this legislation as an amendment to the Coverdell bill, and I'm proud to serve as a cosponsor on it.

Mr. LEVIN. Mr. President, if I have time remaining, I would ask to reserve the remainder of that time.

The PRESIDING OFFICER. The Senator has 4 minutes 41 seconds remaining, and the time has been reserved.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. I rise in opposition because it takes away the ability of parents to use educational IRAs to pay for expenses relating to the schooling of their children between kindergarten and 12th grade. Allowing parents greater resources to meet the educational needs of their young people is a very important part of the Coverdell legislation. Senator LEVIN proposes to take those resources away and give them to teachers by expanding the lifetime learning credit for those who participate in technology training.

No one can argue that helping teachers become more proficient in technology is not a good thing. It is vitally

important. It will have a positive influence on their ability to teach our children. However, to increase the lifetime learning credit for teachers at the expense of expanding the IRAs for our children runs contrary to the needs and objectives of American families.

Mothers and fathers need increased wherewithal to support their children's educational goals. Mothers and fathers need stronger, more useful IRAs. They need the ability to use more of their own hard-earned money to take care of family priorities. The Senate recognized this last year when we gave parents with children in grades K-12 the ability to use educational IRAs.

Our objective was to strengthen mom and dad's ability to get the best education possible for their children. Our objective remains the same today. This is what the Coverdell legislation is all about, empowering families to make decisions that are in their best interests, allowing them to use their own resources for their own benefit.

Remember, Mr. President, the money in question here belongs to the taxpayers. They earned it. It is theirs. They will save it, and they should be able to choose how it will be spent. Let them use it where it serves them best—on their children.

Senator LEVIN's amendment is well intentioned. A lifetime learning credit is a provision that was included in the Taxpayer Relief Act of 1997. It allows everyone pursuing postsecondary education to take a tax credit each year equal to 20 percent of their qualified expenses. Those expenses are limited annually to \$5,000 through the year 2002, and starting in the year 2003 they will be annually limited to a total of \$10,000. The lifetime learning credit is available to any taxpayer who meets the income requirements. Full-time students can take the credit, as can any professional who wants to continue his or her education. And this includes teachers, engineers, or research scientists.

What Senator LEVIN proposes is to single out teachers and increase their lifetime learning credit to 50 percent for technology training. Not only would this come at the expense of students and their families but it would be inequitable among the professions. Remember, teachers can already receive a 20 percent credit for any additional education in which they engage. The fact is, Senator LEVIN's amendment goes too far too fast and it comes at the expense of the children.

This amendment takes the means to use expanded IRAs to educate children, and it creates a more complex and distorted learning credit. Not only will meeting the criteria to qualify for the credit create a bureaucracy to determine what conditions qualify, but it emphasizes one area of study over another. For example, why give a 50 percent credit for teachers to become more proficient in using and teaching technology but only give a 20 percent credit to those who take courses to be-

come better reading instructors? Or we could ask the same question. What about the teacher who takes courses to enable them to better teach those who are disabled? All worthy goals. And the problem here is that we would single out one to benefit over the others, which only adds to the complexity of this matter.

This is not what we want to do. Ask the parents of America. Ask our families. Ask our students how they would choose to use the financial resources in question. I believe the vast majority would make it clear that they want the opportunity to use their money to give them greater flexibility and power to meet the educational objectives of the family.

Mr. President, I must oppose the Levin amendment. The educational IRA is the foundation of the Coverdell bill. This modification guts the bill at the expense of the children. For that reason I oppose this amendment and urge my colleagues to do the same.

Mr. President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 7 minutes 28 seconds, and the Senator from Michigan has 4 minutes 41 seconds.

Mr. COVERDELL. Mr. President, will the Chair notify me at the expiration of 2 minutes?

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. COVERDELL. Mr. President, I echo the remarks of the Senator from Delaware, the Finance Committee chairman. I rise in opposition to the amendment offered by the Senator from Michigan because its effect would make moot a core component of the legislation that came from the Finance Committee and to the Senate floor; i.e., the education savings account. If the Levin amendment were to succeed, it would have the effect of telling 14 million American families, "No thanks. We don't want you to create these savings accounts and prepare for your children's specific educational needs."

The number of children who would no longer have the opportunity to be beneficiaries of these savings accounts, guided to help them with their educational needs, would be over 20 million—14 million families, 20 million children. Public schools, private schools, home schools all across our Nation would be deprived of, over a 5-year period, \$5 billion of volunteered money and resources that would be coming to the aid of America's children grades kindergarten through college. You would severely hamper the ability of families to prepare for the higher costs of higher education. Over a 10-year period, the effect of the amendment would be to eliminate over \$10 billion of savings that would have been accrued.

Remember, these moneys are volunteered moneys. They are moneys coming from the individual families themselves and sponsors, and no school board, no school district had to raise a dime of taxes.

The PRESIDING OFFICER (Mr. GREGG). The Senator's 2 minutes is exhausted.

Mr. COVERDELL. I ask for 1 more minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COVERDELL. No county school board had to raise taxes, no State had to raise income taxes, no Federal taxes were required to accomplish a \$10 billion resource coming to the aid of children throughout all of our country. So this, among the other reasons listed by the Finance chairman, would be the reason I oppose the amendment.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I ask unanimous consent that a number of letters from a number of groups supporting my amendment be printed in the RECORD at this time. Those groups are the National Association of State Boards of Education that support the amendment, the Association for Supervision and Curriculum Development, the American Association of University Professors and the American Association of Colleges for Teacher Education, as well as the American Vocational Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF  
STATE BOARDS OF EDUCATION,  
Alexandria, VA, April 17, 1998.

Hon. CARL LEVIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEVIN: The National Association of State Boards of Education (NASBE) appreciates your intent to offer an amendment to the Coverdell Education IRA bill which will be considered by the Senate early next week.

The Coverdell bill, S. 1133/H.R. 2646, seeks to expand existing higher education savings accounts to include K-12 educational expenses, including private school tuition. These benefits will disproportionately accrue to wealthy families and even then will only amount to \$37 in annual tax savings, according to the Joint Committee on Taxation.

Unlike the Coverdell bill, which does nothing to improve public education, your amendment to increase the lifetime learning education tax credit for teachers enrolled in technology training will directly improve the quality of instruction for America's students. As more advanced technologies are introduced into the classroom, teachers will need more training in both new methods of instruction and integrating this technology into the curriculum. The Levin amendment would help accomplish these goals.

NASBE supports your efforts to replace the Coverdell provision with your proposal to promote teacher training.

Sincerely,

DAVID GRIFFITH,  
Director of Governmental Affairs.

FAX MEMO

From: Don Ernst, Director of Government Relations, Association for Supervision and Curriculum Development.

Subject: Support for Senator Levin's Amendment for improvement of teacher training in the use of technology.

Date: 20 April 1998.

ASCD endorses Senator Levin's proposal to provide tax credit support for K-12 teachers in the essential quest to improve the use of technology in classrooms and schools. Ultimately, such support for teachers will benefit students who must face the daily implications of technology.

Indeed, essential to the success of teachers in the future will be their ability to assist students with accessing the Internet, using new technologies to expand curricular offerings and enrich pedagogy, providing students with the skills and knowledge to critique the use of technology, and improving student learning with the power of accessible, relevant, and timely knowledge that educational technology has the potential to provide.

Good luck and we will send a formal letter in the next day or so!

AMERICAN ASSOCIATION  
OF UNIVERSITY PROFESSORS,  
Washington, DC, April 20, 1998.

Re increased lifelong learning credit for technology education for teachers.

Senator CARL LEVIN,  
U.S. Senate,  
Washington DC.

DEAR SENATOR LEVIN: The American Association of University Professors supports your proposal to increase the Lifelong Learning Credit to support teachers' efforts to upgrade their knowledge and skills with regard to new technologies.

Teachers are being asked to incorporate into their teaching new ways of finding, sorting, evaluating, and understanding information using the new tools that electronic communication systems offer. In order to teach their students how learn in these media—in order to go beyond the merely technical skills involved in operating the machinery—teachers need some educational support.

Using the newly created Lifelong Learning Credit as a vehicle is an appropriate and efficient way to assist teachers in meeting this shared need. We appreciate your initiative in coming forward with this proposal.

Sincerely,

RUTH FLOWERS,  
Director, AAUP Government Relations.

AMERICAN ASSOCIATION  
OF COLLEGES FOR TEACHER EDUCATION,  
Washington, DC, April 20, 1998.

Senator CARL LEVIN,  
Russell Building,  
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the American Association of Colleges for Teacher Education, please accept our endorsement of your legislation to provide a tax credit for teachers who take coursework to improve their use of technology in the classroom.

We appreciate your leadership on this issue and your commitment to well prepared teachers. Please let me know if we may be of assistance to you.

Sincerely,

PENELOPE, M. EARLEY,  
Senior Director.

AMERICAN VOCATIONAL ASSOCIATION,  
Alexandria, VA, April 20, 1998.

Hon. CARL LEVIN,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the American Vocational Association (AVA), I

am writing to commend you on your efforts to emphasize technology in teacher training. Your amendment to expand the Lifelong Learning Credit for teachers enrolled in technology programs is an important step in raising awareness of the need for teachers to better understand and more effectively use technology in the classroom.

AVA represents 38,000 secondary and post-secondary teachers, career guidance counselors, administrators, teacher educators and business leaders from across the country who are dedicated to improving vocational-technical education for our nation's students. Vocational-technical education prepares students with the critical combination of academic and technical skills that is needed to succeed in a technologically advanced workplace. Teachers must have high-level technology skills to prepare students effectively for the careers of the future. In addition, expanding the use of technology as a teaching tool will make teaching more effective and will give students a first-hand view of how technology applies to learning and work.

With these things in mind, AVA is advocating for a stronger focus on technology issues in the reauthorization of the Higher Education Act and the reauthorization of the Carl D. Perkins Vocational and Applied Technology Education Act. Federal leadership on this issue is necessary to promote innovation and improvement in teacher preparation. Your amendment helps to highlight this priority.

In addition to seeking federal leadership, AVA is working hand-in-hand with the business community to create new opportunities for teachers and students to improve their knowledge of technology. Our new partnership with Pulsar Data Systems and the Xerox Corporation will provide scholarships to teachers to learn how to use technology and to students who want to pursue education programs that will enable them to enter into information technology careers. We are excited about this project and will continue to seek additional ways to expand the technology focus in education.

Thank you for your leadership in seeking to improve teachers' knowledge of technology. We also greatly appreciate the work of Dan Guglielmo and Jackie Parker of your staff who have been most helpful to us in working on this important issue. Please feel free to contact Nancy O'Brien, AVA's assistant executive director for government relations, or me whenever we may be of assistance to you.

Sincerely,

BRET LOVEJOY,  
Executive Director.

Mr. LEVIN. Mr. President, first on the question of why technology. In my earlier remarks I indicated why there was such a need for training in technology for our teachers. We make a number of special provisions in our law for technology. It's not unique. We make special provisions for lots of purposes, including language training. Why language training? Because there is a need that we have for language training. Why technology? Because obviously the incomes of our students are going to depend on how well they can use technologies and how well we utilize technologies in their training. For instance, we currently have a Technology Literacy Challenge Fund. That is part of our law; \$425 million, I believe, in this year's fiscal budget. It is addressed towards technology because of the importance of technology. So there is nothing unusual about having

special provisions for different parts of education and for training, and this amendment is focused on one of the very critical needs that we now have.

Let me briefly quote the acting director of technology from the Michigan Education Department. His name is Jamie Fitzpatrick. I have worked with him closely over the past 6 months as I have traveled over the State visiting with schools and school districts in this technology area. This is what Mr. Fitzpatrick says, as quoted in a press dispatch:

For every dollar we spend on computer hardware and software in kindergarten through 12th grades, I think we would be lucky if we saw 5 cents on the dollar spent on training and support. If we continue with those kinds of ratios, we will never realize the gain in student achievement that we think technology has the potential to elicit. We obviously need to put money into training.

That is what this amendment is aimed at, giving an incentive to teachers, experienced teachers in their courses, to go back to get skills necessary to utilize these new technologies in their curricula. Otherwise we are not utilizing fully the potential of these technologies that come at such great cost to our parents.

I would wager on the answer, if we ask the American people whether or not they think it is right for 35.4 million families with students in public schools to get less of a benefit from the current provision in this bill that we would draft—less of a dollar benefit than the 2.9 million families with students in private schools who get the lion's share of that IRA money for grades K-12. That's not my numbers. That's the Joint Committee on Taxation's numbers. I wish we had a way of taking a survey of families in America, to ask whether or not they think this provision in the pending bill fairly treats the families of America. I don't think it does, and I think those families want us to have our teachers fully trained to utilize these new technologies. I think that is why the support for this amendment comes from the grassroots, as I know it does from my travels around my own State.

Mr. President if I have any time remaining, I reserve the remainder of that time.

The PRESIDING OFFICER. The Senator has 41 seconds. Who yields time? The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself 2 minutes. First of all, I want to point out again that we have no quarrel with respect to the importance of technology and technical training. We think that it is of key interest. But at the same time we think its critically important to recognize that other types of training for teachers are equally important. For example, taking programs to better learn how to teach the disabled is certainly a top goal and desire, or to teach math or English to our children. All of these are worthy goals, and our concern is that by singling out technology we

would be hurting others who have interests of similar importance.

I am also concerned about the complexity this proposal writes into the Tax Code. One of the constant complaints—and I think a justified complaint—is that we are always making the Federal code more difficult, more complex to administer.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator's 2 minutes have expired. The Senator has 3 minutes remaining.

Mr. ROTH. I yield myself 1 more minute.

So, I say that one of the problems with this proposal is that it adds an additional complexity that is going to be harder to administer and require the creation of a new bureaucracy. Let's keep and treat all people in this situation the same.

The other point I want to make is that the benefits of the Coverdell amendment do not go to the wealthy. I point out that 70 percent of the benefits of the Coverdell education IRA go to families making \$75,000 or less. I point out that a blue-collar worker can easily be making \$40,000 with overtime; his spouse or her spouse working as a teacher, or otherwise, can be within this range. I defy anyone to go out and ask any of these people whether they consider themselves to be wealthy. The answer will be no.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. ROTH. No; I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 1 minute 51 seconds remaining.

Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, the argument that alleges or suggests that someone making \$75,000 is wealthy, we did not address that issue at all. What this chart shows, though, is that the 2.9 million families with children in private schools get more of the benefit than the 35.4 million families with children in public schools. That is the disproportion and inequity that I point out in this amendment.

We have almost 36 million families getting back less of a total benefit, 48 percent, than 2.9 million families with children in private schools. That is the argument.

I do not have any time to yield back, but I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. How much time is remaining?

The PRESIDING OFFICER. One minute 50 seconds.

Mr. COVERDELL. Mr. President, I would like to address the chart. The chart, with all due respect to my good colleague, is very misleading. Seventy-five percent of the families who open savings accounts will be supporting children in public schools, and 30 percent will be supporting children in private schools. Clearly, those families, or what comes out of the accounts, the \$5 billion saved, is directly proportional to what the families are willing to put into the account.

The families who have children in private schools understand they have a higher hurdle. They are paying public school taxes, and they have to pay the private school costs over and above that. What this reflects is they are going to put more money in their accounts because they have more costs to cover. Nevertheless, \$2.5 billion of the \$5 billion will go in support of children in public schools, and about \$2.5 billion will go in support of children in private schools.

The chart is nothing more than a function of which families are saving what. The entire cost, to cause all these billions of dollars to be saved, is \$500 million over the next 5 years. So the entire bill, in support of private education, is about 7.5 percent of all this investment to children in private schools and the balance to children in public schools.

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

Mr. ASHCROFT addressed the Chair.

Mr. LEVIN. May I make a unanimous consent request?

Mr. ASHCROFT. I yield—well, reserving the right—

Mr. LEVIN. I ask the Senator from Missouri if he will yield for a unanimous consent request to have printed a document from the Joint Committee on Taxation that supports this chart.

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

U.S. CONGRESS,

JOINT COMMITTEE ON TAXATION,  
Washington, DC, March 2, 1998.

To: Maury Passman and Nick Giordano

From: Lindy L. Paull

Subject: Revenue Requests

The attached tables are in response to your request dated January 28, 1998, for revenue estimates of H.R. 2646 as passed by House of Representatives and as modified by Senator Lott's second degree amendment as well as the corresponding number of taxpayers estimated to benefit from H.R. 2646.

Additionally, you requested information regarding the utilization of educational savings accounts for public versus private education. We estimate that approximately 38.3 million returns would have dependents in schools at the primary or secondary level in 1999. We estimate that, of those eligible to contribute, approximately 2.9 million returns would have children in private schools, and that approximately 2.4 million of these returns would utilize education IRAs.

We estimate that the proposed expansion of education IRAs to include withdrawals to cover primary and secondary education expenses would extend approximately 52 percent of the tax benefit to taxpayers with

children in private schools. We estimate that the average per return tax benefit for taxpayers with children attending private schools would be approximately \$37 in tax year 2002.

Conversely, we estimate that of the 38.3 million returns eligible, approximately 35.4 million returns would have dependents in public schools, and that approximately 10.8 million of these returns would utilize education IRAs.

We estimate that the proposed expansion of education IRAs would extend approximately 40 percent of the tax benefit to taxpayers with children in public schools, with an average per return tax benefit of approximately \$7 in tax year 2002.

Mr. ASHCROFT. I have no objection.

Mr. LEVIN. I ask unanimous consent to have printed in the RECORD a letter from the Joint Committee on Taxation that explains this chart.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2300 TO AMENDMENT NO. 2299

(Purpose: To prohibit spending Federal education funds on national testing without explicit and specific legislation)

Mr. ASHCROFT. Mr. President, I offer a second-degree amendment to the pending amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 2300 to amendment No. 2299.

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

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

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

The PRESIDING OFFICER. The Senator is recognized for 15 minutes in support of his amendment.

Mr. ASHCROFT. Mr. President, the Senator from Missouri thanks the Chair.

The first thing the second-degree amendment which I have offered will do is restore the Coverdell IRA language which has been stricken from the measure by the first-degree amendment offered by the Senator from Michigan.

I think that debate has been pretty clearly conducted. I believe it is clear that the Coverdell amendment is a virtuous amendment. The suggestion that individuals in public schools don't get as much benefit in terms of the tax break here, it seems to me, overlooks one thing: That virtually the entirety, of the public school cost is already tax underwritten and funded by the Government. Those who are in private schools are not only paying that rate, but as taxpayers they are also seeking to provide education for their children on a secondary and alternative track. To suggest that we should ignore the fact that the totality of the educational experience, virtually the totality of it, has already been paid for governmentally in the public school



system is, I think, failing to take into account a very important point.

In addition to restoring the Coverdell language, which would provide a basis for an IRA for individuals who would save for their children's education, my second-degree amendment adds a permanent ban on Federal funding for national testing of students in our schools unless there is explicit congressional authority for such funding.

Any movement toward the national control of education, I believe, savages educational principles that we as Americans hold dear. Parental authority and control, local control of schools, school board control, community control, teachers who are free to teach core subject matters, and school boards that are responsive to their communities, not held captive by distant bureaucrats, are a fundamental commitment of this Nation.

When President Clinton proposed national testing for our children, it was an example of a Federal power grab. The President wants to move power out of the hands of parents and out of the hands of school boards and away from communities and begin, through national testing, to direct the way the schools are operated all across the Nation. It doesn't take an educational expert to know that when you dictate the test, you describe the curriculum.

I visited lots of schools during my time as Governor, and I have since I have become a Senator. I asked a group of 5th graders not long ago when I was in their school, "If I were to tell you that I was going to test you on the first 50 words in the dictionary this afternoon, what would you study this morning?" It didn't take any of them any trouble to know that they would study the first 50 words in the dictionary. The test dictates the curriculum.

Last fall, 36 other Senators joined with me to threaten a filibuster of the Labor-HHS and Education appropriations bill unless there was a ban during the fiscal year on Federal funding for the President's national testing proposal. We won an important victory when Congress and the administration agreed to provisions banning deployment of any tests or field testing activities during the year in which we are now operating. However, that 1-year ban is not enough. Congress must permanently ban Federal funding for national testing in order to protect parental involvement and local control of education.

Why do I oppose national testing, this description of what has to be taught by what you are going to test? First of all, I think we should hold our children to the challenging academic standards that will lead them to greatness. However, any such standards should be set at State and local levels where parents, teachers and school boards are fundamental participants in making the critical decisions that will relate to the children's educational experience.

Federalized tests mandated from Washington will hurt education in the

Nation. First, because the No. 1 indicator of student achievement is parental involvement. Whenever we say to parents, "We're going to decide what is tested, therefore we will decide what is taught, you're not going to be relevant anymore," we dislocate parents from the process.

All the data indicate that the most important factor in student achievement is parental involvement. Study after study has proven this. I refer you to a 1980 study reported in *Psychology in the Schools*. It showed that family involvement improved Chicago elementary school children's performance in reading comprehension.

Here is the conclusion: 1 year after initiating a Chicago citywide program aimed at helping parents create academic support conditions, students in grades 1 through 6, intensively exposed to the program, improved a half to six-tenths of a grade equivalent more in their Iowa test of basic skills over students less intensively involved in the program.

Parental involvement boosts student achievement. We should not have a national program which disengages parents. We should not say to parents, "parents need not apply." We should not be telling parents that we do not care what you think and that we in Washington know better what ought to be done.

Let me just indicate that there are a number of other similar studies. I ask unanimous consent to have material about them printed in the RECORD, including the California and Maryland elementary schools studies.

California and Maryland elementary schools achieved strong gains in student performance after implementing "partnership" programs, which emphasize parent involvement.

A 1993 study describes how two elementary schools implemented a "partnership" program which emphasized two-way communication and mutual support between parents and teachers, enhanced learning at both home and school, and joint decision making between parents and teachers.

Students at Columbia Park School in Prince George's County, Maryland, "who once lagged far behind national averages, now perform above the 90th percentile in math, and above the 50th percentile in reading," after implementing the partnership program.

"In its fourth year of the [partnership] program, the Daniel Webster School in Redwood City, California, shows significant gains in student achievement compared to other schools in the district. Webster students have increased their average California Test of Basic Skills math scores by 19 percentile points, with all grades performing above grade level. In language, most classes improved at least 10 percentile points."

Source: *Developing Home-School Partnerships: Form Concepts to Practice*, Susan McAllister Swap. New York: Teachers College Press, Columbia University, 1993.

Mr. ASHCROFT. These studies show the amazing impact that parental involvement has on children's educational performance.

I think there is a clear understanding that when parents are actively in-

involved and engaged, students prosper. Why should we have a situation in which Washington begins to dictate what happens in our schools?

Former Governor George Allen of Virginia, a State that developed widely acclaimed standards of learning, indicates that the most impressive gains happen when we emphasize the grassroots. Governor Allen states:

If there is one important lesson we have learned during our efforts to set clear, rigorous and measurable academic expectations for children in Virginia's public school system, it is that effective education reform occurs at the grassroots, local and State levels, not at the Federal Government level.

This confirms the experience I had as Governor and, of course, as an individual who had an intimate responsibility for being helpful to local school districts. I learned firsthand that local control is needed to create educational programs that respond to the needs of local communities. A local community should be able to decide whether it is going to teach with phonics or whether it is going to use some other measure.

A local community should be able to decide that it wants to teach the new math or the whole math or any method it wants to use to teach basic, fundamental mathematics and arithmetic skills that focus on computation.

When our military, for example, responded to the Federal Government's demand that they initiate the new math—or what some people called "MTV" math or "fuzzy" math, as one Member of this Chamber on the other side of the aisle referred to it—we saw precipitous declines in student performance.

I believe when you start saying from the national level that you are going to provide tests that will dictate what is taught, and frequently how it is taught, there is a real threat to the ability of local schools, parents, community leaders and the culture to shape the educational experience that is so fundamental and important.

Perhaps that is why the Missouri State Teachers Association, which is comprised of 40,000 members—by far the largest teacher association in my State—warned: "The mere presence of a Federal test would create a de facto Federal curriculum as teachers and schools adjust their curriculum to ensure that their students perform well on the tests." The mere presence of a Federal test begins to direct everything toward the Federal Government instead of toward what parents, teachers and community leaders want.

In fact, when Jimmy Carter was President of the United States and was considering a national test proposed in this Chamber, Joseph Califano, Carter's Secretary of Health, Education and Welfare, warned, "Any set of test questions that the Federal Government prescribes should surely be suspect as a first step toward a national curriculum." He went on to say, "In its most extreme form, national control of curriculum is a form of national control of ideas."

I think it is time for us to make permanent the funding ban on national testing by the U.S. Government. There are plenty of other instruments that help us understand how our students are doing. It is important that we say that this Congress is on record as prohibiting the utilization of tax resources to undermine schools in determining what should be taught and how it is to be taught at the local level. We do this because, at bottom, students learn best when parents, local officials, school officials, and community leaders make decisions about the schools and participate in them so that student achievement is the No. 1 objective and goal.

Mr. President, I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Will the Senator from Missouri yield for 1 minute?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ASHCROFT. I will be pleased to yield.

Mr. COVERDELL. If we are in a national debate about the condition of elementary and secondary education, would one be nervous, given the forces that want to protect the status quo, that testing could be designed to protect the condition we are in?

Mr. ASHCROFT. Certainly. And dumbing down the test would be an easy way to make it look like we were making great progress.

I will just state that a few years ago, when there was an effort to set national history standards, we watched the politically correct movement overtake school officials as they demanded that we delete people like Robert E. Lee, Thomas Edison and other notables from the history standards and, instead, insert people like Madonna. I think the last thing we need is dumbed-down national standards. We need real academics, not politically correct education. The threat of politically correct curriculum and politically correct tests is something America should not endure.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 3 minutes, and then I will yield the remainder of time to the Senator from Massachusetts to control.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, on the amendment that I offered before, I just want to read very briefly from the memorandum from the Joint Committee on Taxation which supports the chart I have used. This memorandum, which is now part of the RECORD, says that they estimate that "2.4 million of the returns [who have children in private school] would utilize education

IRAs" and that those returns would utilize "52 percent of the tax benefit. . ."

On the other hand, this letter says that the "35.4 million returns [with] dependents in public schools" would utilize 48 percent of the tax benefit.

That is a direct quote from the Joint Committee on Taxation.

Relative to the amendment of the Senator from Missouri, I will just speak briefly because I will turn the remainder of the time over to the Senator from Massachusetts on this issue. But I will say this. I do not disagree with his point that local school districts, communities, and parents should control the curriculum. I happen to be a strong believer in local control.

Whether or not a school district wants to use new math or old math is something they ought to be able to decide. But one of the things they also should be able to decide is whether or not they want to utilize a national test which will give them some idea as to where their students stand relative to other students.

If they do not like that idea, they should not have to give that test. That should be a local option. It is a local option under the President's proposal. It is not a mandatory test. It is voluntary as he proposes it. School districts can use it or not use it. The question is whether or not, then, we should deny a school district the option, whether we should deny a local community an option to use a tool if they see fit to use it. That is the issue.

That tool may not be a useful tool. The Senator from Missouri may be correct. A school district may decide they do not want any part of it for the reasons that he gives. That should be the right and is the right of the local school district under the President's proposal.

But it should also be an obligation available to a local school district if they think there is a benefit from utilizing a national test. Why deny a community? Why deny a local government, a local school district, a tool which they believe is useful?

That is the issue. That is what would be denied under this second-degree amendment. I don't think we ought to deny that opportunity here for local school districts to make that choice.

Mr. President, I ask unanimous I be allowed to yield the remainder of my time to be under the control of the Senator from Massachusetts.

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

The Senator from Massachusetts has 11 minutes 48 seconds.

Mr. KENNEDY. I yield myself 8 minutes.

Mr. President, I strongly oppose the Ashcroft amendment to prohibit the administration from developing voluntary tests for academic achievement. Schools need clear-cut standards of achievement. Realistic tests to measure achievement are an essential

part of good education. The same voluntary tests that received broad support in the Senate last year, the testing compromise, had a vote of 87-13.

Voluntary national tests based on widely recognized national standards makes sense. They give parents and communities and schools an effective way to improve education and to chart the progress they are making. The voluntary national tests will be designed to assess fourth grade reading and eighth grade math. They are basic subjects and basic stages in each students' academic development. The assessments are timely and worthwhile.

Every student, parent, and school will benefit from them. The Ashcroft amendment will keep them in the dark. Parents want to know how well their children are doing and how well their schools are doing compared to other students in other schools across the Nation. Today, too many schools in communities across the country are attempting to educate their students without the kind of assistance and guidance that ought to be available. They have no way to compare the performance of their students with students in other schools and other communities in other parts of the country.

We know by every current indicator the performance of American elementary and secondary school students falls far short of the performance of students in many other nations. We have to do better. Knowing where schools and students now stand is an essential part of helping them do better.

As the Senator from Michigan, Senator LEVIN, pointed out, the tests will be entirely voluntary. I repeat, entirely voluntary. States and local districts will have the opportunity to participate if they choose to. Nothing is mandated by the Federal Government. Nothing is mandated by the Federal Government. There is no Federal control of local education. What is being made available on a voluntary basis is a long overdue opportunity for schools across the country to have realistic guideposts to measure the academic progress of their students. The tests will be based on national and international standards that will show whether students are meeting widely accepted criteria for achievement in reading and math.

No current test is available to provide this essential information to students and parents and teachers and school administrators. Families have no way to measure the performance of students in their community on a comparative basis with students in other schools and other communities and other States.

Mr. President, 87 of us agreed last year that the National Assessment Governing Board, which is a bipartisan group, is well equipped to oversee the tests. It is a time-honored bipartisan group of skilled educators, made up of

different representatives of the educational community. Voluntary national tests do not undermine local efforts on school reform. They enhance them. We need to do what we can to support local efforts to improve teaching and learning, especially in such vital areas as reading and math. Voluntary tests are an important way to support local school reform. I urge my colleagues to oppose the Ashcroft amendment.

Finally, I think this is an empowerment issue for parents. Basically, we are permitting on a voluntary basis, the States and then again the local communities, to make a decision about whether they are going to have these tests in the various communities and then to permit, obviously, the parents to know how their children are doing. By knowing how they are doing, then the parents can make judgments and decisions about what additional steps ought to be taken to try to improve the academic achievement and accomplishment of their children.

These kinds of tests are in the interests of the parent, so they know how their children are doing in schools, it is in the interests of the school board member to know whether they are making the correct judgments in terms of allocating resources and priorities, and it is in the interests of the community so they will know how they are doing in comparison with other communities.

All of these issues were debated at very significant length in the last Congress, and steps were taken to make sure that the bipartisan or virtually the nonpartisan education group was going to be developing these tests. They are in the process of doing so at the present time. They are not going to go into implementation until the year 2002. We are in 1998 at the present time and they are going into effect in 2002. So we are approaching this issue very modestly. They are going to be tested before they will be accepted. We will have ample opportunity to review the results of both the tests, the testing results as they give application to the tests, long before they go into effect.

The question is whether we will take this step by step and make judgments that will ultimately enhance the power of parents in knowing how their children are doing. If the Ashcroft amendment goes into effect, we are terminating that and denying a very important ingredient to parents and local communities. Parents in local schools want to know how their children are doing. Too often they have been kept in the dark. If there is a local decision, a local judgment, a State judgment, to put these into effect, they ought to have that opportunity to do so. Under the Ashcroft amendment, they will be denied that opportunity to do so.

I think this is a very modest program that is being put into the process at the present time and we should not undermine it this early in the process.

I reserve the remainder of my time.

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

The PRESIDING OFFICER. The Senator from Missouri has 3 minutes 50 seconds remaining and the Senator from Massachusetts has 5 minutes 6 seconds remaining. If neither side yields, time will run equally.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Missouri.

Mr. ASHCROFT. I yield 2 minutes to the Senator from Indiana.

Mr. COATS. I thank the Senator.

Mr. President, earlier in debate on this, I attempted to offer a compromise amendment partly because I believed, and still do, that the assessment of achieving reading and math standards is important information for parents, school boards, and others involved in education to make appropriate decisions about how changes should be accomplished so that we can achieve better results.

There was a lot of complication with that because of the concern about the influence of the Department of Education over the design of the tests, the fact that some of this information assessment might not be accurately assessed.

What I was attempting to accomplish was to give parents more knowledge so they could put more pressure on their local public schools to do a better job, to accept reforms. In many instances I was concerned because State departments of education are deceiving parents in an effort, from a political standpoint, to convince their constituents that their schools are doing just fine, that their students are doing as well as anyone. They are not administering tests, I think, or interpreting those tests in the way that gives parents adequate reflection of that.

If we could structure this in a way to get an independent, outside the Department of Education test, voluntary on a State basis, it could be helpful. Well, we weren't able to do that. I think it is now entirely appropriate that the Senator's amendment, which essentially says set this aside until we authorize it, debate this thing, work it through, is the way to go. So I am going to support his amendment. I thank the Senator for the time.

Mr. ASHCROFT. I thank the Senator from Indiana.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. KENNEDY. I yield myself 3 minutes. Before the Senator from Indiana leaves the floor, I was very persuaded by the logic and eloquence of the Senator on the reasons he supported the compromise last time. I was under the impression that we still had NAGB doing that test at the present time. The independent board has already taken, as I understand it, several steps to address the key concerns that were raised during the debate and discus-

sion. I understand they are doing the test at the present time. Is the Senator's information different?

Mr. COATS. No. The Senator is correct. There seems, however, to be some considerable degree of confusion in the Congress about how that test is going to be structured and what the process is and an expression on the part of many Members that Congress ought to be involved in the process. So let's just temporarily put that on hold so that the Congress can engage in terms of a better understanding and defining how that ought to be put together. I have agreed that perhaps that is the best way to go, because unless we really have some better understanding and assessment of that, I am not exactly sure we are going to accomplish what we want. I think the basic principle that I tried to propose earlier, which the Senator supports, I still retain that. I am going to work toward that end.

Mr. KENNEDY. I thank the Senator. I wonder why we are going through this, because I am strongly committed to achieving the compromise that was worked out with the leadership. The Senator from Indiana and, I believe, Senator GREGG were interested in this. We had a great deal of debate and discussion. I thought that giving the assurances in terms of the integrity of the test should be the tough kind of criteria that the Senator from Indiana established in terms of the makeup of these tests. I understood this was in the process now. That is why I think it is premature to wipe all of that out. I hope that if there are differences, we can try to work those out in a way that is consistent with that agreement rather than just halting the whole process now. As the Senator knows well, we are not going to have this go into effect until 2002. We have a long way to go. Rather than stop it and start it, it might be wise if we can sort of measure it at the present time rather than end it.

Mr. COATS. In response to the Senator, I would not describe it as a stop; it is just a temporary pause while we better discuss the matter with our colleagues to make sure they understand exactly what we are trying to do. Apparently, I have been unsuccessful with that to this point. I am hoping to do better.

The PRESIDING OFFICER. The Chair advises the Senator from Massachusetts that his 3 minutes have expired. The Senator from Massachusetts has 1 minute 57 seconds. The Senator from Missouri has 1 minute 42 seconds.

Mr. KENNEDY. Mr. President, as we heard from the Senator from Indiana, the reasons for these kinds of reviews are basically that there is nothing wrong with setting high standards for the achievement for the Nation's children and giving parents the opportunity to know how their children are doing. I think that is the basic policy issue.

The Senator from Indiana and the Senator from New Hampshire insisted

that this is being done in a non-partisan, bipartisan way, and I agree completely. I believe that is the way it is being done. It should be a national priority to do all we can to help the children meet these high standards.

Under the existing proposal, that would be done voluntarily. The States would make a judgment, local communities would make a judgment. I think we ought to retain the current system and try to adjust it if it needs to be adjusted rather than to effectively stop it in its tracks. Therefore, I oppose the Ashcroft amendment.

Mr. ASHCROFT. How much time do I have remaining?

The PRESIDING OFFICER (Mr. COATS). The Senator has 1 minute 46 seconds remaining.

Mr. ASHCROFT. I find it novel that individuals would allege that there are no tests to tell us how we are doing now, but then they can tell us how far behind we are. The truth of the matter is, there are lots of privately generated, academically appropriate tests. There are no politically proper tests that come from Government. The Iowa Test of Basic Skills and the Stanford Inventories are there. That is the reason we know where we are and parents can find that out.

The leadership is clear on this. I have talked to Senator LOTT and his staff. He is going to be strong for this. Representative GOODLING has led an overwhelming vote of 242-174 in this direction in the House of Representatives. Senator COVERDELL, who is leading this matter on this bill is a part of this effort. It is an important effort. There are lots of national tests. It is said that this would be a voluntary test. Here is what President Clinton said about the voluntary nature of the test: "I want to create a climate in which no one can say no."

So much for Federal voluntary programs. "... a climate in which no one can say no."

Incidentally, that was made in remarks to a joint session of the Michigan Legislature in Lansing, MI, on March 10, 1997. We don't need politically imposed, politically correct things in education. We need academically appropriate, strong things that local communities trust and can mandate and enforce. We don't need direction from Washington, DC. I think we have a clear opportunity here to reinforce local control of schools, parental involvement in the education of their students. I am delighted that the occupant of the Chair has said we should take additional time here to make sure we don't do something that is inappropriate.

I urge this body to vote in favor of this second-degree amendment.

The PRESIDING OFFICER. All time yielded to the proponents of the amendment has expired. The Senator from Massachusetts has 54 seconds remaining.

Mr. KENNEDY. Mr. President, there is no question that there are tests that

are out there, but quite clearly the hearings demonstrated they would not provide the kind of information to the parents across this country that this kind of initiative would provide. It seems to me that we want to challenge the young people of this country, setting the high standards for the Nation's children and giving the parents the opportunity and responsibility to know how their children are doing and then taking action at the local level on how they are going to deal with it. That was the principle that was accepted by the Senate and the strong bipartisan vote last year. Let's continue with that and give that a try before effectively stopping it in its tracks.

I yield the remainder of the time.

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL. Mr. President, just an update here. It appears that on our side we have one amendment that has been set aside for some resolution. On the other side, it appears that there are four amendments that are yet to be considered. We, of course, would encourage any Senator that has amendments to come forward. The aircraft that has taken a delegation to the funeral of a former Member of the Senate from North Carolina was scheduled to land, and voting was to begin at approximately 3 o'clock. It has been confirmed that the aircraft will probably be a little late. So this will alert the Members of the Senate that the stacked voting will probably more likely occur around 3:45 this afternoon.

Mr. KENNEDY. If the Senator will yield, I will be glad to inquire on our side of those who desire to speak or offer an amendment and request their presence so that we can move along and not in any way hold this process up.

I will do that. I see our friend, the good Senator from Wisconsin. Maybe he could be entitled to speak for some time. I will inquire from our colleagues on our side about Senators who still have amendments so that we can move this process along.

Mr. COVERDELL. I appreciate that consideration from the Senator from Massachusetts. We will do the same.

I ask the Senator from Wisconsin about how much time he will need.

Mr. FEINGOLD. I will ask for 15 minutes in morning business.

Mr. COVERDELL. On another subject?

Mr. FEINGOLD. On a different subject.

Mr. COVERDELL. I have no objection.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for fifteen minutes.

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

The Senator from Wisconsin is recognized.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 1966 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FEINGOLD. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I ask unanimous consent to be allowed to speak up to 10 minutes as in morning business.

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

#### EARTH DAY 1998

Mr. GRAMS. Mr. President, today, across our country, Americans are commemorating Earth Day, a day that is vitally important to all who serve in this chamber.

As my colleagues know, Earth Day was first observed on April 22, 1970. Its purpose was—and remains—to make people across the country and internationally reflect on the splendor of our world, an opportunity to get people to think about the earth's many gifts we often take for granted. Earth Day is a day for us to sit in the grass, take a walk, listen to the birds, and observe wildlife. Earth Day is a day for all of us to reflect on our dependence on our natural resources and recognize the care with which we must respect and use our natural resources, recycling and replenishing them where possible.

The New York Times, on the original Earth Day, ran a story which in part read,

Conservatives were for it. Liberals were for it. Democrats, Republicans and independents were for it. So were the ins, the outs, the Executives and Legislative branches of government.

The goals of Earth Day 1970 were goals upon which all of us agree. They're goals still shared across our country, regardless of age, gender, race, economic status, or religious background.

They're shared by this Senator, as well. I consider myself a conservationist and an environmentalist. I think everyone who serves in the Senate does. No one among us is willing to accept the proposition that our children or grandchildren will ever have to endure dirty water or filthy skies. Our children deserve to live in a world that affords them the same, or better, environmental opportunities their parents enjoy today.

Mr. President, I believe today, on Earth Day 1998, we must speak of our responsibilities—our responsibilities to the Earth, to one another, and to our nation. It is clearly our responsibility to protect our earth and ensure its health. Congress has a duty to see to it that we are cautious and conscientious stewards of our natural resources. Since the late 1960s, Congress has met this challenge by enacting what has amounted to a "war on pollution." By

engaging in this battle, Congress and an increasingly large federal bureaucracy have been successful in centralizing power, expanding regulations, saddling taxpayers with more debt, and leaving states and localities without the power to meet local environmental challenges with local environmental solutions. Local governments have the best ability to improve the environment—and the most incentive to protect their people as well.

To be sure, this war on pollution has had its successes. The Clean Air Act and Clean Water Act have improved our environment in countless ways. This Congress, and many before it, have spent billions upon billions of dollars in environmental protection plans, conservation plans, superfund clean-ups, endangered species act protections, wetlands protections, and wildlife refuges just to name a few. Our urban landscapes are no longer polluted by the thick, black smoke of industrial smokestacks. Our lakes and rivers are no longer the dumping ground for toxic sludge. We're recycling newspapers, glass, and plastics in record numbers—this, in fact, is a priority in many Senate offices, including my own. Through efforts such as the Conservation Reserve Program, Congress is working in partnership with the American people to ensure our generation leaves behind a cleaner Earth than the one we inherited.

Over the past few years, however, issues of environmental concern have moved away from the consensus required of prudent public policy making and increasingly toward the margins. Americans have enabled this shift because even though we've become more environmentally aware, in many cases we've failed to become more environmentally educated, resulting in extremes on both sides of many issues. This past year, a 14-year old student in Idaho used a simple experiment to prove this observation.

In a story reported across the country, young Nathan Zohner entered a project in a local science fair warning people of the dangers of dihydrogen monoxide, or DHMO. He described DHMO as a substance potent enough to prompt sweating and vomiting, cause severe burns in its gaseous state, or even kill if accidentally inhaled. Further, he claimed, DHMO contributes to erosion, decreases the effectiveness of automobile brakes, and can be found in acid rain and cancerous tumors.

Nathan then asked roughly 50 people to sign a petition demanding strict control or a complete banning of the chemical. Not surprisingly, 43 said yes, while five would not sign and two were neutral. What's surprising to many who hear of this story is that dihydrogen monoxide is merely water—a substance, Mr. President, we all know is completely safe when handled and consumed properly.

Sadly, it took the efforts of a 14-year-old boy to point out the drastic lengths to which our society has taken the

rhetoric of environmental protection. Americans today fear everything from drinking water to beef—and are spurred on by leaders who are often masters of fiction, whipping up doomsday scenarios prompted by our supposedly careless treatment of Mother Earth.

Mr. President, Nathan Zohner's experiment only scratched the surface of the insanity of over-zealous regulation. Regulations today cost Americans over \$700 billion each year. That amounts to almost \$7,000 per household. Let me repeat that—regulations in our country cost every American household nearly \$7,000 per year.

That is outrageous and it ultimately has nothing to do with protecting the earth or being good stewards. It is the result of a centralized federal bureaucracy which must not only justify its existence, but expand its purpose and scope in order to feed its insatiable appetite for power.

Let's review the process. Congress enacts legislation and the President signs it into law. Simple enough, but what happens next?

Well, Executive Agencies such as the Environmental Protection Agency interpret what Congress meant and go on a rampage of issuing and enforcing regulations that often fly in the face of Congressional intent. In Congress, we protest that we didn't mean for that to happen, but rarely, if ever, are we able to reverse the process or rescind the regulation. We fail in our most basic role of oversight. And far too many times Congressional intent is thrown aside by these growing federal bureaucracies and their own desires are then enforced.

American businesses, workers, farmers, states, and localities are then forced to comply with the goals of the EPA's regulations and ordered to achieve those goals at the direction of the EPA as well. Too often, those being regulated aren't allowed to find unique and innovative means of compliance.

They aren't allowed to tap into the same American ingenuity which, for the span of our nation's history, has provided workable solutions to achievable goals.

They are approached by the federal government as adversaries, not as partners—and are therefore given a one-size-fits-all dictate by a government that most often either doesn't care or doesn't know any better. And millions of dollars are spent to do \$10 worth of good.

We all come to the floor and regularly recite polls and studies and intricate, numerical details. We often forget that real people and real jobs and real families mean a whole lot more than just the numbers behind the latest study. But one thing is certain: Americans do not expect that they should have to choose between environmental protections and their jobs or standard of living. When we do both, we can ensure a healthy environment and a strong economy and strong economic growth.

According to a Wirthlin Worldwide Study conducted last August, only 11% of Americans consider themselves active environmentalists while 57% are sympathetic to environmental concerns. The same study found that 70% of Americans believe they should not have to choose between environmental quality and economic growth.

Clearly, Americans want their leaders to work pro-actively towards a clean and healthy environment, but not to the extreme and certainly not at the cost of their safety, their jobs, or their individual freedoms.

Mr. President, I suggest that on Earth Day we pledge to come together to improve our environment and strengthen our natural resources. I also suggest that we recognize both our failures and successes of the past.

We must recognize that today, compliance with regulations is the rule—and that blatant attempts to pollute and circumvent regulations are the exception. With this in mind, I believe we must renew our nation's commitment to pragmatism.

Government, on all levels, must do its part as watchdog while empowering those being regulated to develop unique and innovative means of compliance.

At the same time, we must promote ideas that create public/private partnerships and encourage companies and individuals to take voluntary steps to protect our natural resources. Through education and awareness, we'll be able to approach environmental issues in a way that fosters compromises and ensures public policy is pursued in the best interests of all.

It is time, Mr. President, that we commit ourselves to achieving real results through environmental initiatives. We must make sure that Superfund dollars go to clean-up, not to lawyers. We must actually restore endangered species and remove them from protections, rather than cordon off large areas of our Nation with little or no results. We must base our decisions on clear science with stated goals and flexible solutions. We must give our job creators more flexibility in meeting national standards as a means of eliminating the pervasive "command and control" approach that has infected so many Federal programs. And finally, the Federal Government needs to promote a better partnership between all levels of government, job-providers, environmental interest groups, and the taxpayers.

With this in mind I believe that on this Earth Day we must collect the extremist rhetoric found on both sides of the environmental debate and flush it down the toilet—remember to flush twice, though, if it's a new, EPA-mandated low-flow toilet, or it might not be gone for good.

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

## ORDER OF PROCEDURE

Mr. COVERDELL. Mr. President, I ask unanimous consent that no votes occur prior to 3:45 today; and, further, the time until 3 o'clock be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, we have essentially accomplished this so far: The Senator from Wisconsin, the Senator from Minnesota. I understand the Senator from Vermont has a subject he needs to cover at this time. We encourage Senators with amendments to come forward. When we finish, Senator LANDRIEU will perhaps be here around 3 o'clock and we will facilitate that. We will try to give any amendment priority over any other business during this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am going to take about 10 minutes, but I am wondering whether it may be appropriate to ask that my time not be charged to either side. It is not going to be on the bill itself.

Mr. COVERDELL. What we are basically trying to do—I don't think it is necessary—is to divide this period of time between them, and it would be appropriate for your side to have time at this point.

Mr. LEAHY. Mr. President, then I will take the floor, if I might. I assure my distinguished colleagues from Georgia and from Massachusetts, I will not be long.

Mr. KENNEDY. Will the Senator yield for a question? As I understand from the Senator from Georgia, then, at 3:45 we intend to start voting on the subject matters which we have debated earlier, and dispose of those, and then, according to the leadership, try to continue to dispose of other amendments subsequent. Am I correct in that?

Mr. COVERDELL. You are absolutely correct. It is a little unclear what will occur following the vote. We will potentially have up to five votes. Again, we are not absolutely certain when those coming from the funeral will arrive. It is a little unclear, but that is generally the plan.

Mr. KENNEDY. I ask to be able to follow the Senator from Vermont for up to 15 minutes.

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

The Senator from Vermont.

### MERCURY POLLUTION: UNFINISHED BUSINESS

Mr. LEAHY. Mr. President, as I have said many times on the floor of the Senate, I am blessed to come from and in fact represent a State in which people share a deep and abiding concern for the environment. In many ways, Vermont is an example to the Nation in its environmental ethics and its environmental action.

We Vermonters are especially proud that much of the environmental progress the Nation has achieved in the last 3 decades is also part of the legacy of Vermont's own Robert Stafford. Senator Stafford's leadership in this body helped shape national environmental policy from the time the environmental movement was in its infancy, and then continued well into its maturity. In his role as chairman of the Committee on Environment and Public Works—a post that Senator Stafford assumed in 1981—Bob Stafford courageously and successfully stood up to the powerful interests who tried to roll back our environmental standards. Today, as we celebrate the 28th anniversary of Earth Day, I would like to take a moment to reflect on the progress we have made to protect our environment. But I also want to talk about the job that remains to be done.

In the past few weeks, one of Vermont's great treasures, Lake Champlain, has received a great deal of attention. This has also offered an opportunity to explain one of the threats to Lake Champlain from toxic pollutants that are drifting into our State. One of these pollutants, mercury, should be of particular concern. Like lakes and waterways in most States, Lake Champlain now has fish advisories for walleye and lake trout and bass. All that is due to mercury.

When I was growing up and I could spend parts of my summers on Lake Champlain, I never had to worry about eating the fish that I caught. Actually, I only had to worry about being good enough to catch them in the first place. But someday, when I take my grandson out fishing, I don't want to explain to him why he can't eat a fish he catches there. What I tell my grandson is largely a function of what direction we decide to take in Congress to protect the environment. Depending upon what we do here, that will determine whether I can tell him to eat the fish or not. Are we going to rest on our laurels, or are we going to build on the courageous steps that Bob Stafford and others took to protect our environment for future generations?

We should be proud of the great strides we have made to reduce the level of many air and water pollutants, to rebuild populations of endangered species, and to clean up abandoned hazardous waste sites. And we are proud of that. But now we have to continue to address the environmental threats that do not have any easy solutions. One of these threats is the mercury that seeps into our air and water every day from coal-fired power plants and waste combustors and utility boilers. It is one of the last remaining toxins for which there is no control strategy.

When we originally wrote the Clean Air Act, we didn't understand the dangers posed by mercury, but we have seen the dangers in our own State. Two high schools in my own State had to be closed for a week because there were small amounts of mercury found in the

classrooms. But these were instances where you could actually see the mercury. The more elusive problems are the ones where the mercury goes through the air and water and we don't see it. With the release of the Environmental Protection Agency's Mercury Study Protection Report to Congress, we have the information to solve the problem of mercury pollution. We have the information to solve the problem. The question we have to ask is: Do we have the will to solve it?

The report shows some very troubling levels of mercury in fish, and also estimates in the United States there are more than 1½ million pregnant women and their fetuses, women of childbearing age, and children who are at risk of brain and nerve development damage from mercury pollution.

There are new facts of mercury pollution, too. Look at this chart. In 1993, there were 27 States with fish advisories for mercury contamination. These are the States in red. There are 899 lakes, river segments and streams identified as yielding mercury-contaminated fish. That was just 5 years ago.

Now let's see what has happened as we go to 1997. Look at how the red is filling up the country. You can see that 39 States have issued mercury fish advisories for 1,675 water bodies. This is where we are with mercury-contaminated fish; almost every State in the country, 1,675 advisories.

In only 5 years, it is an increase of 86 percent. We are going in the wrong direction. We are soon going to see the map totally red.

What we should be doing, Mr. President, is trying to reverse course, getting rid of this mercury pollution and going back to where we can have a country without them.

We pump 150 tons of mercury into the atmosphere every year—every year, year after year after year. It doesn't go away. It becomes more potent. We put a lot of love and time and energy and fiscal resources into our children, but we are not protecting them from the possibility of being poisoned by a potent neurotoxin.

The critics of inaction are right. We can't tell to what degree people with learning disorders, coordination problems, hearing, sight or speech problems have been harmed by mercury pollution. We don't know how many little Sarahs or Johnnys would have been gifted physicians, poets or teachers but who now have no chance of reaching their full potential because they are exposed to mercury in the womb or during early childhood.

Just as with lead, we know that mercury has much graver effects on children at very low levels than it does on adults. It is insidious.

Because we can't measure how much potential has been lost, some special interests say we should continue to do nothing.

Our late colleague, Senator Edmund Muskie of Maine, put it well when he

said, "[t]he first responsibility of Congress is not the making of technological or economic judgments. Our responsibility is to establish what the public interest requires"—requires—"to protect the health of persons."

We have enough information to act. We don't have to wait until we have a body count. We have the information, now we need the will, and we should have the will to act.

I propose we put a stop to this poisoning of America. Mercury can be removed from products. It has been done. Mercury can be removed from coal-fired powerplants, and it should be done. We should limit the mercury that enters our environment from coal-fired powerplants, waste incinerators, and large industrial boilers and other known sources.

Americans have a right to know what is being spewed out of these facilities and into their backyards and into the food of their children. We in Congress have the responsibility to give them the knowledge and the tools to protect their children.

The PRESIDING OFFICER (Mr. FRIST). The Chair notifies the Senator from Vermont that initially there were 23 minutes to each side. Senator KENNEDY, by unanimous consent, claimed 15 minutes of the 23 minutes. Therefore, we are now into Senator KENNEDY's time.

Mr. LEAHY. Mr. President, that wasn't precisely the way that I recall the intent of the unanimous consent agreement, but let me just say this. The EPA report estimates the cost nationally of controlling mercury from powerplants at \$5 billion per year, and this is an industry that generates more than \$200 billion a year in revenue. That is less than 2.5 percent. It strikes me as being the equivalent of a fly on an elephant's back. We can do a lot better.

The residents of Colchester, VT have been fighting for 7 years to clean up a waste incinerator in their backyard that they were originally told was clean enough to toast marshmallows in. Well, now we know better and we need to require this and other facilities to eliminate mercury emissions.

One of the largest sources of mercury is coal-fired power plants. With States deregulating their utility industries, Congress today has a unique opportunity to make sure these powerplants begin to internalize the cost of their pollution.

Many of the problems the Clean Air Act of 1970 was drafted to solve are being addressed. But one thing has not worked out the way Congress originally envisioned. It seemed back then that old, dirty, inefficient power plants would eventually be retired and replaced by a new generation of clean and efficient plants. The concept worked with tailpipe controls on cars. Eventually the fleet turns over and the dirty ones are out of circulation.

But, 28 years later, many utilities continue to operate dirty, inefficient

plants that were built in the 1950s or before. These plants are subject to much less stringent pollution controls than are new facilities, and what we now have is a big loophole, and these plants are pouring pollution through it.

If we don't level the pollution playing field now, in a deregulated industry the financial incentive will be to pump even more power and pollution out of these plants for as long as they will last. As long as the rules of the game allow this, these utility companies are acting in a manner that suits solely their economic self interest. As a nation, we cannot afford to subsidize their inefficiency, but our inaction does just that.

We will hear a lot of rhetoric about how much implementing this bill will cost. I want to address those complaints up front. The cost argument does not hold water. I say it again, the EPA report estimates the cost nationally of controlling mercury from power plants at \$5 billion per year, and this industry generates more than \$200 billion a year in revenue. That is less than two and a half percent, and that strikes me as being the equivalent of a fly on an elephant's back.

Mercury pollution is a key piece of unfinished business in cleaning up our environment. The poisoning of America's lakes, rivers, lands, and citizens with mercury pollution can be stopped. It is unnecessary, and continuing to ignore it mortgages the health of our children and grandchildren.

I yield to the Senator from Massachusetts.

Mr. BOND addressed the Chair.

#### EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I understand the Senator from Missouri has a statement. I will be glad to follow him.

Mr. BOND. Mr. President, I express my appreciation to my good friend and colleague from Massachusetts. I ask for 5 minutes to be yielded from the majority side.

Mr. COVERDELL. I yield 5 minutes to the Senator from Missouri.

Mr. BOND. I thank the Chair and I thank the distinguished manager.

Mr. President, I rise in support of the Coverdell measure and in support of the Gorton-Frist amendment and in support of the Ashcroft amendment. We have an opportunity as a body to make some very clear statements about education that the people in our States are asking us to make.

I firmly believe that education is a national priority but a local responsibility. This leads to a fundamental difference between this side and what might be referred to as a Washington establishment on education.

I believe that those who know the names of the students personally are

better at making decisions than those who don't know them. Unfortunately, Federal involvement in education over the years has started off with a great idea of providing resources in support for what we believe for our children is the highest priority, and that is getting them a good education, but it has mushroomed into burdensome regulations, judicial intrusion, unfunded mandates and unwanted meddling.

The results have been that local school officials who are accountable to parents and communities have increasingly less and less control over what goes on in their classrooms. In some cases, parents really feel that they have lost control of their child's education. They have told me horror stories about how their children are not getting an education because of requirements that the Federal Government has put on the schools.

I believe that parents and local school boards are and must be the key to true educational reform, not big Government. We should be empowering parents and teachers and school districts and States to develop challenging academic standards, programs and priorities, not making their jobs of educating children of America more difficult.

As my colleague from Missouri, Senator ASHCROFT, said, we already have standards, we already have tests. As a result of those tests, we know where the problems are in education, and we need to do something about it. Yes, nationally we ought to focus on the problem, but we ought not to try to solve with a "Washington, DC, solution" the problems we face in every community and every city throughout Missouri and throughout America.

I have had a very interesting and informative experience over the last year and a half talking to school board members, talking to teachers, talking to principals and talking to parents across my State of Missouri. It is from these discussions that I come back here with a renewed commitment to keep local control over education.

We have school districts in Missouri hiring hordes of consultants and grant writers instead of teachers because they know they have to play "Mother May I?" with Washington, DC. We have some schools, the smaller schools, that say they don't even bother to apply for the Federal funds because they don't have the time and the resources to prepare the application.

Leaders in school districts have told me of the unforeseen consequences of getting a grant. They get a grant development program and the grant expires and the school district has to determine whether to take local money from existing resources to continue the program or to eliminate it.

One of my colleagues on the other side of the aisle said very, very convincingly today, and I love these words, "The Federal Government doesn't run schools, and the Federal Government doesn't fund schools." I



agree with those principles. I just wish that he were correct in the facts.

The Federal Government should not be micromanaging school districts. In Missouri, 67 percent of the funds that go to the school districts come from the Federal Government. These are general funds for K through 12. They tell me, depending upon the school district, that anywhere from 40 to 85 percent of the red tape and the hassle and the regulations come from Washington.

I don't think that is right. Last year, when we adopted the Gorton amendment to send money directly to the schools, some of my colleagues very eloquently said, "We don't want to have Federal dollars going directly to school districts because the school districts will waste the money; they might build athletic facilities; or they will waste it in some other way."

Mr. President, I have spent my adult career working with parents and teachers and school boards in Missouri. I have watched them work. I have watched their education decisions. I have spent about the last 11 years in this body watching Congress debate issues and watching the Federal bureaucracy administer programs. And when it comes to who wastes money, Mr. President, it is not even close. It is not a contest. The Washington way wastes more money by far. The locally controlled schools are far better at applying those dollars to the needs of the children in their schools.

There is no disagreement that in some cases a local school district may need money to build some more schools or it may need money to hire more teachers. For some schools, new textbooks should be the top priority. For others, additional computers might be needed or a school safety program might need to be implemented.

Who knows best? Those at the local level, held accountable by those they serve, or the bureaucrats in Washington? A one-size-fits-all approach does not and will not work in education. Let us give our schools, our teachers, and our parents the resources and flexibility they need to educate our children for a lifetime of achievement and accomplishment. I urge my colleagues to support the amendments and to support the bill, and I urge that they give a sound, strong endorsement to local control over education.

I reserve the remainder of the time on this side and yield the floor. Again, I extend my sincere thanks to my distinguished colleague from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we all know what our priorities are in education. We need to do all we can to support and improve our public schools. That means additional assistance to every State to repair crumbling schools and to build new facilities. It means recruiting more teachers to meet the existing demand and to deal

with the crisis of rising enrollments, especially in priority disciplines, in math and science. It means reducing class sizes. It means more support for afterschool programs to keep kids off the streets, away from drugs, and out of trouble. It means a major effort to teach young children how to read because we know that literacy is the foundation of every other aspect of learning. It means setting higher standards for schools to meet in educating their students. We know these ideas will work. But schools across the country are in desperate need of funds to make them work.

Our goal is to improve public schools, not abandon them. It makes no sense to call for greater priority for education and then earmark aid for private schools instead of public schools. Public schools are instituting these ideas and getting results. We should make sure that every school and community has the resources to put in practice what works so that no child is left out or left behind.

Mr. President, this chart here shows what is happening to the schools in this country. And this is according to the General Accounting Office: 14 million children learn in substandard schools; 7 million children attend schools with asbestos, lead paint, or radon in the ceilings or walls; 12 million children go to school under leaky roofs; one-third of all American children study in classrooms without enough panel outlets and the electrical wiring to accommodate computers and multimedia equipment.

This is a tragedy, a national tragedy. It is not only a physical tragedy in terms of the facilities are getting more and more antiquated every single year, but it is also a tragedy in the kind of subliminal message—and it isn't so subliminal a message—that it sends to children and their parents. Because as grownups and as political leaders are talking about the importance of children in our country and in our society, and that the children are our future, on the other hand, we are sending our children into these kinds of conditions every single day. We are sending the message that we do not really care about the kind of facilities where you are trying to learn, and we do not really care very much about education. That is the message that is being hammered home every single day to these millions of children who are going to school in these kinds of conditions. That is wrong. We are trying to address that. And that is a principal policy difference between the Republicans and the Democrats on the education issue.

Massachusetts is no exception. Forty-one percent of Massachusetts schools report that at least one building needs extensive repairs or should be replaced. Seventy-five percent report serious problems in buildings, such as plumbing or heating defects. Eighty percent have at least one unsatisfactory environmental factor. It is difficult enough to teach or learn in mod-

ern classrooms, and it makes no sense to compound the difficulty by subjecting teachers and students to dilapidated facilities. We cannot tolerate a situation in which facilities deteriorate while enrollments escalate.

Mr. President, in far too many communities across the country, children are also learning in overcrowded classrooms. This year, K-12 enrollment reached an all-time high, and will continue to rise over the next 7 years, and will increase by about 4 million children in K-12 over the period of the next 4 years.

That is why it is so important that we are going to have a major effort in terms of increasing the teaching profession and giving them the skills to be able to teach these children to ever higher standards and to take into consideration the utilizations of the new electronics and to tie those into curriculum, all of that so that our children are going to have a world-class education. That is a new phenomenon. That is a national phenomenon—the expansion and growth of our children in our schools. We know this is happening.

And now we need 6,000 new public schools built and needed by the year 2006 just to maintain the current class sizes. We know this is happening. We have been given that information by the Department of Education and by everyone that has studied this situation.

Due to the overcrowded schools, they are using trailers for classrooms and teaching students in former hallways, closets, and bathrooms. And overcrowded classrooms undermine the discipline and decrease student morale.

We have had the testimony during the earlier debates—I have given examples of these kinds of conditions—and for the first time heard from an outstanding president of a very important school in neighboring Virginia the fact that because of these overcrowded conditions, a new phenomenon is developing in their school, and it is called hall rage—hall rage. I never heard those words used before.

What he was pointing out was, with the increasing number of students in these confined areas, that from the brushing against one another and the kinds of violence that is taking place in the classroom, you see the explosion in the number of fights, misunderstandings, and a deterioration in both morale and discipline because of hall rage—too many students trying to get to too many different places, and often in these trailers for classrooms and in closets and other situations. That is what is happening in the United States of America. That is what is happening.

We ought to give a helping hand to the local communities. We are not interested in superimposing some Federal solution, some "new bureaucracy," those old clichés. I have listened to the same clichés for 30-odd years. You would think they would have new ones, talking about the "new bureaucracy," "one size fits all," "Washington

doesn't know everything." You hear those every single day for 30 years, and you would think they would find some new ones.

What we are finding out with overcrowded classrooms is, we have the demand for additional teachers and we have the demand for additional kinds of support for students as well in other areas.

Mr. President, class sizes are too large. Students in small classes in the early grades make much more rapid progress than students in larger classes. In the exchange earlier today, I pointed out what some of the States are doing, and the findings in Wisconsin, the findings in California, Flint, MI, very important findings in terms of increasing literacy and academic achievement with these smaller classes. It is not the answer to everything, but it is a pretty clear and compelling case to be made. And it was made so clearly by the Senator from Washington, Senator MURRAY, on the importance of getting into smaller classes. As a former teacher and school board member, she is talking about what is happening out on Main Street. This is a message that should have been listened to. And we will have an opportunity to vote on her excellent amendment in just a little while.

The benefits are greatest for low-achieving minority and low-income children with smaller classes. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities and reduce the need for special education at later grades.

The Nation's students deserve modern schools with world-class teachers. But too many students in too many schools in too many communities across the country fail to achieve that standard.

The latest international survey on math and science achievement confirms the urgent need to raise standards of performance for schools, teachers, and students alike. It is shameful that America's 12th graders ranked among the lowest of 22 nations participating in the international survey on math and science. Here we have prospectively, in the year 2000, on a voluntary basis, on the States and local community tests, so that we can raise the standards of American children in areas of math and science—we have an amendment to strike that, strike that proposal—tests that will be developed in a bipartisan way so parents have greater information to make decisions locally to enhance academic achievement and accomplishment, a compromise that was agreed to by 87 Members of this body, a bipartisan compromise, and now we have an amendment to strike that at a time when we are having these results and effectively denying the parents the opportunity to have knowledge and understanding about where their children are, in their school, in their community, in their State, relevant to other communities

across the country, if they want to, if they believe that is important. I think that makes no sense whatever, and I hope the Ashcroft amendment will be defeated.

Teacher shortages forced many school districts to hire uncertified teachers or to ask certified teachers to teach outside their area of expertise. That is what is happening in every area of the country. Each year, over 50,000 underprepared teachers enter the classroom. One in four does not fully meet State certification requirements. Twelve percent of new teachers have no training teacher at all. Students in inner city schools have only a 50 percent chance of being taught by a qualified science or math teacher. Listen to that: only a 50 percent chance of being taught by a qualified science or math teacher.

Instead of putting the \$1.6 billion in tax advantage for individuals who will send their kids to private schools, let's do something about those school-teachers who are not certified in the areas of math and science, and upgrade their skills. They will go back to the public schools and be able to enhance the quality of education for those kids. This is a basic difference between our Republican friends and those on this side on the issue of teachers and the importance of having high standards on which to measure our children.

Another high priority is to meet the need for more afterschool activities. Each day, 5 million children, many as young as 8 or 9 years old, are home alone after school. Juvenile delinquent crime peaks between the hours of 3 and 8. Children left unsupervised are more likely to be involved in antisocial activities and destructive patterns of behavior. It isn't just that there are greater opportunities for them to get in trouble, it is that there are advantages of having those children in circumstances where they are able to go into local community-based systems where they may get some help and assistance with their homework over the afternoon or maybe participate in some sports events that are supervised, so when the parents get home after a long, hard day, the children can have some quality time instead of having parents too often come home, know the kids have been watching television, or not knowing where their kids are, and sending them to their room to do the homework, and the parent lacks that opportunity to spend quality time. No one denies if the parents want to work with the child, well and good, but for the parents hard-pressed and working from early morning to late in the evening, and who have the responsibility in terms of the family that value the afternoon kind of program, they ought to be at least available.

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

Mr. KENNEDY. I yield myself 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Reserving the right to object, how much time remains?

The PRESIDING OFFICER. The time has expired on the minority side; the majority side has 16 minutes.

Mr. COVERDELL. The Senator would be using our side's time. I want to afford the Senator an opportunity to complete his remarks. May I yield another 2½ minutes of my time to the Senator?

Mr. KENNEDY. Well, we had set for 3 o'clock—as the Senator knows, I have been trying to get people over here. I will yield as soon as anybody comes over. I have about 5 more minutes. I would like to be able to continue for 5 more minutes.

Mr. COVERDELL. It was my intention to try to respond to the time that the Senator is using. I am trying to split the difference.

I yield 3 minutes of my time to the Senator from Massachusetts.

Mr. KENNEDY. I have how much time?

The PRESIDING OFFICER. All time has expired on the Democratic side.

Mr. KENNEDY. Mr. President, literacy is another very high priority, to date. Too many children are reading at unacceptable levels—40 percent of the fourth graders fail to attain the basic level of reading.

Incredibly, Mr. President, the tax proposal that is the Coverdell proposal ignores each and every one of these pressing needs. The regressive Republican tax bill does nothing to improve public schools, nothing to address the need for public schools to build new facilities, nothing to reduce class size in school, nothing to provide qualified teachers, nothing to provide afterschool activities to keep children away from drugs, nothing to help all children learn to read, and nothing to help reach higher academic standards. It does nothing to improve the quality of education for children in public schools. Tax breaks for private schools is not the answer to the serious problems facing the Nation's public schools.

There are serious problems in the Nation's public schools. We can do much more to turn troubled schools around and undertake a wide-range of proven reforms to create and sustain safe and high-performing schools. There are no magic remedies to improve schools and improve student learning. We need to use our limited resources wisely to get the most benefits for our tax dollars.

The Republican approach would divert urgently needed funds away from public schools into private schools. That is wrong for education, wrong for America, and wrong for the Nation's future.

Mr. COVERDELL. Mr. President, the Senator from Massachusetts has characterized the differences here today as Republican and Democrat, and they are not. The dispute we are having here today is between a community that is defending the status quo and rejecting change and a group of Senators who

are committed to reform and change. And they are not Republicans and Democrats, as the Senator from Massachusetts has suggested.

The measure that is before the Senate is cosponsored by Senator TORRICELLI from New Jersey, a Democrat. The school construction proposal that is before the Senate was authored by Senator GRAHAM of Florida, a Democrat. The assistance to these States to students that have prepaid State tuition assistance is authored by Senator MOYNIHAN of New York, a Democrat. And aiding employees by facilitating an employers' ability to help continuing education is the suggestion of Senator BREAU from Louisiana, a Democrat. So this is a bipartisan proposal that is here. It is not a Republican proposal. There are many Democrats who are at the forefront of what is being discussed and debated here today.

The Senator from Massachusetts also characterizes this as an education savings account as if there were nothing else in the proposal. As I have just said, yes, there is an education savings account in our proposal that is directed to helping parents, parents who have children in public schools, in private schools, and at-home schools. But there are also provisions in the proposal that aid the 21 States in the Union that have prepaid tuition plans.

This proposal that is before the Senate, and I predict will pass the Senate, makes sure that when those funds come to the students, when they actually need them to go to college, those funds are not going to get taxed at that time. The full benefit of those State-prepaid tuition programs will be there for 1 million college students.

There are already 1 million students in the queue in 21 States, and 17 more States are about to adopt such provisions. The plan before the Senate will aid employers in funding continuing education for 1 million employees in America—1 million. What it does is it enables them to spend up to \$5,250 annually to help with the continuing education program. And that is not going to be treated as income to the employee, is not going to be taxed, a disincentive to offering the program.

The plan deals with school construction, but it leaves the decision about what should be constructed to local communities. Senator GRAHAM's proposal expands financing tools for local communities and high-growth communities to deal with school construction.

So the proposal before the Senate is wide-ranging, from education savings accounts that help parents and students—14 million of them to be exact, and 20 million students to be exact—who will save in the first 5 years upwards of \$5 billion, and over 10 years \$10 billion. The suggestion is that all these resources go to private schools. It is simply not true. Seventy percent of the families that use these savings accounts, their children are in public schools. Public schools are a big winner. The division of where the money

goes is about 50/50 because folks who have children in private schools save more. They know they have to have more. But it's their money; it's not public money.

So all of these issues that the Senator has alluded to are embraced—maybe not exactly the way he would like them—in the proposal before the Senate: education savings accounts for parents, tax incentives for employers to help employees, the protection of prepaid State tuition plans, and school construction.

Now, on top of that, we are going to have a chance to vote on an amendment offered on this bill by Senator GORTON. Senator GORTON takes a portion of the Federal assistance and removes all the regulations, like it has to happen on a "blue" day and a "green" Tuesday, or whatever. All the morass that the Senator from Tennessee, now in the Chair, talked about earlier today—strip those away from about \$10 billion-plus that goes to the local States and they can do exactly what the Senator from Massachusetts wants to see done. They can build schools, they can hire teachers, they can reduce class size, they can develop after-school programs, they can build parks, they can do whatever they think, and that is \$10 billion on top of which we have created a new pool of \$10 billion.

The other side wants to look away from that voluntary money in those savings accounts. This is money being brought forward by parents and friends of parents of children. There is no new tax that has to be raised. No school district has to raise their taxes to get the \$10 billion. No State has to increase income taxes. The Federal Government doesn't have to spend more money. By this simple, small incentive, we are causing American families to come forward with billions of new dollars to help public, private, and home schools. They will hire tutors. I think they are smarter dollars than a lot of dollars we talk about here. Why? Because they are guided by the family to the specific problem the child has. If a child has a math deficiency in a public school, private, or home school, then the family can hire a tutor with that savings account they generate. If they don't have a home computer—and I might point out that only 15 percent of the students in inner city schools have home computers—well, they could buy one with these savings accounts. If they have a learning disability—dyslexia or something like that—then the family has a tool they can use to fix that specific problem. Public dollars have a hard time doing that.

The Senator from Massachusetts, on several occasions, has referred to this tax incentive that will go to create these savings accounts. It is true that about \$500 million is used as the tax incentive—just over \$500 million. That is a newer figure. The figure the Senator used is a little larger than that, but that was the figure I had at the same time. It is about \$520 million in the

first 5 years of tax relief to anybody that would open the account, by not taxing the interest buildup. That modest incentive, that modest amount of tax relief is what generates \$5 billion in savings.

The proposal that the Senator was talking about in terms of school construction is a \$9 billion tax relief proposal. Who does that go to? That goes to banks and insurance companies and Wall Street brokers. They will get the tax breaks on the school bonds under the proposal to build schools. On the one hand, we have \$500 million of tax relief over 5 years to generate \$5 billion of new savings. On the other hand, we have \$9 billion of tax relief going to the holders of the bonds on the school proposal.

Mr. KENNEDY. Will the Senator yield a minute on that issue?

Mr. COVERDELL. Yes.

Mr. KENNEDY. I don't know which particular amendment the Senator is talking on. On the school construction amendment by Senator MOSELEY-BRAUN, there is \$3.3 billion to create \$22 billion in school construction. I don't know which one the Senator is referring to.

Mr. COVERDELL. I am using the 10-year figure. The figure you used is correct for the first 5 years.

Mr. KENNEDY. You are using a 10-year figure for her and a 5-year figure for yourself.

Mr. COVERDELL. My 10-year figure would be about \$1.1 billion. Let's take the 5 years. In 5 years, it is \$500 million in tax relief for 14 million middle-income families on the education savings account and over 5 years, over \$3 billion of tax relief for the people that buy those big bonds. That is a very select community that can play that game. Then in 10 years mine becomes \$1.1 billion for the 14 million families, and they save because of that, \$10 billion. No one saves a dime on the savings proposed for the school bonds. That doesn't generate anything, except school construction. But the beneficiaries of the tax relief are a very select group of Americans. They fit in a very small percentage group.

The point I am making—that amendment obviated tax relief for the middle-class Americans, the 14 million families; it took it out and replaced it with \$9 billion in tax relief for, as I said, large financial institutions.

I know my time is about to expire. How much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes 55 seconds.

Mr. COVERDELL. I want to make the point that all the subjects—school construction, smaller class size, reinforcing communities and parents—we are talking about the same subjects. We may differ on our approach, and this doesn't cut down party lines; this cuts down status quo or reform, doing things differently, with more authority at the local level, more decisionmaking at the local level, more decisionmaking for families. That is where the cut is. It

is not Democrat or Republican. My chief cosponsor is a prominent member of the Democratic side of the aisle.

Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. COVERDELL. I want to reiterate that what we are talking about helps 14 million families who are the carekeepers of over 20 million school-children. And every school environment is helped—public, private, and home. Our proposal will aid 1 million college students, 250,000 graduate students, 1 million employees, 500 new schools, \$10 million in new savings. The Federal Government doesn't have this. This is coming from families, \$10 million, a huge influx of new resources.

If the Gorton amendment passes, there will be over 10 additional billions—not new expenditures, just freed up expenditures—for smaller classrooms, for new schools, or for whatever those States and local communities feel are necessary to get at the crisis and challenge that we all know and have both cited time and time again are occurring, particularly in kindergarten through high school.

Mr. President, I believe the hour of 3 o'clock has arrived. It is my understanding that Senator LANDRIEU is scheduled to begin her amendment at this hour.

Mr. KENNEDY. If the Senator will yield, she was going to make a best effort. She was over here at 1 o'clock and was over here this morning. So we will inquire and try to determine her location, and then I will report back to the Senator.

Mr. COVERDELL. Very good.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. 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.

#### AMENDMENT NO. 2301

(Purpose: To strike section 101, and to provide funding for Blue Ribbon Schools)

Ms. LANDRIEU. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU) proposes an amendment numbered 2301.

Ms. LANDRIEU. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike section 101, and insert the following:

#### SEC. 101. BLUE RIBBON SCHOOLS.

(a) PROGRAM AUTHORIZED.—

(1) RECOGNITION.—The Secretary of Education is authorized to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence and demonstrated a high level of quality.

(2) DESIGNATION.—Each school recognized under paragraph (1) shall be designated as a "Blue Ribbon School" for a period of 3 years.

(b) AWARDS.—

(1) AMOUNT.—The Secretary shall make an award for each school recognized under subsection (a) in the amount of \$100,000.

(2) SPECIAL RULE.—If the Secretary is prohibited from making an award directly to a school, the Secretary shall make such award to the local educational agency serving such school for the exclusive use of such school.

(3) PRIVATE SCHOOLS.—Awards for private schools recognized under subsection (a) shall be used to provide students and teachers at the schools with educational services and benefits that are similar to, and provided in the same manner as, the services and benefits provided to private school students and teachers under part A of title I, or title VI, of the Elementary and Secondary Education Act of 1965.

(4) LIMITATION.—The Secretary shall not make more than 250 awards under this section for any fiscal year.

(5) WAIT-OUT PERIOD.—The Secretary shall not make a second or subsequent award to a school under this section before the expiration of the 3-year designation period under subsection (a)(2) that is applicable to the preceding award.

(c) APPLICATIONS AND TECHNICAL ASSISTANCE GRANTS.—

(1) APPLICATIONS.—Each school desiring recognition under subsection (a)(1) shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) TECHNICAL ASSISTANCE GRANTS.—The Secretary is authorized to award grants to States to enable the States to provide technical assistance to schools desiring recognition under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)) \$25,000,000 for each of the fiscal years 1999 through 2003.

(2) TECHNICAL ASSISTANCE GRANTS.—There is authorized to be appropriated to carry out subsection (c)(2) \$2,000,000 for each of the fiscal years 1999 through 2003.

Ms. LANDRIEU. Madam President, I send this amendment to the desk to offer an alternative to my distinguished colleague from Georgia, an alternative in the way we would spend this \$1.6 billion that we have been debating and have been debating for some time now.

Let me thank my colleague from Georgia for at least getting the Senate to begin a significant debate about the ways in which we can improve the status of education in our Nation. I, frankly, am one Senator who believes that there is nothing really more important that we can spend our time on now than talking about this important issue. I think the debate has been very lively. It has come with controversy. But I thank my colleague from Georgia for at least offering this idea, so that we can have a debate about the best way to spend our money when it comes to trying to improve our schools, which, in my opinion, is the number

one priority of all Americans, regardless of whether they have children in school or not. We all know as a nation the value of our education system, both public as well as private.

I was very open to this idea initially as it was presented. I have, I think, demonstrated in the year I have been here an ability to be open to new ideas about how to solve this problem. I don't think the old ways work. I don't believe the American public wants us to just throw more money at a problem. I think they are looking at innovation and creativity in improving our schools. I think the American people, particularly people in Louisiana, have witnessed many schools that are working, many pilot programs and initiatives, whether it is charter schools and more accountability, teacher training, teacher testing, or higher student achievement and things that are working.

So I looked, with hope perhaps, at this bill, now called the Coverdell-Torricelli proposal, but after looking at the studies that have come in about who would really benefit from this initiative to spend \$1.5 billion, it is clear to me from the GAO report and other economists reporting that the major benefit of this \$1.5 billion to be spent over 5 years would go to a very small segment of parents and families who have their children in private or non-public schools.

I want to be part of a team of Senators and leaders who support efforts that help all schools as fairly as they can. There are some in this body and in Congress who do not want to do very much at all to help parochial or private schools. I am not in that group. I believe our Government within the framework of our Constitution should try to help all of our schools and all of our students. But this is not the best way we can go about this, and that is why I am not going to be able to support the bill and would offer this amendment as a substitute, if you will.

Mr. COVERDELL. Madam President, I wonder if the Senator will yield one moment so we can clarify an administrative detail.

Ms. LANDRIEU. Yes.

Mr. COVERDELL. It won't take a minute.

Madam President, I ask unanimous consent that at the hour of 3:45 today the Senate proceed to a series of votes on or in relation to the following amendments: Gorton No. 2293, Hutchinson No. 2296, Murray No. 2295, Ashcroft No. 2300, Levin No. 2299. I further ask unanimous consent that if amendment No. 2300 is agreed to, the Levin amendment No. 2299 be open to further amendment under the same time limitations under the original order. I further ask unanimous consent that there be 2 minutes of debate equally divided between each of the votes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Madam President, if I can continue, my amendment is called the blue ribbon schools amendment. It is quite simple. It would take the money we would otherwise be setting aside for these very small savings accounts that would reach only a small group of beneficiaries and spread it over all 50 States, to many schools in those States that have been designated basically by their peers to be blue ribbon schools and schools of excellence. It is time that we in this country stop at the Federal level—and I hope we can encourage States and local governments to stop—funding failure and start rewarding results and success.

That is what this amendment does. This amendment will take the money otherwise spent by the distinguished Senator from Georgia and give \$100,000 grants to all of the schools designated, and there are 250 so designated each year, as the most excellent schools in America. They are public; they are parochial; they are private. There have been 3,000 schools that have achieved this designation since this program started 10 years ago.

It is currently operating this way. The schools are rigorously evaluated and 250 are chosen. They are invited to come to Washington. They are given a plaque and a pat on the back and they are basically sent home. I think we need to do more than give them a pat on the back and a plaque to hang on their school wall, as proud as they are to display this plaque, and begin to reward success and say, congratulations, a job well done and here is \$100,000 to help you continue that good job.

Many of these schools are succeeding despite the odds because they have bitten the bullet; they have made tough choices; they are making good decisions at the local level. I think the most important thing we in the Federal Government can do is to begin acknowledging success and rewarding success.

That is what this amendment does. It also provides a small amount of money to help the States administer this very cost-effective program because it is a locally based initiative. It is a panel of their peers who makes these choices. It would be a great way to spend this \$1 billion to reward these schools.

Madam President, that is simply what this amendment does. It is a blue ribbon school amendment. I think it will go a long way to encouraging schools that are beating the odds to continue to do so, and we will reward them with something significant. So they can take that \$100,000 and apply it to technology, teacher training, and other opportunities for students. And this is available, I want to stress, for parochial and private schools, as well as public, within the constitutional framework so that we are better reaching across all of the Nation to many of the schools and doing it in a fair way. That is what my amendment does, and I offer it as a substitute.

In closing, let me say this is only 1 of 10 or 15 ways on which I personally think it is better to spend this \$1.5 billion, that will have a longer and a greater impact on improving education than establishing these savings accounts.

I did not get to speak on Senator GLENN's amendment, but I will just say another way to spend this \$1 billion would be to expand the IRA from \$500 to \$2,000, which he so eloquently talked about yesterday. It would be another good way to have a positive effect in encouraging people to save early for their children's college education, which is so expensive.

So with all due respect to my colleague from Georgia for all of the good remarks he has made, there are just better ways to spend the money. This blue ribbon school amendment is only one, but I commend it and recommend it to this body to consider.

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

Ms. LANDRIEU. Yes, I will.

Mr. KENNEDY. We have now an opportunity to make a choice as we are going to vote on this measure, the Coverdell bill, which has been estimated to be \$1.6 billion over the period of the next 10 years. We will have a choice either this evening or tomorrow as to how we are going to expend those funds, whether they will be used primarily, as the Tax Committee says, for private schools or, as I understand the Senator's amendment, to recognize excellence in schools all across this country as a result of local decisions that are being made by parents, local community decisions, and to give a financial reward. \$100,000 is a considerable reward, but I imagine, since these schools are dedicating themselves to improving and strengthening their academic achievements and accomplishments, those resources are going to be used to further student advancement, thereby giving some real meaning to the local initiatives to put excellence first in terms of public education.

So on the one hand we are going to have a choice for recognizing excellence at the local level selected by peer review or the funds will be primarily used in terms of private education. Do I understand it correctly?

Ms. LANDRIEU. Yes, the Senator from Massachusetts understands this correctly and has articulated it very accurately. The reason that I am unable to support Senator COVERDELL's proposal is because it is clear from the studies that the vast majority of the benefit would go to just a small portion of those in parochial or private schools.

I believe that we need to be more balanced in our approach to help all of our schools and all of our families, as balanced as we can be, and not try to put one above the other.

So, this amendment gives funding to parochial schools, to private schools, and to public schools, based on their efforts to be excellent. And, as the Senator knows, sometimes against great

odds, in very poor districts, these schools—many parochial schools—are doing a great job. I believe they should be rewarded within the framework of the Constitution, which is clearly appropriate with this program.

So it is my hope that the Senate and the Congress will strongly consider this approach, because this is exactly what we need to be doing, rewarding and encouraging success.

Mr. KENNEDY. If the Senator will yield further, I imagine, then, after they are selected, hopefully these will be models within the local community? People will say, "These schools have been selected because of their enhanced academic achievement and excellence. I wonder what they did right." Parents in neighboring communities will understand it, others will understand it, and hopefully, as a result of these kinds of awards, it will be an incentive for replicating the kinds of decisions at the local level that have resulted in excellence. Is that the objective as well?

Ms. LANDRIEU. That is the objective. If I could read into the RECORD the way the schools are chosen now, it is if they are student focused and have great student support, if their standards are challenging and their curricula challenging, if they are teaching active learning, if they have developed partnerships with their communities, and if they have strong leadership. Those are just some of the measures that are used.

So, yes, the Senator is correct. As they receive their blue ribbons and their plaques, they are being honored now in our Nation and they are held up to high esteem. The problem is, they basically leave here emptyhanded, because we send them back with a plaque and a ribbon. I think we need send them home with some money and some real help, to put our money where our mouth is and say, "Good job; here's some money to help you continue to do that good job. You make us proud. You have done it against the odds."

We want to be a more reliable partner. That is what I think the greatness is with this amendment. There are other approaches we could use, but this is, I think, getting us on the right track.

I thank the Senator, and I yield back whatever time I have remaining.

Mr. KENNEDY. Will the Senator withhold the time, perhaps, just in case we need respond?

Ms. LANDRIEU. Yes. I reserve the time in the event we need to respond, Madam President.

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

Who yields time? The Senator from Tennessee.

Mr. FRIST. Madam President, I rise in opposition to the amendment proposed by the Senator from Louisiana. Both she and I agree on many different issues. I will come to why I oppose the amendment itself. But let me say that I do agree with her in her statement that it is important to reward excellence, and to reward it appropriately,

in terms of our Nation's schools. It is especially important when, clearly, what we are doing today is not accomplishing it in the aggregate. We do need to identify particular schools, reward them, change what they are doing, so we will improve the overall standards of all schools.

In Tennessee, there have been many schools that have received and earned the Blue Ribbon Schools Excellence in Education awards. I am proud of them, to go by and see them. They are given a Presidential Citation, a flag of excellence signifying that school's exemplary status.

I understand the Senator from Louisiana wants to expand on this notion of honoring success, but to do so by having the schools receive national financial rewards of \$100,000.

We agree on many points, in terms of encouraging success, but we differ on one key element. The one key element, all of our colleagues must be aware of, because it is key in this amendment, and that is that this amendment has been offered as a result of the Senator's opposition to the Coverdell Savings Account A+ Act. As a result of this opposition, the proposed amendment would strike section 101 of the Coverdell bill. In effect, it is a poison pill to the Coverdell savings account initiative.

As chairman of the Senate Budget Committee Task Force on Education, I have had the opportunity over the last 6 months to conduct hearings and to hear from people who are at schools, who run schools in the local communities. I have heard again and again how important it is—repeatedly—that we must look for creative solutions, for innovation, to the problems that plague our Nation's schools. Senator COVERDELL's plans for savings accounts is a good, positive first step. The proposed amendment would gut that totally. I do not believe it is the final solution, but the proposal does take us in that very important direction of empowering that parent-child team.

I would like to just take a moment to highlight the provisions of the Coverdell bill which I believe make it an effective tool, a positive tool, in helping students and families across the country which, if this amendment were to pass, the Coverdell advantages would go away. What does the Coverdell A+ Accounts do? We expand the education savings accounts in the Taxpayer Relief Act of 1997 by increasing the annual contribution limit for education IRAs from \$500 to \$2,000. The bill, very importantly, expands the definition of what is qualified education expenses. They are currently limited to higher education. The Coverdell bill expands it to K-12—K-12 expenses, the sort of expenses we have already talked about.

It could be anything from equipment to computers to books to supplies, or if you are an individual with a disability, to give you the tools that you might not otherwise have so you can learn, homeschooling expenses, uniforms, transportation costs—all of these

would be encompassed by the Coverdell bill. If the amendment by the Senator from Louisiana is agreed to instead of the Coverdell bill, they will all go away. We all know that it is the parents, the parents who want the very best for their children. I believe it is important—which the Coverdell bill does—to encourage parents to invest in their children's education, to give them that opportunity, to lower the barriers to do so, to give them the incentives to invest in their children.

The President signed into law on August 5, 1997, the Taxpayer Relief Act, which authorized new education IRAs. But that was just for higher education, not K-12. I am fully supportive of every measure we can put on the table helping families plan for higher education expenses. I also believe this effort should be expanded to provide tax allowances for what families spend on elementary and secondary education. That is not allowed today but will be allowed under the Coverdell proposal.

While our colleges and universities are the very best in the world—and this was put before our task force committee again and again—the foundation on which those colleges and universities rest is not sturdy; it is weak. In fact, our elementary and secondary schools are not the envy of the world, unlike our colleges and universities.

In a recent TIMMS, the third, math and science study, scores show just how poorly our student are measuring up to their international counterparts. I referred to this earlier. This is the 12th grade mathematics general knowledge achievement compared to 21 other countries. You don't need to read the chart, but these are countries that do better than us, such countries as Austria, Slovenia does better than us, Germany, Denmark, Switzerland. Only 2 nations—these are the nations we do equal to—only 2 nations out of 21 do worse than the United States in the 12th grade mathematics. The same can be said of science. So we are not doing, in K-12, anywhere near what we should be doing.

Even our colleges and universities have to take on that additional burden by reteaching students that they receive. Approximately 30 percent of freshmen in college today require remedial course work. We need to direct our attention to this K-12 foundation, which the Coverdell bill does.

Under current law, we assist parents, students, and families with numerous tax allowances for higher education. We have HOPE and Lifetime Learning Savings. We have the education IRAs for higher education. We have the State prepaid tuition programs. We have U.S. savings bonds. In terms of loans for students, we provide deductions for interest payments—all for higher education. We are the best in the world. Now is the time to look at K-12 education.

I would like to talk just very briefly about why I think a new approach is needed. By agreeing to the amendment

that is proposed by the Senator from Louisiana, again, we are gutting the Coverdell bill. In essence, we are saying let's not change the system at all, that we are doing OK. That is in essence what this amendment is doing. Are we doing OK? This chart basically shows, in science, trends in average science scale scores over the last 20 years, going from 1970 on your left to 1996 on the right. This is age 17, the purple line. The green line is age 13. The orange line is age 7. And the whole point is that, over the last 20 years, we are not improving at all.

I just compared globally; we are doing worse. Out of 21 nations, in the 12th grade, only 2 nations did worse than us. So, in spite of all 500 programs that we have today, in spite of spending about \$74 billion at the Federal level, we are doing no better.

Beneath the surface of this whole disappointment of stagnant student performance and despite a commitment of increased resources—and let me show very briefly on this chart what we have been doing as a nation.

This is 1971 to 1997, about a 27-year period. This is how much we spend per pupil in adjusted dollars today. That is what the red line is, constant 1996-1997 dollars. What it shows is that in 1970 we were spending, in today's dollars, about \$4,000. Today, we are spending about 50 percent more, about \$6,000. We have had a stagnant performance at the same time we have had increased expenditures.

A vote for the amendment by the Senator from Louisiana says, let's not change the system, let's keep doing exactly what we are doing today—something with which I heartily disagree.

Beneath the surface of this whole disappointment that we see in terms of stagnant student performance, there is an acute crisis in our urban schools. One out of every four public school students are enrolled in an urban school district.

A recent report examining our urban schools noted:

It is hard to exaggerate the education crisis in America's cities. Words like scandal, failure, corruption and despair echo in the pages of the Nation's newspapers.

Another area of concern is the Federal component in the landscape of American education. I show this chart again not so much to show the details, but this is a chart that was generated by the General Accounting Office. As the task force chairman, I basically found it can be depicted by a chart like this, that we have today at the Federal level a sprawling and unfocused effort which suffers from a programmatic reluctance to ask itself what works and what doesn't work.

Over the last couple of days, we have said that we have heard again and again maybe one more program will help out. This basically shows, among three target groups—this happens to be teachers, and the various departments and various Federal programs are around the border—how they influence

teachers. Just walk away from it, and you see that this is a spider web almost of unrelated programs all targeted at the individuals. There are over 500 such programs right now.

What we need to do, if anything, is to consolidate and to improve. We do need to change. We do need to allow that creativity, to allow that innovation. A vote for the amendment of the Senator from Louisiana guts the Coverdell bill. It says, let's not change, let's not structurally improve the system.

In the last few minutes, I talked about the disparity between the assistance we provide for higher education and elementary and secondary education. I have shown the data which show our children are not at the level we need for them to be if we are to remain competitive in the global marketplace.

I talked a little bit about the need for creative solutions in our K-12 system, the sort of solutions that are offered in the Coverdell bill. I mentioned provisions in the bill of the Senator from Georgia which will enable the parent-child team—and that is what we need to stay focused on—to make important education decisions in the early years.

Coming back to the amendment of the Senator from Louisiana, awarding schools is on the right track. It is a good approach. We need to recognize success. I might add, we need to replicate that success as well. I will say, as an alternative to the Coverdell bill, it is totally unacceptable. Savings accounts are too important for families in Tennessee and all across this Nation. We simply cannot afford to desert this effort, despite the merits of these other proposals. Savings accounts, bonds for school construction, State prepaid tuition, the underlying Coverdell bill provides all of this. To replace that bill with a program that does recognize merit but does nothing more is simply unsatisfactory.

I urge my colleagues to defeat the amendment of the Senator from Louisiana and support the underlying bill. I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Just for clarification, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 1 minute 50 seconds; the opposing side has 2 minutes 33 seconds remaining.

Ms. LANDRIEU. Madam President, I will use the remainder of my time to thank my distinguished colleague from Tennessee for agreeing that this amendment is, in fact, on the right track and for saying that it is about time we begin rewarding success and innovation, it is about time we become a reliable partner with our local schools that are achieving, despite sometimes great difficulty, and to begin rewarding them. I thank him for his comments.

I do not disagree with him as he laid out all of the problems associated currently with our public and general education system in the United States. No one in this Chamber disagrees with the sad statistics about lack of achievement, lack of discipline, et cetera, although I want to say for the RECORD that there are many, many, many good public schools, private and parochial schools in this Nation, of which we should be proud. The fact is that we need to have every one to be excellent, but we are falling from the mark.

Let me, if I can, Madam President, in the 1 minute I have left, call to your attention one of the real failings of the Coverdell proposal.

In order to save money, obviously, you have to save it for a long period of time for it to generate any benefit to the saver. One of the problems with setting aside \$500 to begin using in kindergarten is that you don't have the money set aside long enough for there to be a benefit to a family. So what we are saying is a \$30 benefit is not really that great a benefit. There are so many better ways we can spend this money to really improve education.

If we want to have a savings plan, which I would support, and prepaid college tuition, which is certainly one I support, then let's do some real saving in this country. Let's really save \$500 or \$2,000, which is part of the Coverdell proposal that I do agree with. Let's set aside money, increase it—which is what Senator GLENN tried to do—from \$500 to \$2,000 a year to enable families, from when their child is 1, if they save until 17 at a 6 percent yield, to save \$60,000. If they received a 12 percent return, they could save over \$110,000 approximately. Then you are talking about real money, and you are talking about real benefit, and you are talking about real savings, and you are talking about a Tax Code that really might work and do something good. If we had adopted JOHN GLENN's amendment, this is what people in America would be doing, and I would be proud to sign my name to it.

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

Ms. LANDRIEU. Madam President, I offer this for the RECORD and thank you for letting me offer the blue ribbon school amendment and the long-term savings amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I want to make it very clear that the education savings accounts would inure to the benefit of 14 million American families. The initial amount of money saved would be \$5 billion.

The example that the Senator from Louisiana offers doesn't really paint the picture. The \$30 she talks about is, of course, averaging everybody out, and that is the interest only. She has forgotten that it is the interest on a lot of principal.

We have said from the outset, one of the surprises about this education savings account is the tax relief involved over 5 years is only a little over \$500 million. But that little amount makes Americans do big things. Because of that simple, small incentive, they go out and save \$5 billion to put behind education.

This blue-ribbon proposal would end up helping maybe 400 schools in America. They would be schools that have been generally better off. What we are talking about is helping 14 million families deal with the situation in all the schools that 20 million children attend. That might be a school that would in no way be able to compete for one of these excellence awards. Very few of your inner city schools could meet these standards.

So what do you want, 400 schools that get \$300,000 a year for the building, or 14 million families and 20 million kids having an ability to buy a home computer or a tutor? To me, there is no decision to make here. Do you want lots and lots of Americans opening up savings accounts trying to help their children with whatever the specific needs are, or do you want a specialized program that rewards the students in 400 schools? That is fine, but as a substitute for what we are talking about, there is no comparison.

Madam President, I yield back my remaining time.

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

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Thank you very much, Madam President.

AMENDMENT NO. 2302 TO AMENDMENT NO. 2301  
(Purpose: To amend section 6201 of the Elementary and Secondary Education Act of 1965 to provide for student improvement incentive awards, and for other purposes)

Mr. KEMPTHORNE. I rise to offer a second-degree amendment to the Landrieu amendment, and I send it to the desk for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 2302 to amendment No. 2301.

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

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

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

Mr. KEMPTHORNE. Madam President, the current discussion on education in the United States has been widespread. Both sides of the debate, I believe, truly have the best interests of our Nation's young people at heart. It



has been a good discussion, and I commend the Senator from Georgia, Senator COVERDELL, for his leadership on this issue.

We often differ on issues of school choice, Federal involvement in the classroom, and State flexibility. The amendment that I offer today addresses one of this Nation's educational needs while doing so in a manner which should not be controversial. This is the student improvement incentive grant program.

The amendment I am offering today is quite simple in its nature. Under the Elementary and Secondary Education Act, States are given a level of flexibility with how to use some of those funds. My amendment provides yet another option for States.

Under my amendment, States would be allowed to use some of their Federal education funds to provide awards to public high schools based on the schools' performances on statewide assessment tests, the content and substance of which would be entirely up to the State.

There are several important elements to this proposal. First, this is not a new program but merely a new option from which States may choose. Second, the assessments would be based entirely on State priorities and desires. Third, no new funds are required. Thus, my proposal gives States a new way to create a healthy competition amongst public high schools without imposing new Federal requirements, additional Federal oversight, or increasing Federal spending.

As my colleagues are well aware, approximately 2 months ago it was widely reported in the media that high school students in the United States scored well below their peers in an international exam in math and science. In fact, of the 21 nations involved, U.S. students ranked 19th. In comparison, however, U.S. fourth graders performed strongly against their international peers on similar exams. Somewhere along the way we are failing our students by not encouraging them to maintain the high standards that they have demonstrated early in their academic careers.

My amendment will help change this trend by creating financial incentives to encourage greater academic performance in our secondary schools. At the same time, it achieves this goal while leaving the control over education where it belongs, in the State and local communities.

I urge my colleagues to support the student improvement incentive grant amendment.

I yield the floor, Madam President.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Just a point of clarification. The hour of 3:45 has arrived. I believe under a previous unanimous consent agreement, the Senate is about to proceed to a series of votes on

amendments, beginning with Senator GORTON's, and that there would be 2 minutes for each amendment equally divided.

The PRESIDING OFFICER. Consideration of the pending amendment is temporarily suspended.

The pending question will occur on the Gorton amendment No. 2293, as amended. The Senator is correct that there will be 2 minutes of debate equally divided.

Mr. COVERDELL. Madam President, then the remaining time on the amendment offered by Senator KEMPTHORNE would occur immediately following the last vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

#### AMENDMENT NO. 2293, AS AMENDED

Mr. GORTON. Madam President, the Gorton-Frist amendment is based on two philosophical principles. The first of those principles is that the present system under which 7 percent of the dollars going into education come from the Federal Government, together with 50 percent of all of the rules and regulations under which that education is provided, is not necessarily either in theory or in practice the best way to set policies for our public schools or to fund those public schools.

It is based also on the philosophy that parents and teachers and principals and superintendents and elected school board members all across the United States not only care more about the children in their trust but are better able to set the educational policies for their children in their schools than are bureaucrats in Washington, DC, or even Senators in the U.S. Senate.

The Gorton-Frist amendment, however, forces these two philosophical distinctions or principles on no one. Under this amendment, any State that likes the present system of Federal control is authorized to retain it. Any State that believes educational policy should be set at the State capital through a State school board or Governor or State superintendent of public instruction is free to adopt such a system. And any State that believes, as we do, that local control and local spending policies are best, is free to adopt that policy.

We also guarantee that no State will lose money under this amendment. I commend it to the President and to the Members of the Senate.

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

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I agree with the Senator from Washington that if the State wants to tax its own people and do whatever it wants to, it should have the ability to do it.

If the local community wants to tax its people, they ought to be able to do whatever they want. But what Senator GORTON is saying is, we are going to use Federal taxpayers' money, the money that is directed by the Congress.

We have designated three very important areas that are eliminated by the amendment of the Senator from Washington.

First, drug-free schools. I do not find any parents from Massachusetts saying, "Abolish drug-free schools." The Gorton amendment will abolish it.

Secondly, for the training of teachers in math and science, I do not find parents saying, "We ought to abolish that program." The Gorton amendment does it.

And third, in terms of raising high academic standards, the programs that help and assist local schools to be able to do it, I do not find parents in my State saying, "Abolish that program." It will be abolished by the Gorton amendment.

It makes no sense, Madam President. And there is no accountability under the Gorton amendment how these funds are being spent and what the effect of it is in improving academic achievement and accomplishment. To do it after 30 minutes of debate makes no sense whatsoever. I hope that the amendment will be defeated.

The PRESIDING OFFICER. All time has expired. The question now occurs on agreeing to the Gorton amendment No. 2293, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 91 Leg.]

#### YEAS—50

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Enzi	Mack	

#### NAYS—49

Akaka	Cleland	Graham
Baucus	Conrad	Harkin
Biden	Daschle	Hollings
Bingaman	Dodd	Inouye
Boxer	Dorgan	Jeffords
Breaux	Durbin	Johnson
Bryan	Feingold	Kennedy
Bumpers	Feinstein	Kerrey
Byrd	Ford	Kerry
Chafee	Glenn	Kohl

Landrieu	Moynihan	Snowe
Lautenberg	Murray	Specter
Leahy	Reed	Torricelli
Levin	Reid	Wellstone
Lieberman	Robb	Wyden
Mikulski	Rockefeller	
Moseley-Braun	Sarbanes	

## NOT VOTING—1

Helms

The amendment (No. 2293), as amended, was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2296

The PRESIDING OFFICER. The question now occurs on the Hutchinson amendment No. 2296. Under the previous order, there are 2 minutes of debate equally divided prior to the vote.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next vote in this series of four be limited to 10 minutes in length.

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

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. HUTCHINSON. Thank you, Mr. President.

Mr. President, this is a dollars-for-the-classroom amendment that expresses the sense of the Senate that we will do our best to ensure that 95 cents out of every dollar actually gets to the classroom where the needs are the greatest. Unfortunately, studies indicate that right now as little as 65 cents of every Federal education dollar actually gets down to the classroom. Where does it go? Much of it goes to bureaucracies, Federal and State. We have 307 Federal education programs.

This simply says let's give 95 cents out of every dollar to the classroom. That will be \$2,000 per classroom for every classroom in America—additional money that the teachers and the local school boards can determine how it should be spent. It maximizes local control. States' needs are different. To say 100,000 teachers or to say let's spend Federal dollars for construction isn't the wisest approach. It is better to let those decisions be made locally where the needs differ across the country.

The question on this sense-of-the-Senate amendment is, Are you for bureaucrats, or are you for books? I think we want it to go to the classroom. Let's support this sense of the Senate.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, those who support the education programs, title I and other programs that will be affected, want the greatest amount of money to go to the local classrooms. So we support this measure. We have no problem whatsoever in supporting

this measure. It is supported by the administration and by the Department of Education. We want to make sure that as much of the funds as possible go right into the classroom. We are absolutely in support of it. We hope the amendment will pass overwhelmingly.

When the Senator initially offered his amendment, it provided not only for this measure but to eliminate the amendment of the Senator from Washington. Now the Senator from Washington will have a chance to have her amendment voted on.

I hope all of our Members will support this measure. It makes good sense. We all want the resources to go into the classroom for the benefit of the children.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

THE PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

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

## [Rollcall Vote No. 92 Leg.]

## YEAS—99

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden

## NOT VOTING—1

Helms

The amendment (No. 2296) was agreed to.

## AMENDMENT NO. 2295

The PRESIDING OFFICER. The question now occurs on agreeing to Murray amendment No. 2295. Under the previous order, there are 2 minutes of debate equally divided before the vote.

Who seeks recognition?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

The amendment before us is very simple. It merely asks us to go on record as to whether or not we Members of the Senate believe we should support efforts to decrease class size in the early grades.

As a parent of a child in public education, two children who have gone through our public schools, as a former school board member, as a member of the PTA, as a former educator myself who has been in the classroom, who knows the difference between having 18 young 4-year-olds or 24 4-year-olds, who knows the difference between teaching and crowd control, I will tell the Members of this Senate that decreasing class size is one of the most important things we can do to increase the education for our young children. Every Member here has talked about the need for increased math skills, the need for our young children to be able to read and write and have the skills they need. If we decrease class size, every parent in this country will tell you that it will make a difference. Studies show it. Parents know it. Teachers know it. It is time for this Senate to recognize that and move, on our part, with our responsibility, to decrease class size. I urge the adoption of this amendment.

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

Mr. HUTCHINSON. Mr. President, this amendment calls for 100,000 new teachers paid for at the Federal level. It is an endorsement of the President's proposal. I reluctantly oppose it. Mr. President, 79 percent of the teachers in Arkansas are satisfied with class size, 65 percent of the teachers nationwide are satisfied with their class sizes. It is wrong to have a one-size-fits-all approach on the Federal level. We may need more teachers in some States, but we may not need them in others. So I believe this is an area States are already addressing.

California and many other States have adopted programs to reduce class size. It is not something the Federal Government needs to get involved in. It has a \$7 billion price tag. Those funds can be better used, and more wisely used, in other areas. So I ask my colleagues to oppose this sense-of-the-Senate resolution endorsing the 100,000 teacher, \$7 billion expansion of the Federal role in public school education.

The PRESIDING OFFICER. All time has expired. The question occurs on the Murray amendment, No. 2295. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 93 Leg.]

## YEAS—49

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Bumpers	Inouye	Reid
Byrd	Jeffords	Robb
Campbell	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Conrad	Kerrey	Specter
D'Amato	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	
Durbin	Leahy	

## NAYS—50

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

## NOT VOTING—1

Helms

The amendment (No. 2295) was rejected.

Mr. COVERDELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2300

The PRESIDING OFFICER. The question now occurs on the Ashcroft amendment No. 2300, which is a second-degree amendment to the Levin amendment No. 2299.

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote.

Who seeks recognition?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, this amendment prohibits Federal funding for national testing in our schools unless there is explicit congressional authority for such funding, so that no funding of the Federal Government could be used to supply or provide for national tests unless the Congress specifically authorized it.

I ask unanimous consent that Senator HAGEL of Nebraska be added as an original cosponsor of the amendment.

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

Mr. ASHCROFT. I believe the fundamental opportunity in education and the opportunity for achievement by children relates to the involvement of parents in education. Whenever we begin to dictate curriculum from Washington, with a national test which will ultimately define curriculum, we will have lost the genius of America's education system, which is local in-

volvement in schools, parental involvement.

For that reason, I believe this amendment should be adopted. I am pleased that Senator LOTT has been in support of this amendment. I am pleased that a number of other individuals are supporting it strongly and am glad to have the cosponsorship of Senator HAGEL. I urge its adoption.

I ask unanimous consent that Senator NICKLES be added as a cosponsor.

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

The Senator's time has expired.

Who seeks recognition?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. BINGAMAN. Mr. President, last November, 5 months ago, we worked out a bipartisan compromise. It received 87 votes here. It called for the National Academy of Sciences to do a study about the possibility of linking various State tests and commercial tests and called on this National Assessment Governing Board, an independent board, to go ahead and develop some test questions. And essentially it set up a procedure we could look at. It also prohibited the use of any funds for field testing or pilot testing, anything in this fiscal year.

This amendment would gut all of that, would say the National Academy needs to stop in its tracks, it cannot complete its work. It would say that the National Assessment Board has to stop what it is doing and breach its contract.

Later this year, in the appropriations cycle, we should revisit this issue and decide at that point whether to allow field testing. But we should not be prohibiting continued study of the issue and development of questions by the National Board at this point. So I urge colleagues to oppose the amendment.

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

All time has expired.

The question now occurs on agreeing to the Ashcroft amendment No. 2300. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 94 Leg.]

## YEAS—52

Abraham	Collins	Grams
Allard	Coverdell	Grassley
Ashcroft	Craig	Gregg
Bennett	DeWine	Hagel
Bond	Domenici	Hatch
Brownback	Enzi	Hutchinson
Burns	Faircloth	Hutchison
Campbell	Feingold	Inhofe
Chafee	Frist	Kempthorne
Coats	Gorton	Kyl
Cochran	Gramm	Lott

Lugar  
Mack  
McCain  
McConnell  
Murkowski  
Nickles  
Roberts

Roth  
Santorum  
Sessions  
Shelby  
Smith (NH)  
Smith (OR)  
Snowe

Stevens  
Thomas  
Thompson  
Thurmond  
Warner

## NAYS—47

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

## NOT VOTING—1

Helms

The amendment (No. 2300) was agreed to.

Mr. CRAIG. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the Levin amendment, as amended.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, as I understand the regular order now, it would be for me to now resubmit the amendment that I offered earlier today, which was recently defeated, in effect, through the adoption of the Ashcroft second-degree amendment. Under the regular order, I am allowed to resubmit this amendment so that we can have a vote on it, or it can be second-degreed again.

## AMENDMENT NO. 2303 TO AMENDMENT NO. 2299

(Purpose: To replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase the lifetime learning education credit for expenses of teachers in improving technology training)

Mr. LEVIN. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2303.

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

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

The amendment is as follows:

At the end of the amendment add the following:

Section 101 is null and void.

## SEC. . MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "\$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is

amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means \$500 (\$2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "\$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "\$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end

of clause (ii), by striking the period at the end of clause (iii) and inserting "; or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:  
**SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.**

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

"(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

"(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

"(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

"(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

Mr. COVERDELL. Mr. President, I ask that the new Levin amendment be laid aside to recur following the stacked votes tomorrow morning. It would be the first amendment to be debated after 3 votes tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FORD. What about debate on that amendment, Mr. President?

Mr. COVERDELL. There will be 30 minutes equally divided.

The PRESIDING OFFICER. The Senate will come to order.

Mr. COVERDELL. Mr. President, for the information of all Senators, the Senate will now conclude debate on the following pending amendments: Coats, Kempthorne, and Landrieu.

Following those concluding remarks, if any other Senator wishes to debate their amendment, the manager will remain in the Chamber for additional debate. The three amendments concluded this evening will be stacked to occur beginning at 9:30 a.m. on Thursday. Having entered into this arrangement with all Senators, there will be no further votes this evening. The voting sequence tomorrow will begin at 9:30 a.m.

Just for everybody's information, it is my understanding that the remaining amendments on the other side—Dodd, Bingaman, and Boxer—have all indicated they want to do that tomorrow, which will occur following the 30 minutes of debate on the Levin amendment. At this point we will finish Coats, Kempthorne and Landrieu, and there will be no further votes this evening.

I ask unanimous consent that this be accepted.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. 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 remarks of Mr. ABRAHAM pertaining to the introduction of S. 970 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, this is a very important education bill before us today. It builds upon the education savings accounts enacted last year. It expands the amount of money that can be saved and expands its uses to include K-12.

About 14 million individuals are expected to sign up for these accounts by the year 2002. Contributions can be saved to cover college expenses or used when needed to pay for a wide range of education expenses during a student's elementary and high school years. Examples of eligible expenses include text books, computers, school uniforms, tutoring, advanced placement college credits, home schooling, after-school care and college preparation courses.

A tutor can make the difference between success or a student falling hopelessly behind.

A computer can open the world to a child. Children growing up in homes with computers will be the achievers. I am afraid children growing up in homes without computers will be at a disadvantage. This bill will allow money from an education savings account to be sent on a computer, software, lessons on how to use the computer.

The bill has several solid worthwhile provisions.

It raises the limits on annual contributions to an education IRA from \$500 to \$2,000 per year, and allows accounts to be used for K-12 expenses. The bill allows parents or grandparents to make the contribution in after-tax money each year.

The accounts would grow with interest, and withdrawals for educational expenses would be tax-free. A+ accounts, as under current law, are targeted to middle income taxpayers. Eligibility phases out beginning at \$95,000

for individuals and \$150,000 for joint filers. Under these terms almost all New Mexicans would be eligible to set up one of these accounts.

The bill allows parents to purchase contracts that lock-in tomorrow's tuition costs at today's prices. This bill would make these savings completely tax-free.

Families purchasing plans would pay no federal income tax on interest build-up. Under current law, state-run programs allowed tax-deferred savings for college. However, savings in such plans, when withdrawn, are taxable as income to the student. This provision would benefit 1 million students.

Twenty-one states have created tuition plans. New Mexico has not yet implemented one but it does have a proposal under consideration. If the state finalizes its pre-paid tuition plan future students would be able to benefit. Pre-paid tuition plans are a great way to secure the future.

The bill extends through 2002, the exclusion for employers who pay for their employees' tuition and expands the program to cover graduate students beginning in 1998. The exclusion allows employers to pay up to \$5,250 per year for educational expenses to benefit employees without requiring the employees to declare that benefit as income and pay federal income tax on the benefit. One million workers, including 250,000 graduate students, would benefit from a tax-free employer-provided education assistance provision.

The bill also creates a new category of exempt facility bonds for privately-owned and publicly operated elementary and secondary school construction high growth areas. The bill makes \$3 billion in school construction bonds over five years. This is enough to build 500 elementary schools.

I am pleased that the bill includes the amendment to provide new grants to states that (1) test K-12 teachers for proficiency in the subject area they teach and (2) has a merit based teacher compensation system.

In line with my belief that teacher competence is key to improving American education, this bill creates incentives for states to establish teacher and merit pay policies.

I believe the best teachers should be rewarded for their efforts to educate our children. A little competition in our public schools would be a good thing for rewarding those teachers who excel at their profession and motivating those who may need to improve their performance.

This is but one step forward in our bid to improve the educational performance of American students. This amendment supports the principle that all children deserve to be taught by well-educated, competent and qualified teachers.

I hope the Senate will complete its work quickly on this bill and that the President will sign it.

The MERIT amendment would use the Eisenhower Professional Develop-

ment Program (Title II) to provide incentive funds to states that establish periodic assessments of elementary and secondary school teachers, including a pay system to reward teachers based on merit and proven performance.

The legislation would not reduce current funding for the Eisenhower Professional Development Program. Incentives will be provided to states that establish teacher testing and merit pay programs. The amendment permits the use of Federal education dollars to establish and administer these programs.

The Eisenhower program, established in 1985, gives teachers and other educational staff access to sustained and high-quality professional development training. In 1998, the Congress approved \$28.3 million, \$10 million more than in 1997, for the Eisenhower program to provide in-service training for teachers in core subject areas.

The President requested \$50 million for the Eisenhower program in 1999, an increase of \$26.7 million above the \$28.3 million provided in 1998. New Mexico received \$2.4 million in 1997 for all 89 school districts. The President funds his 1999 request at the expense of Title VI, Innovative Program Strategies, which New Mexico also heavily utilizes. He requests no funding for this program, which received \$350 million in 1998.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I announce that the order of business is to complete the Coats amendment. The author, Senator COATS, is here. I talked to the other side. We have some Senators who want to offer some proposals of their own not related to this legislation. But if we could—everybody is in agreement—we can proceed with the Coats amendment.

Mr. COATS addressed the Chair.

Mr. FORD. Will the Senator from Indiana withhold for just a moment?

We have now allowed several minutes to introduce a bill. Then we are going back to an amendment that should be on this bill. Then we have others here who would like to speak for up to 30 or 35 minutes. I think we are going to have to have some sort of an agreement on how it is going to work. Is this the only debate for amendments?

Mr. COVERDELL. There are two others.

Mr. FORD. Are they here?

Mr. COVERDELL. They are not here. If we could facilitate Senator COATS, we can go to Senator FEINGOLD.

Mr. FORD. With the understanding that it is approximately 35 minutes.

Mr. COVERDELL. I understand.

Mr. FORD. Just so there is no misunderstanding, we are all on the same wavelength.

Mr. COVERDELL. We are on the same wavelength.

Mr. FORD. I thank the chairman and the Chair.

The PRESIDING OFFICER. Under the previous order, Senator COATS is recognized to speak for 2 minutes.

AMENDMENT NO. 2297

Mr. COATS. Mr. President, what is the time situation on this particular amendment? We were in the midst of offering it. We set it aside. There is some time remaining. I would like to know what time is remaining under the original amendment.

The PRESIDING OFFICER (Mr. ABRAHAM). When the bill was set aside, the Senator from Indiana had 2 minutes remaining on the time, and the opposition had 15 minutes remaining.

Mr. COATS. Mr. President, I reserve that 2 minutes. There is someone on the opposing side who wants to begin using their 15 minutes. This is obviously the time. Perhaps if there is no opposition—

Mr. FORD. I am certain there will be opposition. Mr. President, I am here to try to help facilitate this. I don't know who will be here. I am under the impression we will have somebody who will oppose it. But as of now it is like on the other side. The other two Members are not here to oppose it either, I don't imagine. We have 30 minutes to work it out.

I suggest that since the Senator from Indiana only has 2 minutes left, we will wait to see if we can find somebody to use up our 15, and the Senator could have 2 minutes tomorrow.

Mr. COATS. I think it was well-understood by everybody involved in this amendment that I would offer it immediately after the stacked votes. I am here prepared to finish up my time. I would like to get it done, because my schedule is not going to allow me to wait for 35 minutes while someone does morning business.

Mr. FORD. The Senator may proceed. If there is no one here, I will yield back our time and then the Senator can have it voted on within the stacked votes in the morning.

Mr. COATS. I will be happy to do that. Mr. President, I will use up the last 2 minutes.

Very briefly, I do not think this amendment is all that controversial. It simply provides an extra incentive for individuals or organizations that want to make charitable contributions to scholarship funds which would provide scholarships for low-income children for educational purposes. As such, we are just simply offering an additional deduction of 10 percent for that specific purpose. I outlined earlier the basis for that and the reasons why we need to do that. I believe it complements the bill we are dealing with. The current bill addresses essentially middle income and above taxpayers. This goes to low-income taxpayers, and it gives them an opportunity to provide the kind of education they think is appropriate for their children.

I hope my colleagues will accept it. The cost is offset by changes in the Tax Code which have been approved by the Finance Committee. There is no controversy there. I urge my colleagues to vote in support of the amendment when the vote occurs tomorrow morning.

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Mr. COATS. I yield the remainder of my time.

Mr. FORD. Mr. President, I suggest the absence of a quorum on the 15 minutes on this side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. 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. FORD. Mr. President, I yield the balance of time in opposition to the Coats amendment. I understand the change is offset. Most people are happy with it. Therefore, there is no opposition at the moment. I am sure some will vote against it, but I yield whatever time this side might have. It is my understanding that we now go to Senator FEINGOLD for a statement as if in morning business.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized under the previous order.

Mr. FEINGOLD. Thank you, Mr. President.

#### CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, in late February the Senate considered campaign finance reform on the floor of the Senate for the second time in this Congress. Once again, we did not resolve the issue. Although a clear majority of this body now supports the McCain-Feingold bill, a determined minority once again prevented it from being adopted.

Mr. President, I would like to take a few minutes today to try to put our debate in some perspective. This is a particularly good time to revisit the issue because of what has been happening just in the past few days in the other body, in the House of Representatives. In fact, the latest development on the other side of the Capitol has made it very clear that the defenders of the current system are on the run, and campaign finance reform is very much alive.

Last fall, the Speaker of the House promised an open debate on campaign finance reform by the end of March. The other body, of course, is supposed to be the place where the majority can work its will. There is no filibuster rule in the House of Representatives—in effect, no requirement that you have to get a three-fifths majority to pass legislation, as has long been the case in the Senate.

At the end of March, when a bipartisan majority began to clearly coalesce behind the McCain-Feingold bill, or the Shays-Meehan bill as it is called in the other body, the House leadership and other opponents of reform began looking for a way out. The House leadership decided to bring up campaign finance

reform under suspension of the rules. That is a procedure that is usually used to allow noncontroversial bills to pass quickly. It was used here for a very different purpose. It allows very limited debate and no amendments, and it requires a two-thirds vote for passage.

So the leadership of the other body brought up its own campaign finance bill under the suspension procedure that would guarantee, in effect, the defeat of its own bill. In the end, this bill of the leadership of the House got only 74 votes, and 337 Members of the House voted no.

Let's think about that. The major campaign finance bill offered by the chairman of the committee of jurisdiction received only 74 votes in the House of Representatives. The Democrats in the House were not even allowed to offer a substitute, which is customary in the other body. And here is the kicker. The main bipartisan reform bill which, by all accounts, actually had majority support in the House, did not even get a vote. The leadership of the House did everything in its power to make sure that the McCain-Feingold bill would not pass, and they succeeded, but only temporarily.

Supporters of reform in the House were understandably outraged. Just as the opponents of reform in this body relied on a filibuster and on parliamentary tactics such as filling the amendment tree to prevent a bipartisan majority from passing McCain-Feingold, opponents of reform in the House, the body that is supposed to reflect the will of majority, in effect rigged the procedure to make sure that reformers did not even get a vote on their bill.

Tactics of this kind can work for a while, but they cannot work forever. The American people are tired of tricks and tactics. They are tired of a partisan minority stopping the bipartisan majority from enacting reform. And now there are clear signs that public outrage over these kinds of tactics is having an effect. In the other body, reformers gathered 205 signatures on a discharge petition that would require the other body to consider campaign finance reform under a fair and open procedure. They needed just 13 more Members of the House to sign the discharge petition to force the issue to the House floor despite the opposition of the leadership. This would have been almost unprecedented.

It is clear that Members of the Congress are feeling the heat. Five Members agreed to sign the petition over the recess after they heard from their constituents how important it is to have a real vote on reform in the House this year, and four more announced in the last 2 days they will sign the petition.

Mr. President, what we found out today is that the leadership in the House reconsidered its hard line position because a meltdown was occurring. I was informed just a little bit earlier that there has been an an-

nouncement that the leadership of the other body will now bring campaign finance reform back to the House floor by May 15, and this time there at least supposedly is going to be an open rule and a bipartisan bill will get a vote.

This is very good news, and I congratulate the bipartisan reformers in the House for their persistence and effectiveness. They have shown that the will of the people can prevail if only we in the Congress have the courage to fight for it. If the House passes a bipartisan bill in the next few weeks, fortunately, the spotlight will come back here again.

The distinguished majority leader of our body was asked on Monday, what will he do if the House passes McCain-Feingold? His answer? "Nothing." And everyone laughed. I don't think they are laughing today, because the reformers in the House have succeeded in their effort to force a fair vote. We will see if the American people will stand for this kind of obstructionism if a bill comes back from the House. I do not think they will. I think the Senate will have to deal with this issue again this year and soon.

So I can say to the American people today as I have before, this fight is not over. The opponents of reform may be winning these parliamentary battles, but they are losing the legislative war. The American people know that our current system must be changed. A majority of this Senate, and now of the House, knows that our current system must be changed. Sooner or later, we will prevail. I am absolutely certain of that.

I have spent a great deal of time reviewing the debate on campaign finance reform from both this past February and last fall. As most people who watched the debate know, there was a lot of argument on this floor about whether the first amendment to the Constitution would be violated by the provisions of our bill in the Snowe-Jeffords amendment dealing with so-called issue advocacy by outside groups. I think these arguments based on the Constitution were grossly exaggerated and they will be shown to be inaccurate over time in the context of the actual state of constitutional law.

But there were a lot of other things said about our bill, a lot of other justifications offered for killing reform, and today I want to concentrate on what I call the three worst excuses for voting against the bipartisan McCain-Feingold bill. These arguments simply do not hold water. And since we will be back sooner or later—and I suspect sooner—to discuss these matters, let me say a bit about them today.

Here is the first poor excuse for voting against our bill. We heard time and time again, both last fall and last February, that we do not need changes in the law, we just have to enforce the current law. Now, that gave the opponents the opportunity to excoriate the Clinton administration for its fundraising excesses in 1996 and to try to dodge

responsibility as Senators to try to clean up the system.

But I have a number of responses. First, we have to remember that the McCain-Feingold bill actually had a whole lot of provisions that were designed to specifically deal with the alleged lawbreaking of the last election. Our bill makes it perfectly clear that fundraising for Federal campaigns cannot take place on Federal property. In other words, no more "no controlling legal authority," no more debate about whether dialing for dollars from your office is OK if you are asking for soft money rather than hard money. Under our bill, you cannot use your office, which is paid for by the taxpayers to raise money. Period.

In the McCain-Feingold bill, we also ban all foreign money from U.S. elections first by banning all soft money contributions to political parties. The legislation would prohibit any source, foreign or domestic, from contributing these unlimited and unregulated amounts of money to the national political party. But our bill also makes clear that foreign nationals are prohibited from making any sort of campaign expenditure—coordinated with a candidate or party or an independent expenditure—in connection with any Federal, State, or local election.

So while we will not put people in jail with this legislation or force prosecution of lawbreakers, we can make absolutely sure that the loopholes, or alleged loopholes, in the law that those accused of wrongdoing have fallen back on will, in fact, be permanently closed.

But beyond that, we reject the notion that the scandals we saw in 1996 were just due to lawbreaking. They were due to problems with the law itself. The biggest scandal stems not from what is illegal today but from what is perfectly legal—soft money.

Let me put it this way. Why was the White House charging \$100,000 a night for a night in the Lincoln bedroom? Why did coffee with the President or dinners with key leaders of the Congress cost people some \$50,000? Because it is legal to contribute \$50,000 or \$100,000 or even more to a political party in this country. Unless we change that law, the ever-increasing demand for money will lead our party leaders to stretch the bounds of propriety. We have to take responsibility. We have to do our part as lawmakers.

What about the huge amounts of money spent by groups on so-called issue ads that looked just like campaign ads but fell just outside the boundaries of the Federal election law? That is not a problem with illegal activities. It is a problem with the law, and we need to address it.

Mr. President, poor excuse No. 2 for opposing bipartisan reform. I heard a lot of people who oppose McCain-Feingold say that what we really need to do to solve the campaign finance issue is to have full and instantaneous disclosure of contributions and spending. My first response to that argument is that

McCain-Feingold includes the most extensive disclosure provisions of any campaign finance legislation introduced in the Senate in this Congress. But not a single Senator who argued against this bill and said that disclosure is what we really need would even acknowledge the important disclosure provisions in our bill.

What does it do? We require all candidates to file their disclosure reports electronically and require the FEC to post this information on the Internet within 24 hours of its receipt.

We prohibit campaigns from depositing campaign contributions of over \$200 into their treasuries until all required disclosure information has been collected. We step up the reporting of independent expenditures in the closing days of the campaign. We even lower the reporting threshold for campaign contributions from \$200 to \$50, and we require political advertisements to carry a tag line identifying who is responsible for the content of the advertising.

These provisions are very important and they are helpful and they do a great job, but they are not enough in themselves to restore the public's faith in our system and in us. We already know that \$262 million in soft money was contributed to the national political parties in 1996. We already know that Philip Morris gave over \$3 million in soft money in the 1996 cycle, and that RJR Nabisco, Joseph Seagram & Sons, Atlantic Richfield, and AT&T all gave over \$1 million. Federal Express gave almost a million.

It is still a scandal that the tobacco companies did contribute millions of dollars to our political parties while the Congress is considering extraordinarily important legislation that will decide the fate of that industry and of the children that its product kills, even if those contributions are disclosed. It is interesting that some of the same Senators who proclaim the miracle benefits of disclosure are unwilling to bring under the Federal election laws the activities of secretive groups funded by wealthy donors that run ads attacking candidates in the last weeks of the campaign.

So disclosure is not the answer. It is an answer, but it is not the answer.

How can we really expect a lot of hard-working Americans, many of whom do not even have a computer, to spend their free time examining FEC reports to make sure that we are not under the influence of special interest contributions? Who are we kidding with this idea that full disclosure alone will solve all our problems? Most people do not know who the richest people in America are and who they work for. Most people do not know what legislative agenda is pursued by the PACs that fund our campaigns. Most people will not be able to recognize a potentially corrupting contribution from just some name on a report.

So we still need reasonable limits on contributions. We still need a ban on

soft money. We still need to outlaw fundraising on Federal property. We still need to address the phony issue ads of unknown origin that attack candidates in the last day of a campaign and simply avoid the Federal election laws. Disclosure is a great thing and I am proud that our bill includes some tough new provisions, but disclosure alone is not the answer.

One very interesting thing about our debate last fall was that very few of the opponents of our bill ever wanted to discuss the central feature of our bill—a ban on soft money. I do not blame the opponents of our bill for not wanting to discuss it. Soft money is an embarrassment to the American political system. It should shame the defenders of the status quo. Soft money was at the very heart of the scandals of 1996. But a few hearty souls have ventured out onto the floor to defend soft money. I want to take my remaining time to address their arguments. They have given the absolute worst excuse for opposing our bill—that the soft money ban is either unconstitutional or a bad idea.

Soft money is the mother of all loopholes. It is the most ingenious money laundering scheme in American history. Corporations and labor unions are prohibited from giving money directly to candidates. It has been that way for most of the century. Instead, what they do is they give the money to the candidate's party. That means, instead of having to use a PAC, the corporation can reach into its shareholders' monies and a union can reach into its members' dues.

The sky is truly the limit for these contributions. You can give \$5,000, you can give \$50,000, you can give \$500,000. There is no reason under this loophole why you could not give the party \$5 million by yourself. There are no limits on soft money—none at all.

This laundering scheme allows the parties to dump tens of millions of unregulated dollars into congressional elections and into Presidential elections. Just last fall the Republican Party ran an unprecedented issue ad campaign in the special congressional election for the seat vacated by former Representative Susan Molinari of New York. The party reportedly spent \$800,000 on ads attacking the Democratic candidate for that office. Much of that money was soft money, money that is supposed to be illegal in Federal elections.

In the 1996 cycle, the two political parties raised and spent over \$262 million in soft money. That is \$262 million that was raised and spent completely outside of the scope of Federal election law.

The trend with respect to soft money is frightening. In 1992, the two parties raised and spent a combined \$86 million in soft money. In just 4 years, that has gone from \$86 million to \$262 million. It tripled in just 4 years. And this year, even with the scandals and the very sharp attention to the issue, the money



machine just keeps churning away. The FEC just announced that the parties raised \$74 million in 1997, the most money ever raised in an off-election year, and more than twice as much as they raised in 1993, the year after the 1992 Presidential election.

Those are just the overall amounts of soft money, and the numbers are truly staggering. But what is most troubling about the soft money system is the shameless solicitation of these multi-hundred-thousand dollar contributions from corporations, labor unions, and wealthy individuals.

Both political parties are offering big contributors special access to high-ranking Government officials in exchange for a \$100,000, \$250,000, or a \$500,000 contribution. Maybe you get to sit at the head table with the President. Maybe you get to have a special meeting with a congressional committee chairman. Maybe you get to participate in a trade mission to a foreign land.

But let's not pretend that someone is making a \$500,000 contribution purely in the interest of good government and good democracy. Just this past year Philip Morris, facing the growing challenge of lawsuits around the country and possible congressional action on tobacco legislation, gave another \$450,000 to the Republican Party and \$60,000 to the Democrats. What is that all about? I think we know what it is all about.

Remember Roger Tamraz, one of the most colorful characters to appear before Senator THOMPSON's investigation last year? When asked if he felt he got his money's worth for his \$300,000 contribution, Tamraz told the Government Affairs Committee that next time he would give \$600,000. When asked if one of the reasons he made the contribution was to get special access, Tamraz responded by saying it wasn't one of the reasons, it was the only reason.

Mr. President, there is massive public support for a ban on soft money. Three former Presidents, over 200 former Members of Congress, countless editorial boards across the country, and even many people in the business community want to end this disgrace. Therefore, I am not surprised that virtually no one who is opposed to our legislation has stepped forward to offer a defense of this shameful system.

How can anyone defend a system that rewards the Roger Tamraz's of the world? How can anyone defend the \$500,000 contributions flowing into Federal elections and the auctioning off of special access to high-ranking Government officials?

What do the few supporters of this corrupt and corrupting system say? Well, a number of Senators complained that banning soft money would "federalize all elections." One even argued that the Supreme Court in *Buckley* had actually permitted the use of soft money by the political parties, and somehow enhanced its legitimacy in the Colorado case.

Actually, the Colorado case concerned hard money expenditures made by the parties, supposedly independent of its candidates. The Court did mention soft money, but assumed that it may not be used to influence Federal elections. The whole reason we need to ban soft money is that it is abundantly clear that it is being used to influence Federal elections. That is why 126 legal scholars wrote us to say that it would clearly be constitutional to ban soft money.

As for federalizing all elections, that argument is like the one made by a Senator who is worried that banning soft money will hurt State parties. He complained that State parties will have to use hard money for voter registration and things like bumper stickers and buttons. The soft money provision in McCain-Feingold does allow the State parties to continue to raise money from corporations and unions if their States allow it, but not for Federal election activities. They can use soft money for voter registration up to 4 months before a Federal election.

They can use soft money, non-Federal money to support State candidates. They just can't use it to run these ads that mention Federal candidates.

That is not "federalizing all elections." That is just making sure that money that would be illegal, if given to candidates, cannot be used to benefit their elections by doing an end run around the Federal election laws. What use is prohibiting the national parties from raising and spending this illegal money if it can simply be diverted to State parties to turn around and do exactly the same thing with it?

Mr. President, there were a few opponents of McCain-Feingold who had the candor last fall to admit that, of course, Congress can constitutionally ban soft money. The Senator from Washington, Senator GORTON, and the Senator from New Mexico, Senator DOMENICI, both fine lawyers, indicated that that was their position. But they argued that we shouldn't do it because it would hurt the political parties and create an "imbalance" in the system. They fear that without soft money, parties would be ineffective, and the most irresponsible ads, the ones run by independent groups, would be encouraged.

That is a pretty interesting argument. These Senators appear unwilling to address the evasion of the election laws by outside organizations, unwilling even to try to craft a provision dealing with the phony issue ads and let the Supreme Court finally address the issue advocacy versus express advocacy problem by letting the Court know what the Congress thinks the law should be and then, because they don't like these unaccountable ads, which they themselves refuse to do anything about, they want to leave open the biggest and most objectionable loophole of all in our Federal election law today—soft money.

Our great political parties and, indeed, our political system are soiled by this soft money system. We ought to be racing to get rid of it. We ought to be trying to clean up our reputation. We ought to try to redeem ourselves in the eyes of the American people.

Are we really going to take the position, as we head into the 1998 elections, that our political parties, with their rich and important histories in this country, cannot thrive, cannot survive, without soft money? Are the parties so divorced from what real people want that they have to rely for their financial support on huge contributions from corporations and wealthy individuals who seek special access to pursue their own special interests?

I, Mr. President, am one who believes that the parties can survive without soft money. They did it up until the late 1980s. Remember, the law permits the parties to raise up to \$20,000 per year in hard money from each contributor. But the parties have gotten lazy. They don't like having to raise money piece by piece, \$20,000 by \$20,000, voter by voter. They would rather hold dinners at big Washington hotels, send out invitations to lobbyists promising special access and then just sit back and collect a few big soft money checks. They are addicted to these huge sums of money and the nasty attack ads they can buy if the party lawyers are clever enough in how they spend the money.

That is right, Mr. President, I don't think our political parties are worth supporting anymore if they don't have anything to offer except fancy fundraisers for corporate lobbyists. If they can no longer appeal to the people of this country to fund their legitimate activity, maybe their time has come and gone. That is why protecting the political parties' ability to raise soft money is the very worst excuse for opposing the McCain-Feingold bill. It simply admits that our political system has utterly failed; that our parties are bankrupt morally and intellectually, even if they have full bank accounts; that our representative democracy has become a corporation democracy, where the amount of power you have depends on how much money you have.

I refuse to accept the judgment that we are doomed to have this kind of campaign finance system in America, the greatest democracy on Earth. That is why I am still fighting for campaign finance reform in this Congress. If the opportunity presents itself, if it looks like more of my colleagues are ready to reject the excuses—and I suspect there will be more—I will be ready to bring the McCain-Feingold bill, or any portion of it, before this Senate again.

I think the American people should know where this Senate stands on the issue of soft money. I think the people who sent us here deserve to know whether we think it is right that our

elections are dominated by this unlimited, unregulated money or not. Because we know that they don't think it is right, the time has come to act.

Most of the pundits say we lost in February, but I think we won a battle. We won because we showed that a bipartisan majority of the Senate wants reform, and a bipartisan majority of the Senate will stick together and fight for reform. The battle for reform on both sides of Capitol Hill is proceeding, and it will go forward until the American people win the war and get their Government back.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Georgia.

#### EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2302, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Kempthorne amendment No. 2302 be modified with the text which is now at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the amendment (No. 2302), as modified, will be printed in a future edition of the RECORD.

Mr. COVERDELL. Mr. President, I now yield back all time remaining with respect to amendments Nos. 2297, 2302 and 2301.

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

#### MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

#### TRIBUTE TO DR. RICHARD E. GREENLEAF

Mr. DOMENICI. Mr. President, I rise to pay tribute to a distinguished scholar and son of New Mexico. This year, Dr. Richard Greenleaf, Professor of Latin American History and Director of the Center for Latin American Studies at Tulane University, ends a remarkable career of more than a half century of research and teaching. Dr. Greenleaf has now returned to new Mexico to enjoy his retirement.

A few weeks ago, Dr. Greenleaf's students and colleagues gathered at Tulane University to honor their mentor and friend. One of Dr. Greenleaf's former students, Dr. Stanley Hordes of the Latin American Institute of the University of New Mexico, wrote an essay to commemorate that event. The essay recounts Dr. Greenleaf's extraor-

dinary career and warmly expresses the deep affection his students hold for him.

For all his accomplishments, I salute Dr. Greenleaf. I welcome him home to New Mexico, and I join all those who are indebted to him for his lifetime commitment to scholarship and teaching.

Mr. President, I ask unanimous consent that Dr. Hordes' tribute to Dr. Greenleaf be printed in the RECORD.

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

DEDICATION OF THE RICHARD E. GREENLEAF  
CONFERENCE ROOM, APRIL 3, 1998

Dr. Richard Edward Greenleaf, France Vinton Scholes Professor of Colonial Latin American History, and Director of the Center for Latin American Studies at Tulane University was born in Hot Springs, Arkansas on May 6, 1930. He grew up in Albuquerque, New Mexico, and took his Bachelor's, Master's and Doctoral degrees at the University of New Mexico, where he studied under the dean of inquisition scholars, Professor France V. Scholes. Dr. Greenleaf's doctoral dissertation, "Zumárraga and the Mexican Inquisition 1536-1543," served as the basis for his many excellent publications on the history of the Holy Office in Latin America.

Dr. Greenleaf authored eleven major scholarly books, served as co-author of, or contributor to seventeen others, and published almost four dozen articles in the field of Latin American and Borderlands history. He has served on the editorial boards of several major publications, including the Handbook of Latin American Studies, The Americas and the Hispanic American Historical Review, and was the recipient of many distinguished awards, among them Silver Medal, Sahagún Prize: Mexican National History Award, and the Serra Award of the Academy of American Franciscan History for Distinguished Scholarship in Colonial Latin American History.

Richard Greenleaf began his teaching career at the University of Albuquerque in 1953. Shortly thereafter, he moved to Mexico City, where he taught at the University of the Americas, later serving as Chair of the Department of History and International Relations, Academic Vice-President and Dean of the Graduate School. In 1969, he accepted a faculty position at Tulane, assuming the directorship of the Center for Latin American Studies the following year, and the chairmanship of the History Department in 1978. In 1982, he was installed in the France Vinton Scholes Chair in Colonial Latin American History. In his long and distinguished teaching career, Dr. Greenleaf has served as mentor to numerous doctoral students, and countless master's and undergraduate students, all of whom are greatly indebted to him for his inspiration and guidance.

#### RECOGNITION OF YVONNE ULLAS, WASHINGTON STATE TEACHER OF THE YEAR

Mr. GORTON. Mr. President, today, as we debate the most important issue we will discuss all year on the Senate floor—our children's education—I would like to take a moment to recognize Washington State's Teacher of the Year, Ms. Yvonne Ullas. A first grade teacher at Naches Primary School in Yakima, Washington, Ms. Ullas is

being honored in Washington, DC to recognize her dedication to her profession and innovation in the classroom. We think we have a challenging job in the Senate, but every day Ms. Ullas is charged with stimulating the minds of 24 active first graders.

The Naches primary school has prepared this book with their advice for President Clinton and have asked that I send it over to the White House. Many of the children commented that if they were President they would make sure our kids have the best education. I will make sure the words of advice reach the President. I know Ms. Ullas serves as an example of excellence in education and of the dedication of many people in our local communities to ensuring a bright future for our children.

#### 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 a withdrawal and sundry nominations which were referred to the Committee on Foreign Relations.

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

#### MESSAGES FROM THE HOUSE

At 4:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2691. An act to reauthorize and improve the operations of the National Highway Traffic Safety Administration.

H.R. 2729. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

H.R. 3565. An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

#### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2691. An act to reauthorize and improve the operations of the National Highway Traffic Safety Administration; to the Committee on Commerce, Science, and Transportation.

H.R. 2729. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes; to the Committee on the Judiciary.

#### 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-4649. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the reports of two rules received on April 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4650. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on enlistment waiver trends for fiscal years 1991 through 1997; to the Committee on Armed Services.

EC-4651. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Empowerment Zones: Rule for Second Round Designations" received on April 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4652. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC-4653. A communication from the Assistant Attorney General, transmitting, pursuant to law, the annual report of the Bureau of Justice Assistance for fiscal year 1996; to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-384. A resolution adopted by the Senate of the Legislature of the State of Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

Whereas, Congress, through the Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act), mandated that the secretary of agriculture consolidate the then existing thirty-two federal milk marketing orders into no fewer than ten nor more than fourteen orders by no later than April 4, 1999; and

Whereas, the FAIR Act also authorized the secretary of agriculture to review and reform the pricing and other provisions of the consolidated orders; and

Whereas, on January 23, 1998, the secretary of agriculture issued the proposed rules for federal milk order consolidations and reforms; and

Whereas, these proposed rules included two options for pricing milk used in Class I (fluid milk products), which are noted and referred to as Option 1A and Option 1B; and

Whereas, Option 1A is similar to the present geographic price structures; however, Option 1B would reduce the minimum federal order prices in Louisiana more than \$1.00 per hundred weight; and

Whereas, while demand has been rising due to increasing population, milk production in Louisiana and the entire Southeast has de-

clined during each of the past seven years; as a result, larger quantities of milk are imported from other regions at higher cost than local milk; and

Whereas, implementation of Option 1B, even with the highest transition option, would aggravate the loss of dairy farms and local milk production; and

Whereas, such loss will be devastating to the dairy farmer, the rural communities, and the consumers: Therefore, be it

*Resolved*, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to support, and urges and requests the secretary of agriculture to incorporate, Option 1A as the pricing procedure in all federal milk marketing orders in his final decision on consolidation and reform of these orders. Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, each member of the Louisiana congressional delegation, and the secretary of the United States Department of Agriculture.

POM-385. A resolution adopted by the Council of the City of Wilkes-Barre, Pennsylvania relative to Federal credit unions; to the Committee on Banking, Housing, and Urban Affairs.

POM-386. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Banking, Housing, and Urban Affairs.

#### JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PRESERVE THE CURRENT FAIR HOUSING ACT

Whereas, 10 years ago the Fair Housing Amendments Act of 1988 amended Title VIII of the Civil Rights Act of 1968, to extend the principle of equal housing opportunity to people with disabilities and to families with children; and

Whereas, on February 12, 1998, the Fair Housing Amendments Act of 1998 was introduced for the purpose of repealing the federal protections for people with mental retardation and other disabilities; and

Whereas, the accomplishments that have been made during the last 30 years to protect people with disabilities and families with children should be celebrated and improved upon, not weakened; Now, Therefore, be it *Resolved*, That the important civil rights protections extended by the Fair Housing Amendments Act of 1988 must be preserved; and be it further

*Resolved*, That suitable copies of this memorial, duly authenticated by the Secretary of State, be transmitted to Charles Canady, Chair of the House Judiciary Subcommittee on the Constitution, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

POM-387. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Commerce, Science, and Transportation.

#### HOUSE RESOLUTION NO. 388

Whereas, This Commonwealth has used four telephone area codes since the 1940s; and

Whereas, A shortage of available telephone numbers in two area codes in this Commonwealth has prompted the Pennsylvania Public Utility Commission to create two new area codes since 1995, increasing the total number of area codes to six; and

Whereas, Anticipated shortages in the 717, 215 and 610 area codes prompted the Pennsylvania Public Utility Commission to institute practices that would conserve telephone numbers in these area codes and so miti-

gated the need to create additional area codes; and

Whereas, Beginning in July 1997, the Pennsylvania Public Utility Commission adopted orders authorizing several methods of conserving telephone numbers in the 717, 215 and 610 area codes; and

Whereas, These methods to reduce the amount of telephone numbers provided to telephone service providers in any given local exchange, to develop a transparent area code and to ration available numbers were challenged at the Federal Communications Commission; and

Whereas, The delays and denials from the Federal Communications Commission prevented the Pennsylvania Public Utility Commission from implementing its conservation methods and so forced the Pennsylvania Public Utility Commission to act to create new area codes; and

Whereas, Due to these delays and denials, this Commonwealth faces a crisis in available telephone numbers in the 717, 215 and 610 area codes, which has forced the Pennsylvania Public Utility Commission to tentatively create two new area codes; and

Whereas, The creation of new area codes prior to the full implementation of conservation methods results in unnecessary inconvenience, confusion and expense to citizens in the affected areas; and

Whereas, The creation of these proposed new area codes could have been prevented or significantly delayed had the Federal Communications Commission acted expeditiously on the Pennsylvania Public Utility Commission's conservation proposals: Therefore, be it *Resolved*, That the House of Representatives memorialize the Congress of the United States and the Federal Communications Commission to allow state regulatory agencies the flexibility they need to conserve available telephone numbers and so extend the useful lives of existing area codes; and, be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, the chairman of the Federal Communications Commission, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-388. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

#### SENATE JOINT RESOLUTION NO. 220

Whereas, the air transportation needs of the metropolitan Washington region are addressed through a finely balanced, comprehensive regional airport plan; and

Whereas, under that plan, Ronald Reagan Washington National Airport and Washington Dulles International Airport each perform a separate and unique function in that regional airport plan; and

Whereas, Ronald Reagan Washington National Airport functions as the local and regional airport, serving cities within a 1,250-mile radius; and

Whereas, Washington Dulles International Airport serves as the national and international airport; and

Whereas, significant local decisions about airport investment and development plans have been based on this locally and federally endorsed balance of traffic; and

Whereas, the allocation of roles to each airport under the plan has stimulated the growth and development of Washington Dulles International Airport; and

Whereas, the development of Washington Dulles International Airport has improved the quality of regional, domestic, and international air transportation for all citizens of the region; and

Whereas, the improvement in air transportation alternatives has brought to local passengers the benefits of increased competition in the form of competitive fares and a broad array of new service options between these two airports; and

Whereas, the region has also benefited from investments by many new firms in Northern Virginia that have located to this area because of the presence of a major international airport, Washington Dulles International Airport, and the strength and continued viability of competitive air service offerings at both Washington Dulles International Airport and Ronald Reagan Washington National Airport; and

Whereas, the increased business activity has produced substantial economic benefits for the region; and

Whereas, a linchpin of this balanced regional air transportation system is the rule at Ronald Reagan Washington National Airport limiting flights to 1,250 miles from the airport; and

Whereas, changes to the perimeter rule would threaten air service to smaller communities within the perimeter than now enjoy convenient access to Northern Virginia by air; and

Whereas, this perimeter rule was enacted as Section 6012 of the Metropolitan Washington Airports Act of 1986; and

Whereas, legislation is being considered in the United States Congress that would provide for exemptions from the perimeter rule; and

Whereas, any change in the current perimeter rule would threaten the benefits now enjoyed by citizens of the region as a result of the balance of services among the regional airports; and

Whereas, maintaining the perimeter rule is critical to the continued effectiveness of the balanced regional air transportation plan: Now, therefore, be it

*Resolved by the Senate, the House of Delegates concurring,* That the General Assembly oppose any relaxation of, exemption from, or amendment to Section 6012 of the Metropolitan Washington Airports Act of 1986 or the regulations promulgated pursuant thereto; and, be it

*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia General Assembly in this matter.

POM-389. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation.

#### HOUSE JOINT MEMORIAL 4032

Whereas, The people of the State of Washington are facing the impacts of the listing and proposed listings of salmon and steelhead stocks under the federal Endangered Species Act; and

Whereas, These listings represent a serious threat to the continued economic well-being of the people of the State of Washington; and

Whereas, The people of the State of Washington will fully comply with the requirements of the federal Endangered Species Act within its borders and territorial waters; and

Whereas, The salmon and steelhead that spawn in the State of Washington spend most of their life cycle outside of waters controlled by the state; and

Whereas, Considerable threats to the salmon and steelhead of the State of Washington can only be addressed by the intervention of the United States Government; and

Whereas, The success of any conservation plan implemented under the federal Endan-

gered Species Act for listed salmon and steelhead runs in the State of Washington is in doubt without immediate action by the federal government;

Now, therefore, Your Memorialists respectfully pray that the United States Government immediately resolve the United States-Canada fishing dispute, enforce the two hundred-mile limit and the ban on high seas drift net fishing, and provide funding for salmon recovery efforts which mitigate the loss of habitat caused by the construction of hydroelectric dams on the Columbia River.

*Be it resolved,* That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-390. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Commerce, Science, and Transportation.

#### HOUSE CONCURRENT RESOLUTION NO. 25

Whereas, Television has become a medium of great importance as a source of information and entertainment to the citizens of West Virginia and the United States; and

Whereas, Cable television sometimes provides the only access to quality television signals in many areas of West Virginia; and

Whereas, Cable television services in West Virginia are not subject to effective competition; and

Whereas, Over the last ten years, despite the efforts of the Congress of the United States and the Legislature of West Virginia, the prices that consumers pay for cable television services have escalated at alarming rates, for out pacing the increase in the costs of other goods or services; and

Whereas, The enormous increases in the costs for subscribers of cable television services is a result of the absence of competition in the industry coupled with inadequate regulation; and

Whereas, It is the duty of government to intervene to protect its citizens from the pricing practices of monopolies: Therefore, be it

*Resolved by the Legislature of West Virginia,* That this legislature respectfully urges the Congress of the United States to address this important issue by enacting comprehensive legislation to create widespread competition within the cable television industry and until such time as competition exists, that the Congress of the United States will pass comprehensive legislation allowing the several states and local franchising authorities to have complete and unfettered power and authority to regulate the rates that cable television companies may charge to the subscribers of cable television service, including charges for any and all tiers of programming; and, be it further

*Resolved,* This Legislature respectfully urges the Congress of the United States to enact laws requiring cable television companies to permit consumers to select and decline individual channels that they desire to have or not to have, so that consumers are not forced to buy programming that they do not want simply to be able to have the programming that they do want; and, be it further

*Resolved,* That the Clerk of the House of Delegates be hereby directed to transmit appropriate copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the West Virginia Delegation of the Congress.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 2676. A bill to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes (Rept. No. 105-174).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs:

Togo Dennis West, Jr., of the District of Columbia, to be Secretary of Veterans Affairs.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### 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 Ms. MOSELEY-BRAUN:

S. 1965. A bill to prohibit the publication of identifying information relating to a minor for criminal sexual purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1966. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Energy and Natural Resources.

By Mr. SARBANES:

S. 1967. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

By Mr. FORD (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. HOLLINGS, and Mr. HARKIN):

S. 1968. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 1969. A bill to provide health benefits for workers and their families; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself and Mr. DASCHLE):

S. 1970. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for himself, Mr. ASHCROFT, Mr. INHOFE, Mr. BROWNBACK, and Mr. FEINGOLD):

S. Res. 212. A resolution expressing the sense of the Senate that at the upcoming United States-China summit the President should demand the release of all persons remaining imprisoned in China and Tibet for political or religious reasons, and for other purposes; to the Committee on Foreign Relations.

By Mr. LOTT (for Mr. HELMS (for himself, Mr. SESSIONS, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. WARNER, Mr. HOLLINGS, Mr. SMITH of New Hampshire, Mr. MCCAIN, Mr. ROBB, Mr. LEVIN, Mr. HUTCHINSON, Ms. SNOWE, Mr. ASHCROFT, Mr. KENNEDY, Mr. ROBERTS, Mr. CLELAND, Mr. DASCHLE, Mr. HAGEL, Mr. COATS, Mr. BINGAMAN, Mr. BENNETT, Mr. NICKLES, Mr. BYRD, Mr. LIEBERMAN, Mr. LOTT, Mr. GLENN, Mr. INHOFE, Mr. KOHL, and Mr. STEVENS)):

S. Res. 213. A resolution congratulating the United States Army Reserve on its 90th anniversary and recognizing the important contributions of Strom Thurmond, the President Pro Tempore of the Senate, who served with distinction in the United States Army Reserve for 36 years; considered and agreed to.

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. COVERDELL, Mr. HAGEL, and Mr. MOYNIHAN):

S. Res. 214. A resolution commending the Grand Forks Herald for its public service to the Grand Forks area and receipt of a Pulitzer Prize; considered and agreed to.

#### STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN:

S. 1965. A bill to prohibit the publication of identifying information relating to a minor for criminal sexual purposes; to the Committee on the Judiciary.

THE INTERNET PREDATOR PREVENTION ACT OF 1998

Ms. MOSELEY-BRAUN. Mr. President, I am pleased to introduce the Internet Predator Prevention Act of 1998. This legislation will give much needed protection to the millions of American families with children.

In the past two decades, the Internet has grown dramatically. In 1981, there were only 213 computers hooked into the Internet. In January of last year, it was estimated that 17,753,266 computers were wired into the Internet. And the number of web sites has also increased significantly in just the last several years: In June of 1993, there were only 130 reported web sites. By January 1996, that number had grown to more than 100,000. The Congressional Research Service reports that studies on the Internet have found that 9 million to 47 million people are using the Internet each year.

This enormous new "cyberworld," which crosses state and national boundaries as well as race, gender and age barriers, has created a plethora of new communities, new business opportunities, and unfortunately, new crimes. It seems as if every month, we are hearing stories of children who have been exploited and hurt because of contacts they have made on the Internet.

I am struck by two particular incidents that arose in my home state of

Illinois in just the past year. In August of 1997, I was contacted by the mother of a 9-year-old Joilet girl whose name and number had been posted on a series of web pages, bulletin boards and chat rooms that was designed to attract child molesters. This family only learned of the posting when they began to receive illicit phone calls from strangers at odd times of the night. A second family from Illinois had a similar experience when a stranger began "logging on" using their 10-year-old daughter's name. The child's name and the family's home telephone number was posted on the Internet in a chat room for pedophiles. These parents were lucky enough to learn that their child's name had been posted on one of these sites before their children were placed in greater danger.

Across this nation, there have been numerous other instances in which parents have learned that their children's names, addresses, and phone numbers have been posted on Web pages, bulletin boards, and chat rooms where pedophiles and child molesters lurk.

This ought to be a crime. No one should be allowed to set a child up for a potentially dangerous situation that could have a lasting and irrevocable impact. The Internet should serve as a resource and learning tool, and not a vehicle for exploitation.

Currently, there are very few state laws that exist that address this issue. The few laws that do exist are vague and do not carry the weight needed to prosecute pedophiles for their crimes. The quick growth of the Internet has made it difficult to control Internet postings and, in this case, state and other traditional boundaries cannot and do not apply. Often times, a child and his or her exploiter may live in different states on different sides of the country. The crime taking place, however, is not any less significant than if they were in the same room.

I believe that the Federal government can play an important role in stopping child exploitation on the Internet. The federal government has the ability to regulate interstate activity and federal law has jurisdiction over all 50 states and territories. A federal law will be able to navigate the complexity of the issues the Internet raises regarding interstate commerce and can be used to prosecute criminals regardless of what state the perpetrator lives in.

Today, I am introducing legislation which I believe will address this growing problem. My legislation would make it a crime to post a child's name, address, or telephone number on an Internet web site, chat room or bulletin board in order to make that child available for criminal sexual acts with an adult. This bill uses the least restrictive means of regulating against one of the most offensive acts a human being can commit toward another: the exploitation of a child.

I urge all of my colleagues to join me in supporting the quick passage of 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. 1965

*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 "Internet Predator Prevention Act of 1998".

#### SEC. 2. PROHIBITION AND PENALTIES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

#### "§2261. Publication of identifying information relating to a minor for criminal sexual purposes

"(a) DEFINITION OF IDENTIFYING INFORMATION RELATING TO A MINOR.—In this section, the term 'identifying information relating to a minor' includes the name, address, telephone number, social security number, or e-mail address of a minor.

"(b) PROHIBITION AND PENALTIES.—Whoever, through the use of any facility in or affecting interstate or foreign commerce (including any interactive computer service) publishes, or causes to be published, any identifying information relating to a minor who has not attained the age of 17 years, for the purpose of soliciting any person to engage in any sexual activity for which the person can be charged with criminal offense under Federal or State law, shall be imprisoned not less than 1 and not more than 5 years, fined under this title, or both."

(b) TECHNICAL AMENDMENT.—The analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"2261. Publication of identifying information relating to a minor for criminal sexual purposes."

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 1966. A bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; to the Committee on Energy and Natural Resources.

THE GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP ACT OF 1998

Mr. FEINGOLD. Mr. President, I rise today to introduce "The Gaylord Nelson Apostle Islands Stewardship Act of 1998." I am very pleased that my senior colleague from Wisconsin joins me as an original author of the bill, and also that my colleague in the other body, Congressman OBEY is joining me in introducing the companion legislation as he represents the area of Wisconsin where the Apostle Islands are located.

Mr. President, on this Earth Day, the 29th Earth Day, I have chosen to name this legislation in recognition of the accomplishments of Earth Day's founder, a former member of this body and former Governor of my state, Gaylord Nelson. Many outside Wisconsin may not know that, in addition to founding Earth Day, Senator Nelson was also the primary sponsor of the Apostle Islands National Lakeshore Act. That Act, which passed in 1970—the same year Earth Day was founded, protects

one of Northern Wisconsin's most beautiful areas, and it is a place where every year my family and I spend our favorite vacation.

Though Senator Nelson has received many awards, I know that among his proudest accomplishments are those bills he crafted which have produced real and lasting change in preserving America's lands, such as the Apostle Islands.

The Apostle Islands National Lakeshore includes 21 forested islands and 12 miles of pristine shoreline which are among the Great Lakes' most spectacular scenery. Centuries of wave action, freezing, and thawing have sculpted the shorelines and nature has carved intricate caves into the sandstone which forms the islands. Delicate arches, vaulted chambers, and hidden passageways honeycomb cliffs on the north shore of Devil's Island, Swallow Point on Sand Island, and northeast of Cornucopia on the mainland. The Apostle Islands National Lakeshore includes more lighthouses than any other coastline of similar size in the United States, and is home to diverse wildlife including: black bear, bald eagles and deer. It is an important recreational area as well. Its campgrounds and acres of forest, make the Apostles a favorite destination for hikers, sailors, kayakers, and bikers. The Lakeshore also includes the underwater lakebed as well, and scuba divers register with the National Park Service to view the area's underwater resources.

I also know that Senator Nelson, if he were still a member of this body, would have been wholeheartedly pursuing the full implementation of the ecological vision that Wisconsinites and all Americans share for the Lakeshore. Unfortunately, as do many of the lands managed by the National Park Service, the Apostle Islands National Lakeshore finds itself, now 28 years later, with both some significant financial and legal resource needs. If we are to be true stewards of America's public lands, we need to be willing to make necessary financial investments and management improvements when they are warranted. Thus, I am introducing this legislation in an attempt to resolve the unfinished business that remains at the Lakeshore, as well as to renew our Nation's commitment to this beautiful place.

Mr. President, the legislation has three major sections. First, it directs the Park Service to conduct a wilderness suitability study of the Lakeshore as required by the Wilderness Act. The legislation authorizes \$200,000 for that purpose.

This study mandate is needed to ensure that we have the appropriate level of management at the Apostle Islands National Lakeshore. The Wilderness Act and the National Park Service policies require the Park Service to conduct an evaluation of the lands it manages for possible inclusion in the National Wilderness system. Such a study would result in a recommenda-

tion to Congress about whether any of the federally-owned lands currently within the Lakeshore still retain the characteristics that would make them suitable to be legally designated as wilderness. The Congress would then have an opportunity to review such information. If Congress found that such information indicated that some of the federal lands within the Lakeshore were in need of legal wilderness status, Congress would have to subsequently pass legislation to confer such status.

We need this study, Mr. President because, though 28 years have passed, we are not certain whether we are under- or over-managing the Lakeshore. During the General Management Planning Process for the Lakeshore, which was completed nearly a decade ago in 1989, the need for a formal wilderness study was identified. Although a wilderness study has been identified as a high priority by the Lakeshore, it has never been funded.

Since 1989, most of the Lakeshore, roughly 80 percent of the acreage, is being managed by the Park Service as if it were federally designated wilderness. As a protective measure, all lands which might be suitable for wilderness designation were zoned to protect any wilderness characteristics they may have pending completion of the study. However, we may be managing lands as wilderness in the Lakeshore that might, due to use patterns, no longer be suitable for wilderness designation. Correspondingly, some land area may have become more ecologically sensitive and may need additional legal protection.

Second, this legislation also directs the Park Service to protect the historic Raspberry Island and Outer Island lighthouses. The bill authorizes \$3.9 million for bluff stabilization and other necessary actions. There are six lighthouses in the Apostle Island National Lakeshore—Sand Island, Devil's Island, Raspberry Island, Outer Island, Long Island and Michigan Island. Engineering studies completed for the National Park Service have determined that several of these lighthouses are in danger of structural damage due to the continued erosion of the red clay banks upon which they were built. The situations at Outer Island and Raspberry Island, the two which this legislation addresses, were determined to be in the most jeopardy.

The Raspberry Island situation is most critical. The Raspberry Island lighthouse was completed in 1863 to mark the west channel through the Apostle Islands. The original light was a rectangular frame structure surmounted by a square tower that held a lens 40 feet above the ground.

A fog signal building was added to Raspberry Island in 1902. The red brick structure housed a ten-inch steam whistle and a hoisting engine for a tramway. The need for additional personnel at the station led to a redesign of the lighthouse building in 1906-07. The structure was converted to a du-

plex, housing the keeper and his family in the east half, with the two assistant keepers sharing the west half. A 23-kilowatt, diesel-driven electric generator was installed at the station in 1928. The light was automated in 1947 and then moved to a metal tower in front of the fog signal building in 1952.

Raspberry Island light is now the most frequently visited of Apostle Islands National Lakeshore's lighthouses. Recent erosion is threatening the access tram and the fog signal building.

The Outer Island light station was built in 1874 on a red clay bluff 40 feet above Lake Superior. The lighthouse tower stands 90 feet high and the watchroom is encircled by an outside walkway and topped by the lantern.

Historic architects have indicated to the Park Service that Outer Island lighthouse may already be suffering some structural damage due to its location on the bluff and the situation would be much worse if Lake Superior were exceedingly high.

Engineers believe that preservation of these structures requires protection of the bluff beneath the lighthouses, stabilization of the banks, and dewatering of the area immediately shoreward of the bluffs. Although the projects have in the past been included within the Park Service-wide construction priorities, they have never been funded.

Finally, this legislation adds language to the act which created the Lakeshore allowing the Park Service to enter into cooperative agreements with state, tribal, local governments, universities or other non-profit entities to enlist their assistance in managing the Lakeshore. Some parks have specific language in the act which created the park allowing them to enter into such agreements. Parks have used them for activities such as research, historic preservation, and emergency services. Apostle Islands currently does not have this authority, which this legislation adds.

Other National Park lands and lands which are managed by the Park Service, such as the Lakeshore, have such authority. Adding such authority to the Lakeshore will be a way to make Lakeshore management resources go farther. The Park Service has the opportunity to carry out joint projects with other partners which could contribute to the management of the Lakeshore including: state, local, and tribal governments, universities, and non-profit groups. Such endeavors would have both scientific management and fiscal benefits. In the past, the Lakeshore has had to pass over opportunities because the specific authority has been absent.

In his 1969 book on the environment, entitled *America's Last Chance*, Senator Nelson issued a political challenge: "I have come to the conclusion that the number one domestic problem facing this country is the threatened destruction of our natural resources

and the disaster which would confront mankind should such destruction occur. There is a real question as to whether the nation, which has spent some two hundred years developing an intricate system of local, State and Federal Government to deal with the public's problems, will be bold, imaginative and flexible enough to meet this supreme test."

Though, fortunately, the Apostle Islands are not, because of former Senator Nelson's efforts, "threatened with destruction," I believe that Senator Nelson meant two things by his challenge. Not only did he mean that government must act immediately and decisively to protect resources in crisis, but he also meant that government must be responsible and flexible enough to remain committed to the protection of the areas we wisely seek to preserve under our laws.

Thus, Mr. President, on this Earth Day I am proud to introduce this legislation as a renewal of the federal government's commitment to the Apostle Islands National Lakeshore. I look forward to working with my colleagues on this legislation.

I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

S. 1966

*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 "Gaylord Nelson Apostle Islands Stewardship Act of 1998".

#### SEC. 2. GAYLORD NELSON APOSTLE ISLANDS.

(a) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the sesquicentennial year of the State of Wisconsin provides an opportunity to reflect on and act to protect important components of the State's ecological and cultural identity, such as the Lakeshore;

(3) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(4) after 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(5) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(6) all lands within the Lakeshore that might be suitable for designation as wilderness are currently zoned and managed to protect wilderness characteristics pending completion of such a study;

(7) several historic lighthouses within the Lakeshore are currently in danger of structural damage due to severe erosion;

(8) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(9) because of competing needs in other units of the National Park System, the

standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(10) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term "Lakeshore" means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse within the Lakeshore.

(e) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91-424 (16 U.S.C. 460w-5) is amended—

(1) by striking "SEC. 6. The lakeshore" and inserting the following:

#### "SEC. 6. MANAGEMENT.

"(a) IN GENERAL.—The lakeshore"; and

(2) by adding at the end the following:

"(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7."

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$200,000 to carry out subsection (c); and

(2) \$3,900,000 to carry out subsection (d).

By Mr. SARBANES:

S. 1967. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

#### THE TRANSIT IN PARKS ACT

Mr. SARBANES. Mr. President, today I am introducing new legislation to help ease congestion, protect our nation's natural resources, and improve mobility and accessibility in our national parks and wildlife refuges. The "Transit In Parks Act" or TRIP bill is a new federal transit grant initiative that is designed to provide mass transit and alternative transportation services for our national parks, our wildlife refuges, federal recreational areas, and other public lands managed by three agencies of the Department of the Interior.

When the parks first opened in the second half of the nineteenth century, visitors arrived by stagecoach along dirt roads. Travel through parklands, such as Yosemite or Yellowstone, was difficult and long and costly. Not many people could afford or endure such a trip.

The introduction of the automobile gave every American greater mobility

and freedom, which included the freedom to travel and see some of our nation's great natural wonders. Early in this century landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The on-going tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars has resulted in increasing damage to our parks. The Grand Canyon alone has five million visitors a year. It may surprise you to know that the average visitor stay is only three hours. As many as 6,000 vehicles arrive in a single summer day. They compete for 2,000 parking spaces. Between 32,000 and 35,000 tour buses go to the park each year. During the peak summer season, the entrance route becomes a giant parking lot.

In the decade from 1984 to 1994, the number of visits to America's national parks increased 25 percent, rising from 208 million to 269 million a year. This is equal to more than one visit by every man, woman, and child in this country. This has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut-out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than 4 million visitors a year; Yellowstone, which has more than 3 million visitors a year and experiences such severe traffic congestion that access has to be restricted; Zion; Acadia; Bryce; and many others. We need to solve these problems now or risk permanent damage to our nation's natural, cultural, and historical heritage.

The legislation I am introducing builds upon two previous initiatives to address these problems. First is the study of alternative transportation strategies in our national parks that was mandated by the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. This study, completed by the National Park Service in May 1994, found that many of our most heavily visited national parks are experiencing the same problems of congestion and pollution that afflict our cities and metropolitan areas. Yet, overwhelmingly, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads primarily for private automobile access.

Second, last November, Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt signed an agreement to work together to address transportation and resource



management needs in and around national parks. The findings in the Memorandum Of Understanding entered into by the two departments are especially revealing:

Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.

In many National Park units, the capacity of parking facilities at interpretive or science areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.

On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

The challenge for park management is two-fold: to conserve and protect the nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments.

The Transit in Parks Act will go far to meeting this challenge. The bill's objectives are to develop new and expanded mass transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources, to prevent adverse impact on those resources, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience.

This new federal transit grant program will provide funding to three Federal land management agencies in the Department of the Interior—the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management—that manage the 375 various parks within the National Park System, including national battlefields, monuments and national seashores, as well as the national wildlife refuges and federal recreational areas. The program will allocate capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national park lands. The bill authorizes \$50 million for this new program for each of the fiscal years 1999 through 2003. It is anticipated that other resources—both public and private—will be available to augment these amounts in the initial phase.

The bill formalizes the cooperative arrangement entered into last November between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection and funding of transit projects in national park lands.

The projects eligible for funding shall be developed through the ISTEA planning process and selected in consulta-

tion with the Secretary of the Interior. The bill provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies.

It is anticipated that the Secretary of Transportation shall select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this section, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban public transit system. Project selection should include the following criteria: the historical and cultural significance of a project; safety; and the extent to which the project would conserve resources, prevent adverse impact, enhance the environment, improve mobility, and contribute to livable communities.

The bill also identifies projects of regional or national significance that more closely resemble the Federal transit program's New Starts projects. Where the project costs are \$25 million or greater, the projects shall comply with the transit New Starts requirements. No single project shall receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

Finally, the bill directs the Secretary of Transportation, in coordination with the Secretary of the Interior, to undertake a comprehensive study of alternative transportation needs in the national parks and other public lands eligible for assistance under this program. The objective of this study is to better identify those areas with existing and potential problems of congestion and pollution, or which can benefit from mass transportation services, and to identify and estimate the project costs for these sites.

This program can create new opportunities for the Federal land management agency to partner with local transit agencies in gateway communities adjacent to the parks, both through the ISTEA planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

The on-going tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access.

Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

So today, as we celebrate Earth Day and throughout this entire week as we mark National Parks Week, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and federal recreational areas than by encouraging alternative transportation in these areas. My bill is strongly supported by the American Public Transit Association, the National Parks and Conservation Association, the Surface Transportation Policy Project, the Natural Resources Defense Council, and the Environmental Defense Fund, and I ask unanimous consent that these letters and additional supporting material be included in the RECORD immediately following my remarks.

Mr. President, I urge my colleagues to support this important legislation and to recognize the enormous environmental and economic benefits that transit can bring to our national parks.

Mr. President, I ask unanimous consent that the following be printed in the RECORD:

Text of the Bill;

Section-by-section summary;

Washington Post November 26, 1997, article: "Strict Limits on Cars set for 3 National Parks"; and

Letters of support; from the American Public Transit Association, from the National Parks and Conservation Association, Surface Transportation Policy Project, Natural Resources Defense Council and Environmental Defense Fund.

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

S. 1967

*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 "Transit in Parks (TRIP) Act".

#### SEC. 2. MASS TRANSPORTATION IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

##### "§ 5339. Mass transportation in national parks and related public lands

"(a) POLICIES, FINDINGS, AND PURPOSES.—

"(1) DEVELOPMENT OF TRANSPORTATION SYSTEMS.—It is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

“(2) GENERAL FINDINGS.—Congress finds that—

“(A) section 1050 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) authorized a study of alternatives for visitor transportation in the National Park System which was released by the National Park Service in May 1994;

“(B) the study found that—

“(i) increasing traffic congestion in the national parks requires alternative transportation strategies to enhance resource protection and the visitor experience and to reduce congestion;

“(ii) visitor use, National Park Service units, and concession facilities require integrated planning; and

“(iii) the transportation problems and visitor services require increased coordination with gateway communities;

“(C) on November 25, 1997, the Department of Transportation and the Department of the Interior entered into a Memorandum of Understanding to address transportation needs within and adjacent to national parks and to enhance cooperation between the departments on park transportation issues;

“(D) to initiate the Memorandum of Understanding, and to implement President Clinton's ‘Parks for Tomorrow’ initiative, outlined on Earth Day, 1996, the Department of Transportation and the Department of the Interior announced, in December 1997, the intention to implement mass transportation services in the Grand Canyon National Park, Zion National Park, and Yosemite National Park;

“(E) many of the national parks and related public lands are experiencing increased visitation and congestion and degradation of the natural, historical, and cultural resources;

“(F) there is a growing need for new and expanded mass transportation services throughout the national parks and related public lands to conserve and protect fragile natural, historical, and cultural resources, prevent adverse impact on those resources, and reduce pollution and congestion, while at the same time facilitating appropriate visitor mobility and accessibility and improving the visitor experience;

“(G) the Federal Transit Administration, through the Department of Transportation, can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals to enhance the environment, improve mobility, create more livable communities, conserve energy, and reduce pollution and congestion in all regions of the country; and

“(H) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated mass transportation systems within and adjacent to national parks and related public lands is essential to conserve natural, historical, and cultural resources, relieve congestion, reduce pollution, improve mobility, and enhance visitor accessibility and the visitor experience.

“(3) GENERAL PURPOSES.—The purposes of this section are—

“(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

“(B) to encourage the planning and establishment of mass transportation systems and nonmotorized transportation systems needed within and adjacent to national parks and related public lands, located in both urban and rural areas, that enhance resource protection, prevent adverse impacts on those resources, improve visitor mobility and acces-

sibility and the visitor experience, reduce pollution and congestion, conserve energy, and increase coordination with gateway communities.

“(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide mass transportation systems to be operated by public or private mass transportation authorities, as determined by local and regional needs, and to encourage public-private partnerships; and

“(D) to assist in the research and development of improved mass transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of mass transportation services.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘Federal land management agency’ means the National Park Service, the United States Fish and Wildlife Service, or the Bureau of Land Management;

“(2) the term ‘national parks and related public lands’ means the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands managed by the Federal land management agencies;

“(3) the term ‘qualified participant’ means a Federal land management agency, or a State or local governmental authority, acting alone, in partnership, or with another Governmental or nongovernmental participant;

“(4) the term ‘qualified mass transportation project’ means a project—

“(A) that is carried out within or adjacent to national parks and related public lands; and

“(B) that—

“(i) is a capital project, as defined in section 5302(a)(1) (other than preventive maintenance activities);

“(ii) is any activity described in section 5309(a)(1)(A);

“(iii) involves the purchase of rolling stock that incorporates clean fuel technology or the replacement of existing buses with clean fuel vehicles or the deployment of mass transportation vehicles that introduce new technology;

“(iv) relates to the capital costs of coordinating the Federal land management agency mass transportation systems with other mass transportation systems;

“(v) involves nonmotorized transportation systems, including the provision of facilities for pedestrians and bicycles;

“(vi) involves the development of waterborne access within or adjacent to national parks and related public lands, including watercraft, as appropriate to and consistent with the purposes described in subsection (a)(3); or

“(vii) is any transportation project that—

“(I) enhances the environment;

“(II) prevents adverse impact on natural resources;

“(III) improves Federal land management agency resources management;

“(IV) improves visitor mobility and accessibility and the visitor experience;

“(V) reduces congestion and pollution, including noise and visual pollution;

“(VI) conserves natural, historical, and cultural resources (other than through the rehabilitation or restoration of historic buildings); and

“(VII) incorporates private investment; and

“(5) the term ‘Secretary’ means the Secretary of Transportation.

“(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—

“(1) IN GENERAL.—The Secretary shall develop a cooperative relationship with the

Secretary of the Interior, which shall provide for—

“(A) the exchange of technical assistance;

“(B) interagency and multidisciplinary teams to develop Federal land management agency transportation policy, procedures, and coordination; and

“(C) the development of procedures and criteria relating to the planning, selection, and funding of qualified mass transportation projects, and implementation and oversight of the project plan in accordance with the requirements of this section.

“(2) PROJECT SELECTION.—The Secretary, after consultation with the Secretary of the Interior, shall determine the final selection and funding of projects in accordance with this section.

“(d) TYPES OF ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may contract for or enter into grants, cooperative agreements, or other agreements with a qualified participant to carry out a qualified mass transportation project under this section.

“(2) OTHER USES.—A grant or cooperative agreement or other agreement for a qualified mass transportation project under this section also is available to finance the leasing of equipment and facilities for use in mass transportation, subject to regulations the Secretary prescribes limiting the grant or cooperative arrangement or other agreement to leasing arrangements that are more cost effective than purchase or construction.

“(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—The Secretary may not use more than 5 percent of the amount made available for a fiscal year under section 5338(m) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified mass transportation project. Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

“(f) PLANNING PROCESS.—In undertaking a qualified mass transportation project under this section—

“(1) if the qualified participant is a Federal land management agency—

“(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with sections 5303 through 5306; and

“(B) the General Management Plans of the units of the National Park System shall be incorporated into the planning process;

“(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall comply with sections 5303 through 5306;

“(3) if the national parks and related public lands at issue lie in multiple States, there shall be cooperation in the planning process under sections 5303 through 5306, to the maximum extent practicable, as determined by the Secretary, between those States and the Secretary of the Interior; and

“(4) the qualified participant shall comply with the public participation requirements of section 5307(c).

“(g) GOVERNMENT'S SHARE OF COSTS.—

“(1) IN GENERAL.—The Secretary shall establish the Federal Government share of assistance to a qualified participant under this section.

“(2) CONSIDERATIONS.—In establishing the Government's share of the net costs of a qualified transportation project under paragraph (1), the Secretary shall consider—

"(A) visitation levels and the revenue derived from user fees in the national parks and related public lands at issue;

"(B) the extent to which the qualified participant coordinates with an existing public or private mass transportation authority;

"(C) private investment in the qualified mass transportation project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

"(D) the clear and direct benefit to a qualified participant assisted under this section; and

"(E) any other matters that the Secretary considers appropriate to carry out this section.

"(3) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the non-Federal share of the costs of any mass transportation project that is eligible for assistance under this section.

"(h) SELECTION OF QUALIFIED MASS TRANSPORTATION PROJECTS.—In awarding assistance for a qualified mass transportation project under this section, the Secretary shall consider—

"(1) project justification, including the extent to which the project would conserve the resources, prevent adverse impact, and enhance the environment;

"(2) the location of the qualified mass transportation project, to assure that the selection of projects—

"(A) is geographically diverse nationwide; and

"(B) encompasses both urban and rural areas;

"(3) the size of the qualified mass transportation project, to assure a balanced distribution;

"(4) historical and cultural significance of a project;

"(5) safety;

"(6) the extent to which the project would enhance livable communities;

"(7) the extent to which the project would reduce pollution, including noise and visual pollution;

"(8) the extent to which the project would reduce congestion and improve the mobility of people in the most efficient manner; and

"(9) any other matters that the Secretary considers appropriate to carry out this section.

"(i) PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—

"(1) GENERAL AUTHORITY.—In addition to other qualified mass transportation projects, the Secretary may select a qualified mass transportation project that is of regional or national significance, or that has significant visitation, or that can benefit from alternative transportation solutions to problems of resource management, pollution, congestion, mobility, and accessibility. Such projects shall meet the criteria set forth in paragraphs (2) through (5) of section 5309(e), as applicable.

"(2) PROJECT SELECTION CRITERIA.—

"(A) CONSIDERATIONS.—In selecting a qualified mass transportation project described in paragraph (1), the Secretary shall consider, as appropriate, in addition to the considerations set forth in subsection (h)—

"(i) visitation levels;

"(ii) the use of innovative financing or joint development strategies;

"(iii) coordination with the gateway communities; and

"(iv) any other matters that the Secretary considers appropriate to carry out this subsection.

"(B) CERTAIN LOCATIONS.—For fiscal years 1999 through 2003, projects described in para-

graph (1) may include the following locations:

"(i) Grand Canyon National Park.

"(ii) Zion National Park.

"(iii) Yosemite National Park.

"(iv) Acadia National Park.

"(C) LIMIT.—No project assisted under this subsection shall receive more than 12 percent of the total amount made available under this section in any fiscal year.

"(D) FULL FUNDING GRANT AGREEMENTS.—A project assisted under this subsection whose net project cost is greater than \$25,000,000 shall be carried out through a full funding grant agreement in accordance with section 5309(g).

"(j) UNDERTAKING PROJECTS IN ADVANCE.—

"(1) IN GENERAL.—The Secretary may pay the Government's share of the net project cost to a qualified participant that carries out any part of a qualified mass transportation project without assistance under this section, and according to all applicable procedures and requirements, if—

"(A) the qualified participant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out that part of the project, the Secretary approves the plans and specifications in the same way as other projects assisted under this chapter.

"(2) INTEREST.—The cost of carrying out a part of a project referred to in paragraph (1) includes the amount of interest earned and payable on bonds issued by the State or local governmental authority, to the extent proceeds of the bond are expended in carrying out that part. However, the amount of interest under this paragraph may not exceed the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner that is satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) COST CHANGE CONSIDERATIONS.—The Secretary shall consider changes in project cost indices when determining the estimated cost under paragraph (2).

"(k) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may use not more than 0.5 percent of amounts made available under this section for a fiscal year to oversee projects and participants in accordance with section 5327.

"(l) RELATIONSHIP TO OTHER LAWS.—

"(1) IN GENERAL.—Except as otherwise specifically provided in this section, but subject to paragraph (2) of this subsection, the Secretary shall require that all grants, contracts, cooperative agreements, or other agreements under this section shall be subject to the requirements of sections 5307(d), 5307(i), and any other terms, conditions, requirements, and provisions that the Secretary determines are necessary or appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from the project assisted under this section.

"(2) LABOR STANDARDS.—Sections 5323(a)(1)(D) and 5333(b) apply to assistance provided under this section.

"(m) STATE INFRASTRUCTURE BANKS.—A project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible mass transportation project under this chapter.

"(n) ASSET MANAGEMENT.—The Secretary may transfer the Department of Transportation interest in and control over all facilities and equipment acquired under this section to a qualified participant for use and

disposition in accordance with property management rules and regulations of the department, agency, or instrumentality of the Federal Government.

"(o) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—The Secretary may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies that will conserve resources and prevent adverse environmental impact, improve visitor mobility, accessibility and enjoyment, and reduce pollution, including noise and visual pollution, in the national parks and related public lands. The Secretary may request and receive appropriate information from any source. This subsection does not limit the authority of the Secretary under any other provision of law.

"(p) REPORT.—The Secretary, in consultation with the Secretary of the Interior, shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate, on the allocation of amounts to be made available to assist qualified mass transportation projects under this section. Such report shall be included in the report required under section 5309(m)(3).

"(q) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—

"(1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, shall undertake a comprehensive study of alternative transportation needs in national parks and related public lands managed by Federal land management agencies. The study shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 2000.

"(2) STUDY ELEMENTS.—The study required by paragraph (1) shall—

"(A) identify transportation strategies that improve the management of the national parks and related public lands;

"(B) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

"(C) assess the feasibility of alternative transportation modes; and

"(D) identify and estimate the costs of alternative transportation modes for each of the national parks and related public lands referred to in paragraph (1).

"(3) FUNDING.—From amounts made available under section 5338(m), \$500,000 shall be made available in fiscal year 1999 to carry out this subsection."

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

"(m) SECTION 5339.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5339 \$50,000,000 for each of fiscal years 1999 through 2003.

"(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available until expended until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection."

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"5339. Mass transportation in national parks and related public lands."

## SECTION-BY-SECTION—TRANSIT IN PARKS ACT

I. Amends Federal Transit laws by adding new section 5339, "Mass Transportation in National Parks and Related Public Lands."

II. Statement of Policies, Findings, and Purposes:

To encourage and promote the development of transportation systems for the betterment of national parks and related public lands and to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution and enhance visitor mobility and accessibility and the visitor experience.

To that end, this program establishes federal assistance to certain Federal land management agencies and State and local governmental authorities to finance mass transportation capital projects, to encourage public-private partnerships, and to assist in the research and deployment of improved mass transportation equipment and methods.

## III. Definitions:

(1) eligible "Federal land management agencies" are: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management (all under Department of the Interior).

(2) "national parks and related public lands"; eligible areas under the management of these agencies.

(3) "qualified mass transportation project": a capital mass transportation project carried out within or adjacent to national parks and related public lands, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the national parks and related public lands and increase visitor mobility and accessibility.

IV. Federal Agency Cooperative Arrangements:

Implements the Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance, the development of transportation policy and coordination, and the establishment of criteria for planning, selection and funding of capital projects under this section. The Secretary of Transportation selects the projects, after consultation with Secretary of the Interior.

## V. Assistance:

To be provided through grants, cooperative agreements, or other agreements, including leasing under certain conditions, for an eligible capital project under this section. Not more than 5% of the amounts available can be used for planning, research and technical assistance, and these amounts can be supplemented from other sources.

## VI. Planning Process:

The Departments of Transportation and Interior shall cooperatively develop a planning process consistent with the ISTEA planning process in sections 5305 through 5306 of the Federal Transit laws.

## VII. Government's Share of the Costs:

In determining the Federal Transit Administration share of the project costs, the Secretary of Transportation must consider certain factors, including visitation levels and user fee revenues, the coordination in the project development with a public or private transit authority, private investment, and whether there is a clear and direct financial benefit to the applicant. The intent is to establish criteria for a sliding scale of assistance, with a lower Government share for large projects that can attract outside investment, and a higher Government share for projects that may not have access to such outside resources. In addition, funds from the Federal land management agencies can be counted as the local share.

## VIII. Selection of Projects:

The Secretary shall consider: (1) project justification, including the extent to which the project conserves the resources, prevents adverse impact and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities; (7) the reduction of pollution, including noise and visual pollution; (8) the reduction of congestion and the improvement of the mobility of people in the most efficient manner; and (9) any other considerations the Secretary deems appropriate. Projects funded under this section must meet certain transit law requirements.

## IX. Projects of Regional or National Significance

This is a special category that sets forth criteria for special, generally larger, projects or for those areas that may have problems of resource management, pollution, congestion, mobility, and accessibility that can be addressed by this program. Additional project selection criteria include: visitation levels; the use of innovative financing or joint development strategies; coordination with the gateway communities; and any other considerations the Secretary deems appropriate. Projects under this section must meet certain Federal Transit New Starts criteria. This section identifies some locations that may fit these criteria. Any project in this category that is \$25 million or greater in cost will have a full funding grant agreement similar to Federal Transit New Starts projects. No project can receive more than 12% of the total amount available in any given year.

## X. Undertaking Projects in Advance:

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted so the local share as long as certain conditions are met.

## IX. Project Management Oversight:

This provision applies current transit law to this section, limiting oversight funds to 0.5% per year of the funds made available for this section.

## XII. Relationship to Other Laws:

This provision applies certain transit laws to all projects funded under this section and permits the Secretary to apply any other terms or conditions he deems appropriate.

## XIII. State Infrastructure Banks:

A project assisted under this section can also use funding from a State Infrastructure Bank or other innovative financing mechanism that funds eligible transit projects.

## XIV. Asset Management:

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section in accord with certain Federal property management rules.

## XV. Coordination of Research and Deployment of New Technologies:

This provision allows grants for research and deployment of new technologies to meet the special needs of the national park lands.

## XVI. Report:

This requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

## XVII. Study of Transit Needs in National Park Lands:

This authorizes \$500,000 for a comprehensive study of alternative transportation needs in national parks and related public

lands to be completed by January 1, 2000, and specifies the study elements.

## XVIII. Authorization:

\$50,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 1999 through 2003.

[From the Washington Post, Nov. 26, 1997]

## STRICT LIMITS ON CARS SET FOR 3 NATIONAL PARKS—RAIL AND BUS SYSTEMS TO EASE TRAFFIC JAMS

(By Joby Warrick)

The Clinton administration is imposing a virtual ban on cars in busy sections of the Grand Canyon and two other national parks as part of a strategy to ease the traffic jams that have tarnished America's most spectacular natural attractions.

Interior Secretary Bruce Babbitt and Transportation Secretary Rodney E. Slater yesterday jointly announced plans for mass transit systems that will dramatically change the way most visitors experience the Grand Canyon, Yosemite National Park in California and Zion National Park in southwestern Utah. The plans call for ripping up roads and dozens of acres of existing parking lots and using buses and trains to ferry tourists into the parks.

The transit systems—which could be introduced in other parks—are designed to relieve the chronic congestion that is one of the most serious challenges facing park administrators. Because of record numbers of visitors, many of the nation's most-beloved tourist destinations are in danger of being "loved to death," Babbitt said.

"The road to [Grand Canyon's] South Rim is now jammed with cars," Babbitt said. "The once fresh and clear air now smells of diesel fumes and asphalt, the stunning view now marred by filling stations and smog, the sound of breeze-rustled pines now drowned by the echo of engines and horns."

Ever-larger crowds forced Yosemite officials to begin turning away visitors on the busiest days. But Babbitt said buses and trains will allow all the parks to "keep the 'Welcome' sign out."

Under the pilot programs announced yesterday, visitors to the parks could be riding trains or buses by 2001. At Grand Canyon National Park, a \$14 million light rail line would carry up to 4,000 riders an hour from a remote parking lot to a new visitor center at the park's South Rim. The center will be paid for with funds from park entry fees, which are not expected to increase.

Once in the park, visitors can travel to destinations using a fleet of clean-burning buses that will run on electricity or natural gas. Overnight guests could continue to use cars to drive to hotels or campsites within the park.

Similar systems using buses will be established at Zion and at Yosemite, which two weeks ago announced a plan designed to cut traffic levels by 50 percent.

The announcement comes a year after President Clinton ordered the agencies to develop alternative transportation strategies to curb overcrowding in the most popular national parks. The administration also has banned some flights at the Grand Canyon.

Park officials applauded details of the new transit plans. Robert Arnberger, superintendent of Grand Canyon National Park, said the park's resources were being "hammered" by a daily onslaught of 6,100 vehicles. Competition among motorists for the park's 2,000 parking spaces have prompted fights, at least one attempted murder charge and "God knows how many divorces."

Environmental groups also praised the decision and urged the administration to push for more aggressive restrictions in air traffic around national parks.

"We want to see the sun reflecting off waterfalls and canyons—not the bumper of the car in front of us," said Bill Meadows, president of The Wilderness Society. "Even in Disney World, cars don't go right to the heart of the park."

AMERICAN PUBLIC  
TRANSIT ASSOCIATION,  
Washington, DC, April 1, 1998.

Hon. PAUL S. SARBANES,  
Ranking Minority Member, Committee on Banking,  
Housing, and Urban Affairs, U.S. Senate,  
Washington, DC.

DEAR SENATOR SARBANES: Thank you for forwarding us a draft copy of the "Transit in Parks (TRIP) Act" which would amend federal transit law at chapter 53, title 49 U.S.C.

The Act would authorize federal assistance to certain federal agencies and state and local entities to finance mass transit projects generally for the purpose of addressing transportation congestion and mobility issues at national parks. Among other things, the bill would implement the recent Memorandum of Understanding between the Department of Transportation and Interior regarding joint efforts of those federal agencies to encourage the use of public transportation at national parks.

In December 1997, I was pleased to write to the Secretaries of Transportation and Interior in support of their MOU, and I am just as pleased to support your efforts to improve mobility in our national parks. Public transportation clearly has much to offer citizens who visit these national treasures, where congestion and pollution are significant—and growing—problems. Moreover, this legislation should broaden the base of support for public transportation, a key principle APTA has been advocating for many years. In that regard, we will be reviewing your bill with APTA's legislative leadership.

I applaud you for introducing the legislation, and look forward to continuing to work with you and your staff.

Sincerely,

WILLIAM W. MILLAR,  
President.

NATIONAL PARKS  
AND CONSERVATION ASSOCIATION,  
April 20, 1998.

Hon. PAUL SARBANES,  
U.S. Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National Parks and Conservation Association and its nearly half a million members, I want to thank you for your foresight and leadership in proposing a bill that would enhance transit options for access to America's national parks.

As you know, from 1975 to 1996, the national parks have experienced a surge in visitation, from 190.4 million to 265.8 million visitors per year. With this increased public interest in these special places has come substantial additional burdens on the resources that have drawn such public acclaim. As more people crowd into our national parks (typically by auto) fragile habitat, endangered plants and animals, unique historical treasures, and nationally recognized symbols of our cultural heritage will become damaged from air and water pollution, noise intrusion, and inappropriate use.

Your bill's establishment of a new program within the Federal Transit Administration, dedicated to enhancing transit options in and adjacent to the national parks, can have a powerful, positive effect on the future integrity of the parks and their resources by reducing the need for access by automobile. Development of transportation centers and auto parking lots outside the parks, and the use of buses, vans, and rail systems would provide much more efficient means of han-

dling the crush of visitation. As a complement to the Federal Lands Highway Program which provides funds principally for park road projects through the Federal Highway Administration, your legislation would properly recognize the critical role that mass transit can play in protecting the parks and enhancing the visitor experience.

In accomplishing its goal, your bill would further the Memorandum of Agreement signed by the U.S. Department of the Interior and the U.S. Department of Transportation last December. This memorandum would boost the role of alternative transportation solutions for national parks, particularly those most heavily impacted by visitation, including Yellowstone, Yosemite, the Grand Canyon, and Zion. Your bill would also provide an excellent opportunity for the National Park Service to enter into public/private partnerships between the federal government and states, localities, and the private sector to provide a fuller range of transportation options than exists today. These partnerships could leverage funds that the National Park Service currently has great difficulty accessing.

NPCA looks upon your bill as a creative new mechanism to fulfill the principal federal mandate governing the national parks, which is "to conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." We look forward to working with you to move this legislation to enactment.

Sincerely,

THOMAS C. KIERNAN,  
President.

SURFACE TRANSPORTATION  
POLICY PROJECT,  
April 21, 1998.

Hon. PAUL SARBANES,  
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the Surface Transportation Policy Project, a coalition of over 30 national and 200 local and regional groups that work to make transportation policy contribute to healthy communities and a healthy environment, I would like to commend you for the legislation you are introducing to provide a direct funding source for alternative transportation projects in our national parks. Your leadership in bringing attention to this emerging issue will be a major building block in what we hope will be a broad effort to lessen the environmental impacts of visitation on these most important natural areas.

We believe that public transportation can be the right choice for many parks, particularly those where visitors enter from only one or two major access corridors, and a majority of them visit a small number of popular destinations within the park. In these circumstances, allowing people to leave their cars behind will both enhance the park experience for all visitors, who will not have to negotiate heavy traffic in order to have a quality outdoor experience, and will benefit visitors who will not have to fight for parking spaces at popular attractions.

The STPP coalition appreciates your leadership on this issue. Please let me know if there is anything we can do to help you advance this important piece of legislation.

Sincerely,

ROY KIENITZ,  
Deputy Director.

NATURAL RESOURCES DEFENSE  
COUNCIL—ENVIRONMENTAL DEFENSE FUND,

April 22, 1998.

Senator PAUL SARBANES,  
U.S. Senate, Washington, DC.

Dear Senator: On behalf of the Natural Resources Defense Council and the Environmental Defense Fund, we are writing to express our support for your bill, the Transit in Parks Act, which will provide dedicated funding for transit projects in our national parks. Too many of our parks suffer from the consequences of poor transportation systems: traffic congestion, air and water pollution, and disturbance of the natural ecosystem. We believe that increased funding for transit will help mitigate some of these problems. A good working transit system in a number of our national parks will make the park experience not only more enjoyable for the many families that travel there, it will help improve environmental conditions. High ozone (smog) levels that impair peoples breathing and exacerbates asthma, and haze, which can obliterate the views at our parks, will both be abated by a decrease in the number of cars and congestion levels.

We appreciate your leadership on this issue and your dedication to the health of our national parks. We look forward to working with you to move your legislation forward.

Sincerely,

JOHN ADAMS,  
Executive Director, Natural Resources Defense Council.

FRED KRUPP,  
Executive Director, Environmental Defense Fund.

By Mr. FORD (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. HOLLINGS, and Mr. HARKIN):

S. 1968. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### THE AIR SERVICE RESTORATION ACT

Mr. FORD. Mr. President, today I am pleased to introduce the Air Service Restoration Act. Over the last several months, there has been a growing debate about the airline industry, competition, slots and service. This Act seeks to reshape this debate by focusing on problems that small communities have with a deregulated aviation system. Deregulation has provided many benefits to many communities. But, as the General Accounting Office has noted, there are many small communities which have been left behind.

Some of these communities, these "pockets of pain" as noted by the GAO, would like nothing better than for the Congress to re-regulate the industry. However, Mr. President, I do not believe that is the answer—and that is not what this bill seeks to do. Rather, our legislation proposes to facilitate public-private actions which focus on developing market opportunities for small communities. In this way, communities can develop air service that fits the needs and desires of the community; rather than Washington regulating service.

This bill is not about competition, but rather the lack of service. As the General Accounting Office noted, since deregulation, communities have seen a decline in the types of service and quality of service. That decline can be attributed to a variety of factors: airports nearby with better, or cheaper, service, the loss of a major employer in the community, or a lack of information about what it takes to create a market.

But, there are ways to reverse these trends. Let me give you an example. One town in Virginia had about 18,000 enplanements annually, but gradually declined to under 10,000. The airport set out very aggressively to find out what happened, and why. Ultimately, the enplanements went back up, and service is now increasing.

Unfortunately, Mr. President, not all our communities have the resources to aggressively pursue or create market needs. The Federal government must play a role in helping our small communities. It can not stand by as communities lose service, or get cut off from the national air transportation system. Travel, tourism and businesses are too dependent on the system, and each of our small communities must be a part of the system.

This legislation brings together the Federal government, local government, airports, air carriers and the business communities in partnership to develop ways to increase the use of our nation's small airports. Without these services, small communities can not attract new jobs. It is that simple. We have too much invested in our small towns to let them simply lose their access to the national air transportation system.

In Owensboro, Kentucky, our airport, in conjunction with community business leaders, is developing an air park: attracting businesses, and creating jobs. That type of activity should be encouraged.

There are a number of carriers that will not like some of the provisions in the bill—for example, the bill gives DOT the authority to require joint fares and interlining. These provisions may be necessary to make sure that a small community has the ability to connect with major hubs. Such authority would only be required in limited circumstances.

Mr. President, we need to begin to look at solutions to the problems faced by our small communities—and the need for these communities to have access to our national aviation transportation system. The economic survival of these communities in a global marketplace depends on the ability to connect to the marketplace. It is my hope and belief that this legislation re-focuses the debate on this issue—connecting America's small communities to the greatest, most efficient, and safest air transportation system in the world.

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. 1968

*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 "Air Service Restoration Act".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) a national transportation system providing safe, high quality service to all areas of the United States is essential to interstate commerce and the economic well-being of cities and towns throughout the United States;

(2) taxpayers throughout the United States have supported and helped to fund the United States aviation infrastructure and have a right to expect that aviation services will be provided in an equitable and fair manner to every region of the country;

(3) some communities have not benefited from airline deregulation and access to essential airports and air services has been limited;

(4) air service to a number of small communities has suffered since deregulation;

(5) studies by the Department of Transportation have documented that, since the airline industry was deregulated in 1978—

(A) 34 small communities have lost service and many small communities have had jet aircraft service replaced by turboprop aircraft service;

(B) out of a total of 320 small communities, the number of small communities being served by major air carriers declined from 213 in 1978 to 33 in 1995;

(C) the number of small communities receiving service to only one major hub airport increased from 79 in 1978 to 134 in 1995; and

(D) the number of small communities receiving multiple-carrier service decreased from 136 in 1978 to 122 in 1995; and

(6) improving air service to small and medium-sized communities that have not benefited from fare reductions and improved service since deregulation will likely entail a range of Federal, State, regional, local, and private sector initiatives.

#### SEC. 3. PURPOSE.

The purpose of this Act is to facilitate, through a pilot program, incentives and projects that will help communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

#### SEC. 4. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT OFFICE.

Section 102 of title 49, United States Code, is amended by adding at the end thereof the following:

"(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT OFFICE.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the Department of Transportation an Office of Aviation Development. The Office shall be headed by a Director, designated by the Secretary.

"(2) FUNCTIONS.—The Director shall—

"(A) function as a facilitator between small communities and air carriers;

"(B) carry out section 41743 of this title;

"(C) carry out the airline service restoration program under subchapter III of chapter 417 of this title;

"(D) ensure that the Bureau of Transportation Statistics collects data on passenger

information to assess the service needs of small communities;

"(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

"(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

"(3) REPORTS.—The Director shall provide an annual report to the Secretary and the Congress beginning in 1999 that—

"(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

"(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

"(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities."

#### SEC. 5. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of title 49, United States Code, is amended by adding at the end thereof the following:

##### "§41743. Air service program for small communities

"(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the Director of the Office of Aviation Development may require, and submit the assessment and service proposal to the Office.

"(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the Director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program.

"(c) CARRIERS PROGRAM.—The Director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

"(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

"(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

"(3) the costs and benefits of providing jet service by regional or other jet aircraft.

"(d) OFFICE SUPPORT FUNCTION.—The Director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The Director—

"(1) may work with communities to develop innovative means and incentives for the initiation of service;

"(2) may obligate funds available to carry out this subchapter to make up the difference between the carrier's forecast and

the community's ability to generate the necessary percentage of traffic;

"(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

"(A) are acceptable to communities and carriers; and

"(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

"(4) may designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

"(5) may take such other action under subchapter III of this chapter as may be appropriate.

"(e) LIMITATIONS.—

"(1) COMMUNITY SUPPORT.—The Director may not provide financial assistance under subsection (c)(2) to any community unless the Director determines that—

"(A) a public-private partnership exists at the community level to carry out the community's proposal;

"(B) the community will make a substantial financial contribution that is appropriate for that community's resources;

"(C) the community has established an open process for soliciting air service proposals; and

"(D) the community will accord similar benefits to air carriers that are similarly situated.

"(2) AMOUNT.—The Director may not provide financial assistance under subsection (d)(2) to any community in excess of the lesser of—

"(A) up to 75 percent of the financial contribution made by the community; or

"(B) \$500,000 per year.

"(f) REPORT.—The Director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to small communities."

"(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of such title is amended by inserting after the item relating to section 41742 the following:

"41743. Air service program for small communities".

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) of title 49, United States Code, is amended by inserting after paragraph (4) the following:

"Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997."

#### SEC. 6. AIRLINE SERVICE RESTORATION PILOT PROGRAM.

(a) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

##### "SUBCHAPTER III. AIRLINE SERVICE RESTORATION

"41761. Pilot program project authority

"41762. Assistance to communities for service

"41763. Additional authority

"41764. Air traffic control services pilot program

##### "§41761. Pilot program project authority

"(a) IN GENERAL.—The Director of the Office of Aviation Development shall establish a pilot program—

"(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

"(2) to facilitate better link-ups to support the improved access.

"(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the Director may—

"(1) provide financial assistance by way of grants to small communities under section 41743; and

"(2) take such other action as may be appropriate.

"(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the Director may facilitate service by—

"(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

"(2) requiring interline or joint-fare agreements between air carriers for domestic United States service if necessary to facilitate access to essential facilities for participants in the program subject to the right of a carrier being required to enter into such agreements to impose reasonable safety, service, and other obligations on the potential partner;

"(3) collecting data on air carrier service to small communities; and

"(4) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

##### "§41762. Assistance to communities for service

"(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41761(a) shall be implemented for not more than—

"(1) 4 communities within any State at any given time; and

"(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

"(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

"(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

"(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

"(3) the pilot project will not impede competition; and

"(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

"(c) COORDINATION WITH SUBCHAPTER II.—The Secretary shall carry out this subchapter in such a manner as to complement action taken under subchapter II of this chapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of this subchapter that are the same as, or similar to, the criteria developed under subchapter II for determining which airports are eligible under that subchapter. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

"(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41761(a) in a way designed to—

"(1) permit the participation of the maximum feasible number of communities and

States over a 5-year period by limiting the number of years of participation or otherwise; and

"(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

"(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 5-year period; and

"(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

"(i) viable without further support under this subchapter; or

"(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

"(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

"(f) PROGRAM TO TERMINATE IN 5 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 5 years after the date of enactment of the Air Service Restoration Act.

##### "§4163. Additional authority

"In carrying out this chapter, the Secretary—

"(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

"(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

"(3) may accord priority to service by jet aircraft;

"(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of the Air Service Restoration Act; and

"(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in program.

##### "§4164. Air traffic control services pilot program

"(a) IN GENERAL.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

"(b) PROGRAM COMPONENTS.—In carrying out the pilot program established under subsection (a), the Administrator may—

"(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

"(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

"(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program; and

"(4) approve for participation any facility willing to fund a pro rata share of construction used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1



benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program.

"(c) REPORT.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

**"SUBCHAPTER III. AIRLINE SERVICE RESTORATION**

"41761. Pilot programs

"41762. Financial assistance to States

"41763. Additional authority

"41764. Air traffic control services pilot program"

**SEC. 7. FUNDING AUTHORITY.**

(a) IN GENERAL.—The Secretary of Transportation may obligate not more than \$20,000,000 for each of fiscal years 1999 through 2002 to carry out subchapter III of chapter 417 of title 49, United States Code, out of funds otherwise available for aviation programs other than funds appropriated, obligated, or made available to carry out subchapter II of such chapter.

(b) SUCCESS BONUS.—If the Secretary determines that the program carried out under such subchapter III is successful in providing enhanced air carrier service to small communities, then the Secretary may obligate an additional amount, not in excess of \$5,000,000, for each of fiscal years 2001 and 2002 to carry out that subchapter out of such funds.

**SEC. 8. JOINT FARES AND INTERLINE AGREEMENTS.**

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

**"§4176. Joint fares and interline agreements for domestic transportation**

"(a) IN GENERAL.—In order to more effectively facilitate service to small communities, the Secretary of Transportation may, if necessary, require an air carrier that serves an essential airport facility in the United States and an air carrier that offers service in an under-served market within the United States to enter into an agreement with a qualifying air carrier that files a request with the Secretary, in such form and manner and at such time as the Secretary may require.

"(b) SECRETARY MAY COMPEL JOINT FARE STRUCTURE.—If the Secretary determines that it is necessary in order to facilitate service to small communities, the Secretary may require any air carrier to enter into a joint-fare or interline agreement with any qualifying air carrier that serves an under-served market to facilitate air transportation.

"(c) APPLICATION LIMITED TO SERVICE TO COMMUNITIES RECEIVING DOT ASSISTANCE.—The Secretary may not require an air carrier to enter into an agreement under subsection (a) or (b) except to the extent determined by the Secretary to be necessary to the provision of air service to a community receiving financial assistance under section 41761. Nothing in this section provides authority for the Secretary to establish air fares for service to which this section applies.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING AIR CARRIER.—The term 'qualifying air carrier' means an air carrier that operates pursuant to a certificate of

public convenience and necessity under chapter 411 of this title.

"(2) UNDER-SERVED MARKET.—The term 'under-served market' means a commercial service airport that is a nonhub airport (as defined in section 41731(4) of this title), a small hub airport (as defined in section 41731(5) of this title), or an airport that is smaller than a nonhub or small hub airport.

"(3) ESSENTIAL AIRPORT FACILITY.—The term 'essential airport facility' means a hub airport (as defined in section 41731(a)(3) of this title)."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41715 the following:

"41716. Joint fares and interline agreements for domestic transportation"

**SEC. 9. REVITALIZATION OF AIR SERVICE TO RURAL AREAS.**

Section 40101(a) of title 49, United States Code, is amended by adding at the end thereof the following:

"(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.

"(17) ensuring that any slots given to air carriers to provide small community air service are withdrawn if the carrier fails to provide the service."

**SEC. 10. MARKETING PRACTICES.**

Section 41712 of title 49, United States Code, is amended by—

"(1) inserting "(a) IN GENERAL.—" before "On"; and

(2) adding at the end thereof the following:

"(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Service Restoration Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

"(1) marketing arrangements between airlines and travel agents;

"(2) code-sharing partnerships;

"(3) computer reservation system displays;

"(4) gate arrangements at airports; and

"(5) any other marketing practice that may have the same effect.

"(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for a hearing, the Secretary shall promulgate regulations that address the problem."

Mr. ROCKEFELLER. Mr. President, I rise today to join a number of my colleagues, and most especially Senators HOLLINGS, FORD, and DORGAN, in introducing the "Air Service Restoration Act of 1997." This legislation is the result of many months of effort, first, to understand what has happened to air service in small and rural communities in the last twenty years and, then, to develop a comprehensive strategy for restoring and promoting air service to these areas—many of which have suffered such a dramatic decline in service and increase in fares that the U.S. Department of Transportation refers to them as "pockets of pain."

By most accounts the 1978 deregulation of the airline industry has been a huge success—with lower fares, better

service, and more competition enjoyed by most of the nation, as well as an airline industry that has reached unprecedented levels of financial success and stability. But for all its successes, airline deregulation has one, potentially fatal, flaw—the creation of an ever-widening gap between the air transportation "haves" and "have-nots", with small and rural communities across the nation left to choose between high-cost, poor-quality service or no service at all. Clearly we have not and are not meeting our responsibility to foster and maintain a truly national air transportation system.

West Virginia's communities are unquestionably among the hardest hit in the nation when it comes to air service declines. Prior to deregulation, West Virginia was served by at least five major commercial air carriers. We enjoyed a comprehensive route structure and comfortable levels of jet service at competitive prices. In the twenty years since, every major carrier, with the notable exception of U.S. Airways, abandoned its direct service to West Virginia. Jet service all but disappeared. Three airports—Elkins, Martinsburg, and Wheeling—lost commercial passenger service altogether.

At the same time, West Virginia passengers experienced fare increases of 20-30 percent, in real terms, with service from regional or commuter airlines using smaller, turboprop planes. Some of these are solid airlines and offer good service, and we are thankful that they have stayed with us. But for many years their West Virginia product has been far inferior to that provided other communities—their planes are small, their schedules thin and their prices high. Not surprisingly, West Virginia businesses and passengers have responded by flying less or going elsewhere. At a time when the rest of the nation has experienced a 75 percent increase in air traffic, passenger enplanements in our state have declined at every airport, with a statewide decrease of nearly 40 percent.

My top priority over the past twenty years—the same twenty years as airline deregulation—has been to bring good jobs and opportunity to West Virginia. Whether it's a specific project or a broad policy issue, from trade to connecting schools to the information highway, most of my work is about creating economic growth in my home state. In the last several years I have begun to see and hear more and more that the lack of convenient and affordable air service is holding us back, stunting economic growth in West Virginia just as it is in small and rural communities across the country. And unless we act now to restore and promote air service to under-served areas, we will never be able to close the economic development gaps in any meaningful and sustained way.

Part of the change that I believe needs to take place can and must occur at the state and local level, where business and community leaders know

what their needs are and can develop a real stake in the future of their airports by educating consumers, attracting air service, and filling airplanes. But aviation is a national issue, with global implications. No small or rural community should be expected to overcome the cumulative effect of twenty years of deregulation on its own. They need help, they've asked for help, and they deserve help.

The legislation that we introduce today is part of what I hope will be a new era in our national aviation policy—an era that builds on the successes of deregulation and takes responsibility for its failures. The centerpiece of the bill is a five-year \$100 million pilot program for up to 40 communities, with grants of up to \$500,000 to each community for local initiatives to attract and promote service. Communities would provide local matching funds of up to 25 percent, and could do so directly or indirectly, through mechanisms such as seat guarantees. The Department of Transportation would have the authority to facilitate links between pilot communities and major airports by requiring joint fares and interline agreements between dominant airlines and new service providers.

To administer the grant program and provide a resource for small communities both in and out of the pilot program, the bill creates a new Office of Small Community Air Service Development at the Department of Transportation dedicated to promoting and restoring air service to small communities. Among other tasks, this office would be responsible for ensuring that accurate and meaningful passenger traffic data is available regarding service to small communities, as it is today for larger communities.

To clarify the priority for small communities in receiving and retaining service to slot-controlled airports, the bill directs the Department to ensure that any slots given to air carriers for small community air service will be withdrawn if the carrier fails to provide the service.

To address a major infrastructure concern of small and rural airports, the bill establishes a pilot program allowing communities that face the loss of an air traffic control tower to instead share the cost of funding the tower, on a contract basis, in proportion to the cost-benefit ratio of the tower.

Finally, the bill calls on the Department to review the airline industry's current marketing practices—practices which many believe are exacerbating the decline in air service to small communities—and, if necessary, promulgate regulations to curb abuses that inhibit market entry.

The legislation we introduce today will begin to afford small and rural community air service the priority they deserve in our national transportation policy. It is my hope and intent to pursue this legislation in the context of the 1998 reauthorization of the Federal Aviation Administration and

Airport Improvement Program, and I look forward to working together with others of my colleagues, several of whom have shown a real commitment to achieving needed solutions in this area.

In the global marketplace of today air service has become perhaps the single most important mode of mass transportation. When it comes to economic growth, there is no substitute for good air service. If we are to ensure that all communities throughout the nation are prepared to compete in the next century, we have no choice but to improve their transportation options.

By Mr. KENNEDY:

S. 1969. A bill to provide health benefits for workers and their families; to the Committee on Labor and Human Resources.

#### THE HEALTH CARE FOR WORKING FAMILIES ACT

Mr. KENNEDY. Mr. President, I rise to introduce the Health Care for Working Families Act.

Today we resume the battle for health insurance for all Americans.

We face a continuing crisis in health care for millions of workers and their families. Forty-one million Americans are uninsured. The number grew by more than one million last year, and if we do nothing, it will continue to grow at the same alarming rate.

The vast majority—85%—of these uninsured Americans—are workers or members of their families. These citizens work hard—40 hours a week, 52 weeks of the year in most cases—but all their hard work cannot buy them the health insurance they need to protect their families, because they can't afford it and their employers won't provide it.

Every uninsured American is an American tragedy waiting to happen. Infants lose their chance to grow up strong and healthy because they do not get critical prenatal care. A young family loses its livelihood because a breadwinner cannot afford essential medical services. Middle-aged parents see the savings set aside to send their children to college or pay for their retirement swept away by a tidal wave of medical debt.

These conditions should be unacceptable in America today. The time has come to take a simple but important step toward the day when every job carries with it a guarantee of affordable family health care.

Every business is expected to pay a minimum wage, and to obey the child labor laws. Every business is expected to provide safe and healthy working conditions, and to protect against injury on the job through worker's compensation. Every business is expected to contribute to retirement through Social Security, and to the health needs of the elderly through Medicare. It is long past time for businesses also to contribute to the cost of basic health insurance coverage for their workers.

Some small firms have special problems that may call for special solu-

tions. But there can be no excuse for large firms to shirk their responsibility to provide affordable health insurance for their workers.

Under the bill we are introducing today, businesses with 50 or more workers will be required to provide health insurance coverage. Approximately half of all uninsured employees and their families—15 million people—will gain the coverage they need and deserve. This legislation is a giant step toward the day when every American will be guaranteed the fundamental right to health care.

Many—even most—businesses already provide insurance. The vast majority of large business, in particular, fulfill this obligation. But too many others do not. In more and more cases, unfair competition from firms that refuse to provide insurance for their workers is compelling other firms to reduce health benefits or drop coverage altogether.

Health insurance for working Americans does not have to mean complicated regulations or excessive government intervention. The legislation we are introducing today is simple—less than ten pages. It will not cost taxpayers a dime. It includes no specific mandated benefits or burdensome red tape. It simply says that every business with 50 workers or more must offer its employees coverage equal in value to the Blue Cross/Blue Shield Standard Option Plan that is available to every Senator and Representative and must pay at least 72% of the cost—the same proportion that taxpayers contribute for every member of Congress.

The American people deserve health care for their families that is every bit as good as the health care they provide to every member of Congress. The incremental reform enacted in recent years has helped many families, but it is far from sufficient. The time has come for Congress to take a larger step.

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. 1969

*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 "Health Care for Working Families Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) every industrialized country in the world except the United States guarantees the fundamental right to health care to all its citizens;

(2) 41,000,000 Americans are without health insurance coverage;

(3) the number of uninsured Americans is growing every year;

(4) the vast majority of uninsured Americans are workers or dependents of workers;

(5) for more than half a century, Congress has enacted laws to ensure that work is appropriately rewarded, including laws establishing a minimum wage and a 40 hour work week, laws ensuring safe and healthy working conditions, and laws requiring employers to contribute to the cost of retirement security through Social Security and Medicare; and

(6) as the United States approaches the 21st century, it is time to enact requirements guaranteeing that jobs carry with them affordable, adequate health insurance benefits.

### SEC. 3. HEALTH BENEFITS FOR EMPLOYEES AND THEIR FAMILIES.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new title:

#### "TITLE II—HEALTH BENEFITS FOR EMPLOYEES AND THEIR FAMILIES

##### "SEC. 201. HEALTH BENEFITS.

"(a) OFFER TO ENROLL.—

"(1) IN GENERAL.—Each large employer, in accordance with this title, shall offer to each of its employees the opportunity to enroll in a qualifying health benefit plan that provides coverage for the employee and the family of the employee.

"(2) QUALIFYING HEALTH BENEFIT PLAN.—For purposes of this title, the term 'qualifying health benefit plan' means a plan that provides benefits for health care items and services that are actuarially equivalent or greater in value than the benefits offered as of January 1, 1998 under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, and that meets the requirements of title XXVII of the Public Health Service Act applicable to the plan.

"(b) CONTRIBUTION AND WITHHOLDING.—

"(1) IN GENERAL.—Each large employer, in accordance with this title, shall—

"(A) contribute to the cost of any qualifying health benefit plan offered to its employees under subsection (a); and

"(B) withhold from the wages of an employee, the employee share of the premium assessed for coverage under the qualifying health benefit plan.

"(2) REQUIRED CONTRIBUTION.—Except as provided in paragraphs (3) and (4), the portion of the total premium to be paid by a large employer under paragraph (1)(A) shall not be less than the portion of the total premium that the Federal Government contributes under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code.

"(3) PART-TIME EMPLOYEES.—With respect to an employee who works less than 30 hours per week, the employer contribution required under paragraph (2) shall be equal to the product of—

"(A) the contribution required under paragraph (2); and

"(B) the ratio of number of hours worker by the employee in a typical week to 30 hours.

"(4) LIMITATION.—No employer contribution shall be required under this subsection with respect to an employer who works less than 10 hours per week.

"(c) EMPLOYEE OBLIGATION UNDER CERTAIN PROGRAMS.—

"(1) IN GENERAL.—With respect to an employee covered under a Federal health insurance program (as defined in paragraph (3)), such employee shall accept an offer of health insurance coverage under subsection (a) and agree to the appropriate payroll

withholdings under subsection (b)(1)(B) for such coverage or provide for the payment of the employee share of premiums under paragraph (2), except that this subsection shall not apply—

"(A) with respect to an employee who is otherwise covered under an employment-based qualified health benefit plan; or

"(B) with respect to the coverage of a family member of an employee if the employee does not elect coverage for such family member and the family member is otherwise covered under an employment-based qualified health benefit plan.

"(2) PAYMENT OF PREMIUMS.—At the request of an employee to which paragraph (1) applies, the relevant Federal administrator of the Federal health insurance program involved shall provide for the payment of the employee share of the premium assessed for coverage under the qualifying health benefit plan involved. For purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the requirement of this paragraph shall be deemed to be a requirement under the appropriate State plan under such title XIX.

"(3) FEDERAL HEALTH INSURANCE PROGRAM.—As used in this subsection, the term 'Federal health insurance program' means—

"(A) the medicare or medicaid program under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 or 1396 et seq.);

"(B) the Federal employee health benefit program under chapter 89 of title V, United States Code; or

"(C) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1073(4) of title 10, United States Code.

"(d) LARGE EMPLOYERS.—

"(1) IN GENERAL.—The provisions of this title shall only apply to large employers.

"(2) DEFINITION.—

"(A) IN GENERAL.—As used in paragraph (1), the term 'large employer' means, with respect to a calendar year and plan year, an employer that employed an average of at least 50 full-time employees on business days during the preceding calendar year and who employs not less than 50 employees on the first day of the plan year.

"(B) EXCEPTION.—The provisions of this title shall apply with respect to an employer that is not a large employer under subparagraph (A) if the majority of the services performed by such employer consist of services performed on behalf of a single large employer.

"(3) CONTRACT WORKERS.—For purposes of this title, a contract worker of an employer shall be considered to be an employee of the employer.

##### "SEC. 202. REQUIREMENTS RELATING TO TIMING OF COVERAGE AND WITHHOLDING.

"(a) DATE OF INITIAL COVERAGE.—In the case of an employee enrolled under a qualifying health benefit plan provided by a large employer, the coverage under the plan must begin not later than 30 days after the day on which the employee first performs an hour of service as an employee of that employer.

"(b) WITHHOLDING PERMITTED.—No provision of State law shall prevent an employer of an employee enrolled under a qualifying health benefit plan established under this title from withholding the amount of any premium due by the employee from the payroll of the employee.

##### "SEC. 203. ENFORCEMENT.

"(a) CIVIL MONEY PENALTY AGAINST PRIVATE EMPLOYERS.—The provisions of section 502—

"(1) relating to the commencement of civil actions by the Secretary under subsection (a) of such section;

"(2) relating to civil money penalties under subsection (c)(2) of such section; and

"(3) relating to the procedures for assessing, collecting and the judicial review of such civil money penalties;

shall apply with respect to any large employer that does not comply with this title.

"(b) INJUNCTIVE RELIEF.—The provisions of section 17 shall apply with respect to violations of this title.

##### "SEC. 204. PREEMPTION.

"Nothing in this title shall be construed to prevent a State from establishing, implementing, or continuing in effect standards and requirements relating to employer provided health insurance coverage unless such standards and requirements prevent the application of a requirements of this title.

##### "SEC. 205. DEFINITION AND EFFECTIVE DATE.

"(a) DEFINITION.—In this title the terms 'family' and 'family member' mean, with respect to an employee, the spouse and children (including adopted children) of the employee.

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this title shall apply with respect to employers on January 1, 1999.

"(2) COLLECTIVE BARGAINING AGREEMENTS.—This title shall apply with respect to employees covered under a collective bargaining agreement on the first day of the first plan year beginning after the date of enactment of this Act, or January 1, 1999, whichever occurs later."

(b) CONFORMING AMENDMENTS.—

(1) The Fair Labor Standards Act of 1938 is amended by striking out the first section and inserting in lieu thereof the following:

##### "SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Fair Labor Standards Act of 1938'.

##### "TITLE I—WAGES AND HOURS".

(2) The Fair Labor Standards Act of 1938 is amended by striking out "this Act" each place it occurs and inserting in lieu thereof "this title".

(3) Section 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 217) is amended by inserting "or violations of title II" before the period.

##### SEC. 4. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

##### "SEC. 247. REQUIREMENT FOR HEALTH INSURANCE COVERAGE.

"A health insurance issuer (as defined in section 2791(a)) that offers health insurance coverage (as defined in section 2791(a)) to an employer on behalf of the employees of such employer shall ensure that such coverage complies with the requirements of title II of the Fair Labor Standards Act of 1938."

By Mr. ABRAHAM for himself and Mr. DASCHLE:

S. 1970. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Environment and Public Works.

THE NEOTROPICAL MIGRATORY BIRD  
CONSERVATION ACT OF 1998

Mr. ABRAHAM. Mr. President, I rise today to introduce the "Neotropical Migratory Bird Conservation Act of 1998." This legislation, which I am introducing today with my distinguished colleague, Senator DASCHLE, is designed to protect over 90 endangered species of bird spending certain seasons in the United States and other seasons

in other nations of the Western Hemisphere. I think it is fitting that we introduce this legislation on Earth Day, that day we have dedicated to increasing awareness of environmental issues.

Every year, approximately 25 million Americans travel to observe birds, and 60 million American adults watch and feed birds at home. Birdwatching is a source of great pleasure to many Americans, as well as a source of important revenue to states, like my own state of Michigan, which attract tourists to their scenes of natural beauty. Birdwatching and feeding generates fully \$20 billion every year in revenue across America.

Birdwatching is a popular activity in Michigan, and its increased popularity is reflected by an increase in tourist dollars being spent in small, rural communities. Healthy bird populations also prevent hundreds of millions of dollars in economic losses each year to farming and timber interests. They help control insect populations, thereby preventing crop failures and infestations.

Despite the enormous benefits we derive from our bird populations, many of them are struggling to survive. Ninety species are listed as endangered or threatened in the United States. Another 124 species are of high conservation concern. The primary reason for these declines is the degradation and loss of bird habitat.

What makes this all the more troubling is that efforts in the United States to protect these birds' habitats can only be of limited utility. Among bird watches' favorites, many neotropical birds are endangered or of high conservation concern. And several of the most popular neotropical species, including bluebirds, robins, goldfinches, and orioles, migrate to and from the Caribbean and Latin America.

Because neotropical migratory birds range across a number of international borders every year, we must work to establish safeguards at both ends of their migration routes, as well as at critical stopover areas along their way. Only in this way can conservation efforts prove successful.

Mr. President, that is why Senator DASHLE and I have introduced the "Neotropical Migratory Bird Conservation Act." This legislation will protect bird habitats across international boundaries by establishing partnerships between the business community, nongovernmental organizations and foreign nations. By teaming businesses with international organizations concerned to protect the environment we can combine capital with know-how. By partnering these entities with local organizations in countries where bird habitat is endangered we can see to it that local people receive the training they need to preserve this habitat and maintain this critical natural resource.

This act establishes a three year demonstration project providing \$4 million each year to help establish programs in Latin America and the Carib-

bean. These programs will manage and conserve neotropical migratory bird populations. Those eligible to participate will include national and international nongovernmental organizations and business interests, as well as U.S. government entities.

The key to this act is cooperation among nongovernmental organizations. The federal share of each project's cost is never to exceed 33 percent, and half the nonfederal contribution must be in cash, not in-kind contributions.

The approach taken by this legislation differs from that of current programs in that it is proactive and, by avoiding a crisis management approach, will prove significantly more cost effective. In addition, this legislation does not call for complicated and expensive bureaucratic structures such as councils, commissions or multi-tiered oversight structures. Further, this legislation will bring needed attention and expertise to areas now receiving relatively little attention in the area of environmental degradation.

This legislation has the support of the National Audubon Society, the American Bird Conservancy and the Ornithological Council. These organizations agree with Senator DASCHLE and I that, by establishing partnerships between business, government and nongovernmental organizations both here and abroad we can greatly enhance the protection of migratory bird habitat.

I urge my colleagues to support this bill.

Mr. DASCHLE. Mr. President, it is my pleasure today to join Senator Spencer ABRAHAM to introduce the Neotropical Migratory Bird Conservation Act.

First, let me commend my colleague, Senator ABRAHAM, for all of his work to develop this legislation. This bill addresses some of the critical threats to wildlife habitat and species diversity and demonstrates his commitment, which I strongly share, to solving the many challenges we face in this regard.

The Neotropical Migratory Bird Conservation Act will help to ensure that some of our most valuable and beautiful species of birds—those that most of us take for granted, including bluebirds, goldfinches, robins and orioles—may overcome the challenges posed by habitat destruction and thrive for generations to come. It is not widely recognized that many North American bird species once considered common are in decline. In fact, a total of 90 species of migratory birds are listed as endangered or threatened in the United States, and another 124 species are considered to be of high conservation concern.

The main cause of this decline is the loss of critical habitat throughout our hemisphere. Because these birds range across international borders, it is essential that we work with nations in Latin America and the Caribbean to establish protected stopover areas during their migrations. This bill achieves that goal by fostering partnerships be-

tween businesses, nongovernmental organizations and other nations to bring together the capital and expertise needed to preserve habitat throughout our hemisphere.

As we celebrate Earth Day, I urge my colleagues to support this legislation. It has been endorsed by the National Audubon Society, the American Bird Conservancy and the Ornithological Council. I believe that it will substantially improve upon our ability to maintain critical habitat in our hemisphere and help to halt the decline of these important species.

#### ADDITIONAL COSPONSORS

S. 82

At the request of Mr. KOHL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 82, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 320

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 320, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 332

At the request of Mr. HARKIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 332, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 617

At the request of Mr. JOHNSON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 778

At the request of Mr. LUGAR, the name of the Senator from Nebraska

(Mr. HAGEL) was added as a cosponsor of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan African.

S. 1326

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1326, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1334

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. KEMPTHORNE) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program.

S. 1799

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1799, a bill to amend section 121 of the Internal Revenue Code of 1986 to provide that a member of the Armed Forces of the United States shall be treated as using a principal residence while away from home on extended active duty.

S. 1864

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1864, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1875

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1875, a bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and

adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for other purposes.

S. 1919

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1919, a bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources from stripper wells on federal lands, and for other purposes.

S. 1920

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1920, a bill to improve the administration of oil and gas leases on Federal lands, and for other purposes.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Colorado (Mr. ALLARD), the Senator from Louisiana (Mr. BREAUX), the Senator from Colorado (Mr. CAMPBELL), the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAIG), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Washington (Mr. GORTON), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from Mississippi (Mr. LOTT), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. THOMAS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Oregon (Mr. WYDEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Resolution 175, a bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate re-

garding Israeli membership in a United Nations regional group.

At the request of Mr. LUGAR, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of Senate Resolution 188, supra.

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), and the Senator from South Dakota (Mr. JOHN-SON) were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

SENATE RESOLUTION 192

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Indiana (Mr. LUGAR), the Senator from Nevada (Mr. REID), the Senator from Delaware (Mr. ROTH), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 192, a resolution expressing the sense of the Senate that institutions of higher education should carry out activities to change the culture of alcohol consumption on college campuses.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Ohio (Mr. GLENN), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Mr. LEVIN), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

SENATE RESOLUTION 194

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. COLLINS), the Senator from Missouri (Mr. ASHCROFT), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 194, a resolution designating the week of April 20 through April 26, 1998, as "National Kick Drugs Out of America Week."

SENATE RESOLUTION 197

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of Senate Resolution 197, a resolution designating May 6, 1998, as "National Eating Disorders Awareness Day" to heighten awareness and stress prevention of eating disorders.

SENATE RESOLUTION 212—RELATIVE TO THE UPCOMING UNITED STATES-CHINA SUMMIT

Mr. HUTCHINSON (for himself, Mr. ASHCROFT, Mr. INHOFE, Mr. BROWNBACK, and Mr. FEINGOLD) submitted the following resolution; which was referred

to the Committee on Foreign Relations:

S. RES. 212

Whereas Chinese dissident Wang Dan, a leader of the 1989 pro-democracy demonstrations that were crushed at Tiananmen Square in 1989 was released on April 18, 1998, from a Chinese jail;

Whereas Wei Jingsheng and Wang Dan were released from prison ostensibly for medical reasons, it is clear that their release into exile was intended as a political gesture to diminish public U.S. criticism of China's human rights practices;

Whereas China's "most famous dissident" Wei Jingsheng was released on November 16, 1997, from a Chinese jail;

Whereas, in addition to Wei Jingsheng and Wang Dan, thousands of other political, religious, and labor dissidents are imprisoned in China and Tibet for peacefully expressing their beliefs and exercising their internationally recognized rights of free association and expression, including—

(1) Gao Yu, a journalist sentenced to 6 years in prison in November 1994 and honored by UNESCO in May 1997, who has a heart condition;

(2) Chen Longde, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1996, who has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt;

(3) Li Hai, sentenced to nine years in prison on December 18, 1996, for collecting information on those imprisoned after the 1989 crackdown; he was convicted of "prying into and gathering . . . information about persons sentenced for criminal activity during the June 4, 1989, period;"

(4) Yang Qinheng, apprehended February 26, 1998, and assigned to 3 years' "reeducation through labor" in March for "disturbing social order", who had called for independent trade unions;

(5) Shen Liangqing, former public prosecutor and petitioner, who was apprehended on February 25, 1998, and assigned to 2 years' labor on April 4, 1998, for "unauthorized contact with foreign journalists";

(6) Tu Guangwen, an organizer of a street protest, who was sentenced by the Jiangxia district court on February 19, 1998, to 3 years' imprisonment after being convicted of "gathering a crowd to disrupt orderly traffic" during a demonstration by laid-off workers; and

(7) Ngawang Choephel, a Tibet Fullbright scholar sentenced to 18 years in prison by Chinese Authorities in December 1996 on charges of "espionage;"

Whereas the Government of the People's Republic of China, as detailed in successive annual reports on human rights by the United States Department of State, routinely, systematically, and massively violates the human rights of its citizens, including freedom of speech, assembly, worship, and peaceful political dissent;

Whereas the Government of the People's Republic of China restricts the ability of religious adherents, including Christians, Buddhists, Muslims, and others, to practice outside of state-approved religious organizations, and detains worshipers and clergy who participate in religious services conducted outside state-approved religious organizations, as well as those who refuse to register with the authorities, as required;

Whereas the Government of the People's Republic of China routinely, systematically, and massively continues to commit widespread human rights abuses in Tibet, including instances of death in detention, torture, arbitrary arrest, detention without public

trial, long detention of Tibetan nationalists for peacefully expressing their religious and political views, and intensified controls on religion and on freedom of speech and the press, particularly for ethnic Tibetans; and

Whereas the Government of the People's Republic of China engages in reprehensible, brutal, and coercive family planning practices, including forced abortions and forced sterilization, resulting in widespread infanticide, particularly of female infants: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) in the upcoming, proposed summit between President Clinton and President Jiang Zemin of China, President Clinton should demand the immediate and unconditional release, consistent with established international principles of human rights, of all persons remaining imprisoned in China and Tibet for political or religious reasons; and

(2) the President should submit a report to Congress as soon as possible after the proposed summit in China concerning his progress in securing the release of persons remaining imprisoned in China and Tibet, as described in paragraph (1); and

(3) the release of one prisoner into exile does not change the fundamental flaws within the Chinese judicial and penal system;

(4) the U.S. policy of granting concessions to the Chinese government in exchange for the release of high profile prisoners is an offense to the thousands of dissidents remaining in prison; and

(5) the President should not offer to lift the sanctions imposed on China after the 1989 crackdown in Tiananmen Square.

Mr. HUTCHINSON. Mr. President, yesterday's papers were replete with stories praising the People's Republic of China for releasing Wang Dan, a leader of the 1989 pro-democracy demonstration at Tiananmen Square which was crushed by China's military. This release follows, by less than six months, the release of Wei Jingsheng—arguably China's best known human rights dissident. While these are certainly positive developments, it is important to note that both of these releases are tainted by the fact that neither dissident was allowed to stay in their own country, but were instead exiled to the United States for "medical treatment." These exiles conveniently allow China to gain favor with the United States while simultaneously allowing them to silence two of their loudest critics by banishing them to the United States.

Mr. President, the truth is that China appears to be using its dissidents as pawns in an international game of chess with the United States to gain military, technological and other favors from the Clinton Administration. In fact, the release of these two prisoners appears to be payment for the United States decision not to support a resolution condemning China's human rights record at the recently completed U.N. Conference on Human Rights and for the United States certification of China to join a pact on ballistic missile technology. It is amazing that this great country, which has long stood beside political prisoners around the world, is willing to be a player in China game of siphoning out political prisoners in return for international favors.

Let us not forget that the People's Republic of China continues to have one of the worst human rights records in the world. A record that includes torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religions in Tibet and Xinjiang, absolute intolerance of free political speech or free press, and most recently, the harvesting and selling of human organs.

Likewise, let us not forget that China continues to threaten its neighbors, most notably Taiwan and let us not forget that China continues to violate international agreements on non-proliferation, having recently been caught negotiating to sell chemicals to Iran which could be used to produce weapons-grade uranium.

Mr. President, we must end this deadly and humiliating game with China, and demand the immediate release of the hundreds, if not thousands, of political, religious, and labor dissidents currently imprisoned in China for having peacefully expressed their beliefs and for having exercised their basic human rights. This list includes the likes of Gao Yu, a journalist sentenced to six years in 1994; Chen Longde, a leading human rights advocate serving a three year "re-education" sentence which began in 1995; Li Qingxi, a unionist arrested in 1998, and many, many others. While I hope that the recent release of two of China's most notable dissidents was just the beginning, and that the remaining political prisoners held in the People's Republic of China will soon be released, I see little evidence that this is the case.

Therefore, I urge my fellow Senators to support my Sense of the Senate Resolution calling on the President to demand that China release all such prisoners prior to their upcoming U.S.-China summit meeting, and that the President report to this body on the progress being made by the administration in securing the release of these prisoners immediately following this planned summit.

Mr. President, this is a reasonable resolution—a resolution that once again puts this body on record supporting those that would give up their freedom in support of the freedom of their fellow countrymen. I can think of no more important issue. I thank my Senate colleagues for their support.

#### SENATE RESOLUTION 213—CONGRATULATING THE UNITED STATES ARMY RESERVE

Mr. LOTT (for Mr. HELMS (for himself, Mr. SESSIONS, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. WARNER, Mr. HOLLINGS, Mr. SMITH of New Ham, Mr. MCCAIN, Mr. ROBB, Mr. LEVIN, Mr. HUTCHINSON, Ms. SNOWE, Mr. ASHCROFT, Mr. KENNEDY, Mr. ROBERTS, Mr. CLELAND, Mr. DASCHLE, Mr. HAGEL, Mr.

COATS, Mr. BINGAMAN, Mr. BENNETT, Mr. NICKLES, Mr. BYRD, Mr. LIEBERMAN, Mr. LOTT, Mr. GLENN, Mr. INHOFE, Mr. KOHL, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 213

Whereas the United States Army Reserve was created by statute on April 23, 1908;

Whereas the United States Army Reserve was the first of the Federal reserve forces created by Congress;

Whereas the United States Army Reserve has played a major role in the defense of this country for 90 years;

Whereas many notable Americans have served with distinction in the United States Army Reserve, including Presidents Harry S. Truman and Ronald W. Reagan, the current Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, Brigadier General Theodore Roosevelt, Jr., Major General William J. Donovan (Director of the Office of Strategic Services during World War II), Drs. Charles H. Mayo and William J. Mayo, and Captain Eddie Rickenbacker;

Whereas the President Pro Tempore of the Senate, Strom Thurmond, who received the Purple Heart for injuries received while participating in the Normandy invasion with the 82d Airborne Division on D-Day, served with distinction in the United States Army Reserve for 36 years, rising to the rank of Major General;

Whereas the United States Army Reserve contributed more than 160,000 soldiers to the United States Army during World War I;

Whereas the United States Army Reserve was recognized by General George C. Marshall for its unique and invaluable contributions to the national defense during World War II;

Whereas more than 240,000 soldiers from the United States Army Reserve were called to active duty during the Korean War;

Whereas 35 units of the United States Army Reserve were sent to Vietnam, where they served honorably and well;

Whereas the United States Army Reserve contributed more than 90,000 soldiers to Operations Desert Storm and Desert Shield in 1990 and 1991;

Whereas the United States Army Reserve has contributed more than 70 percent of the reserve soldiers mobilized in support of Operation Joint Endeavor/Joint Guard in Bosnia;

Whereas the United States Army Reserve constitutes a very high percentage of the mission essential combat support and combat service support forces of the Army;

Whereas the Army cannot go to war without the 1,100,000 trained Ready Reserve and Retired Reserve personnel of the United States Army Reserve;

Whereas the United States Army Reserve is a community-based force with over 1,200 facilities in communities across the United States; and

Whereas the United States Army Reserve has made these contributions to the security of our country in return for a very small percentage of the Army budget: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the United States Army Reserve on the occasion of the 90th anniversary of its establishment on April 23, 1908;

(2) recognizes and commends the United States Army Reserve for the selfless and dedicated service of its past and present citizen-soldiers who have preserved the freedom and national security of the United States; and

(3) recognizes Strom Thurmond, the President Pro Tempore of the Senate, for 36 years of service with distinction in the United States Army Reserve.

## SENATE RESOLUTION 214—COM- MENDING THE GRAND FORKS HERALD

Mr. CONRAD (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. COVERDELL, Mr. HAGEL, and Mr. MOYNIHAN) submitted the following resolution; which was considered and agreed to:

S. RES. 214

Whereas the residents of the Grand Forks area in North Dakota and Minnesota experienced the most devastating floods in 500 years during April 1997;

Whereas more than 50,000 residents of the Red River Valley area were severely displaced for months by the flooding;

Whereas the offices of the Grand Forks Herald, whose newspaper has a daily circulation of 37,000, were displaced by the floods and moved to various locations to publish the newspaper, including the University of North Dakota and Manvel Elementary School, and the paper was printed by the St. Paul Pioneer Press of St. Paul, Minnesota, to enable the paper to maintain continuous publication;

Whereas the Grand Forks Herald publisher Mike Maidenberger, editor Mike Jacobs, and more than 70 staff members, whose lives were turned upside down by the floods, never failed to publish an edition of the newspaper during the floods, sometimes hitting a circulation of 117,000 and keeping the community together even though the paper's facilities were totally destroyed;

Whereas the Grand Forks Herald was honored with journalism's most prestigious award, the Pulitzer Prize for public service, for its extraordinary efforts to continue publishing during the severe flooding; and

Whereas the dedication and devotion of the Grand Forks Herald to the community made an extraordinary difference in the lives of many people during the flooding by helping to maintain a sense of stability during this terrible natural disaster: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Grand Forks Herald and its staff for their dedication to community and excellence in public service; and

(2) congratulates the newspaper on being selected to receive one of our Nation's most coveted awards for public service, the Pulitzer Prize.

## AMENDMENTS SUBMITTED

### THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

#### GORTON (AND OTHERS) AMENDMENT NO. 2293

Mr. GORTON (for himself, Mr. FRIST, Mr. HAGEL, Mr. MACK, Mr. COVERDELL, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. NICKLES, Mr. ASHCROFT, Mr. DOMENICI, Mr. GREGG, and Mr. MCCONNELL) proposed an amendment to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

At the end, add the following:

## TITLE —EDUCATION FUNDING

### SEC. \_\_\_\_01. DIRECT AWARDS OF CERTAIN EDUCATION FUNDING.

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the applicable funding described in subsection (e) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding directly to local educational agencies in the State pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—If a State fails to select an option in accordance with this subsection, the Secretary shall award the applicable funding pursuant to paragraph (1)(B).

(C) CHANGES.—A State may alter the selection made under paragraph (1) only once and only after receiving the applicable funding for 3 years pursuant to 1 of the options described in such paragraph.

(3) MINIMUM.—No State shall receive an amount under this section for a fiscal year that is less than 0.5 percent of the applicable funding available for the fiscal year.

(4) DEFINITIONS.—In this section—

(A) the term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) the term "outlying area" means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) RESERVATION AND APPLICABILITY.—

(1) RESERVATION.—From the total amount of applicable funding available for a fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out the provisions of law described in subsection (e) for the fiscal year is less than \$2,564,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than \$2,625,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than \$2,687,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than \$2,750,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than \$2,817,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to



each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the State who are aged 5 through 17 bears to the total number of such individuals in all States; and

(ii) to 50 percent of such total applicable funding as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the school district served by the local educational agency who are aged 5 through 17 bears to the total number of such individuals in all school districts served by all local educational agencies in all States; and

(ii) to 50 percent of such total amount as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(2) USE OF ALLOTTED FUNDS.—

(A) IN GENERAL.—A State or local educational agency receiving an allotment under paragraph (1) shall use the allotted funds for innovative assistance programs described in subparagraph (B).

(B) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subparagraph (A) include—

(i) technology programs related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(ii) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that—

(I) are tied to high academic standards;

(II) will be used to improve student achievement; and

(III) are part of an overall education reform program;

(iii) promising education reform programs, including effective schools and magnet schools;

(iv) programs to improve the higher order thinking skills of disadvantaged elementary school and secondary school students and to prevent students from dropping out of school;

(v) programs to combat illiteracy in the student and adult populations, including parent illiteracy;

(vi) programs to provide for the educational needs of gifted and talented children;

(vii) hiring of teachers or teaching assistants to decrease a school, school district, or statewide student-to-teacher ratio; and

(viii) school improvement programs or activities described in sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(4) HOLD HARMLESS REQUIREMENTS.—

(A) STATES.—Notwithstanding any other provision of this section, no State that selects the option described in subsection (a)(1)(A) for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the State is, or all local educational agencies in the State are, eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding any other provision of this section, no local educational agency for which the option described in subsection (a)(1)(B) is applicable for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the local educational agency is eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the applicable funding that remains after making the reservation under subsection (b)(1) and allotments under subsection (c) for a fiscal year, the Secretary may make awards according to the provisions of law described in subsection (e), to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of applicable funding available to carry out the provisions of law described in subsection (e) for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such provision.

(e) APPLICABLE FUNDING.—

(1) DEFINITION.—In this section, the term "applicable funding" means all funds not used to carry out paragraph (2) for a fiscal year that are appropriated for the Department of Education for the fiscal year to carry out programs or activities under the following provisions of law:

(A) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(B) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(C) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(D) Titles II, III, and IV of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6121 et seq., 6171 et seq., and 6191 et seq.).

(E) Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621 et seq.).

(F) Section 3122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6832).

(G) Sections 3132 and 3136 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 and 6846).

(H) Section 3141 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6861).

(I) Part B of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6891 et seq.).

(J) Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.).

(K) Part D of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6951 et seq.).

(L) Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.).

(M) Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.).

(N) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(O) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 311 et seq.).

(P) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(Q) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(R) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(S) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(T) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(U) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(2) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated to carry out the provisions of law described in paragraph (1) (other than subparagraphs (A), (B), and (O) of paragraph (1)) for each fiscal year to make payments to eligible recipients under such provisions pursuant to any multiyear award made under such provisions prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(f) CENSUS DETERMINATION.—

(1) IN GENERAL.—Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students that are in the school district served by the local educational agency for an academic year.

(2) PRIVATE SCHOOL STUDENTS.—In carrying out paragraph (1), each local educational agency shall determine the number of private school students described in such paragraph for an academic year on the basis of data the agency determines reliable.

(3) SUBMISSION.—Each local educational agency shall submit the total number of public and private school children described in this paragraph for an academic year to the Secretary not later than February 1 of the academic year.

(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under this subsection for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received if the agency had submitted accurate information under this subsection.

**SEC. 402. DIRECT AWARDS OF PART A OF TITLE I FUNDING.**

(a) DIRECT AWARDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary shall award the total amount of funds appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C.

6311 et seq.) for a fiscal year directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(2) **ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—The Secretary shall make awards under this section for a fiscal year only to local educational agencies that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(b) **AMOUNT.**—Each local educational agency shall receive an amount awarded under this subsection for a fiscal year equal to the amount the local educational agency is eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(c) **APPLICABILITY.**—The provisions of this section shall not apply—

(1) for fiscal year 1999, if the total amount appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than \$7,694,000,000;

(2) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than \$7,875,000,000;

(3) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than \$8,064,000,000;

(4) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than \$8,251,000,000; and

(5) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than \$8,426,000,000.

(d) **REQUIREMENTS.**—

(1) **ELIGIBLE SCHOOL ATTENDANCE AREAS.**—A local educational agency shall use funds received under this section only in eligible school attendance areas determined in accordance with section 1113 of the Elementary and Secondary Education Act of 1965 other than subsection (c) of such section.

(2) **ELIGIBLE PUPILS.**—A local educational agency shall use funds received under this section—

(A) in the case of a school that meets the criteria described in section 1114(a)(1), to serve all pupils in the school; and

(B) in the case of a school that does not meet such criteria, to serve the children attending the school who are eligible children described in section 1115(b).

### **SEC. 303. DIRECT AWARDS OF BILINGUAL EDUCATION FUNDING.**

(a) **STATE OPTIONS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq., 7511 et seq., and 7541 et seq.) according to one of the following options:

(A) **STATE BLOCK GRANT OPTION.**—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) **LOCAL BLOCK GRANT OPTION.**—The State may direct the Secretary to send the funding directly to local educational agencies in the State that serve the recipients in the State under parts A, B, and C pursuant to a local allotment described in subsection (c)(1)(B).

(C) **FEDERAL STATUTE OPTION.**—The State may receive the funding according to the provisions of law described in subsection (e).

(2) **OPTION REQUIREMENTS.**—

(A) **IN GENERAL.**—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) **FAILURE TO SELECT AN OPTION.**—If a State fails to select an option in accordance with this subsection, the Secretary shall award the funding pursuant to paragraph (1)(B).

(C) **CHANGES.**—A State may alter the selection made under paragraph (1) only once and only after receiving the funding for 3 years pursuant to 1 of the options described in such paragraph.

(3) **MULTIYEAR AWARDS.**—The Secretary shall use funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for each fiscal year to make payments to eligible recipients under such parts pursuant to any multiyear award under such parts made prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(4) **DEFINITIONS.**—In this section—

(A) the term "State" means each of the several States of the United States and the District of Columbia; and

(B) the term "outlying area" means the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) **RESERVATION AND APPLICABILITY.**—

(1) **RESERVATION.**—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) **APPLICABILITY.**—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than \$362,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than \$370,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than \$379,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than \$388,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than \$398,000,000.

(c) **BLOCK GRANTS.**—

(1) **ALLOTMENTS.**—

(A) **STATES.**—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation to such total amount of funds as the amount all entities in the State received under such parts for fiscal year 1998 bears to the total amount all entities in all States received under such parts for fiscal year 1998.

(B) **LOCAL EDUCATIONAL AGENCIES.**—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year,

and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation to such total amount of funds as the amount all recipients in the area served by the local educational agency received under such parts for fiscal year 1998 bears to the total amount all recipients in all areas served by all local educational agencies received under such parts for fiscal year 1998.

(2) **USE OF ALLOTTED FUNDS.**—Funds awarded under this section shall be used to pay for enhanced instructional opportunities for limited English proficient children and youth, that may include—

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) salaries of personnel, including teacher aids, who have been specifically trained, or are being trained, to provide services to limited English proficient children and youth;

(C) tutorials, mentoring, and academic or career counseling for limited English proficient children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used;

(E) basic instructional services that are directly attributable to the presence of limited English proficient children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(F) such other activities, related to innovative programs described in subparagraphs (A) through (E), as the Secretary may authorize.

(3) **STATE FUNDING RULE.**—

(A) **ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.**—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) **STATE FUNDING RULES.**—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) subject to subsection (f), may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(d) **FEDERAL STATUTE OPTION.**—

(1) **IN GENERAL.**—From the total amount of funds appropriated to carry out parts A, B, and C of the Elementary and Secondary Education Act of 1965 for a fiscal year that remain after carrying out subsection (a)(3) for the fiscal year, making the reservation under subsection (b) for the fiscal year, and making allotments under subsection (c) for the fiscal year, the Secretary may make awards according to the provisions of such parts A, B, and C, respectively, to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) **PERCENTAGE REDUCTIONS.**—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of funding available to carry out such parts A, B, and C for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such part.

(e) **CONSTRUCTION.**—Nothing in this section shall be construed—

(1) to prohibit a local educational agency from serving limited English proficient children simultaneously with students with

similar educational needs, in the same educational settings where appropriate; and

(2) to mandate a particular type of curriculum or educational method for limited English proficient children and youth, which decisions—

(A) shall be the sole responsibility of the State educational agency, local educational agency, or other State or local recipients; and

(B) shall be made in accordance with applicable State law.

#### SEC. 04. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) IN GENERAL.—Each local educational agency that receives assistance under sections 01 or 03 shall provide for the participation of children enrolled in private schools in the activities and services assisted under sections 01 or 03, respectively, in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504, 14505, and 14506 of such Act (20 U.S.C. 8893, 8894, 8895, and 8896).

(b) PART A OF TITLE I FUNDING.—Each local educational agency that receives assistance under section 02 shall provide for the participation of children enrolled in private schools in the activities and services assisted under section 02 in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to section 1120 such Act (20 U.S.C. 6321).

#### SEC. 05. ACCOUNTABILITY.

(a) STANDARD APPLICATION AND REPORTING FORMS.—The Secretary shall develop standard forms for applications for assistance under this title and for reporting with respect to activities assisted under this title. In developing the forms, the Secretary shall ensure that not more than 2 percent of the assistance provided to an entity under this title is used to complete the forms.

(b) PUBLIC INPUT.—Each entity receiving assistance under this title shall—

(1) involve parents and members of the public in planning for the use of funds provided under this title; and

(2) disseminate to the public reports regarding the use and effects of funds provided under this title.

#### SEC. 06. DEFINITIONS.

In this title—

(1) 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); and

(2) the term “Secretary” means the Secretary of Education.

#### SEC. 07. CONSTRUCTION.

Nothing in this title shall be construed to supersede the authority of a State or State educational agency over State education policies.

#### FRIST AMENDMENT NO. 2294

Mr. FRIST proposed an amendment to amendment No. 2293 proposed by Mr. GORTON to the bill, H.R. 2646, supra; as follows:

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

#### TITLE —EDUCATION FUNDING

#### SEC. 01. DIRECT AWARDS OF CERTAIN EDUCATION FUNDING.

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the applicable

funding described in subsection (e) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding directly to local educational agencies in the State pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—

(i) IN GENERAL.—If a State legislature meets within 1 year of the date of enactment of this Act and fails to select an option in accordance with this subsection, the Secretary shall award the applicable funding pursuant to paragraph (1)(B).

(ii) LEGISLATURE WHICH DOES NOT MEET.—If a State does not select an option described in paragraph (1) in accordance with this subsection because the State legislature does not meet within 1 year of the date of enactment of this Act, the State may select, at the first meeting of the State legislature after such date, any such option in accordance with this subsection, which option shall take effect for the fiscal year that begins after such meeting.

(C) CHANGES.—

(i) BLOCK GRANT OPTIONS.—If a State selects the option described in subparagraph (A) or (B) of paragraph (1), the State may alter the selection made under paragraph (1) only once and only after receiving the applicable funding for 3 years pursuant to the option described in such subparagraph.

(ii) FEDERAL STATUTE OPTION.—Subject to clause (i), if a State selects the option described in paragraph (1)(C) for a fiscal year, the State may select the option described in subparagraph (A) or (B) of paragraph (1) for the succeeding fiscal year.

(3) MINIMUM.—No State shall receive an amount under this section for a fiscal year that is less than 0.5 percent of the applicable funding available for the fiscal year.

(4) DEFINITIONS.—In this section—

(A) the term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) the term “outlying area” means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) RESERVATION AND APPLICABILITY.—

(1) RESERVATION.—From the total amount of applicable funding available for a fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out the provisions of law described in subsection (e) for the fiscal year is less than \$2,564,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than \$2,625,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than \$2,687,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than \$2,750,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than \$2,817,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the State who are aged 5 through 17 bears to the total number of such individuals in all States; and

(ii) to 50 percent of such total applicable funding as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total applicable funding available for a fiscal year, and not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation—

(i) to 50 percent of such total applicable funding as the number of individuals in the school district served by the local educational agency who are aged 5 through 17 bears to the total number of such individuals in all school districts served by all local educational agencies in all States; and

(ii) to 50 percent of such total amount as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(2) USE OF ALLOTTED FUNDS.—

(A) IN GENERAL.—A State or local educational agency receiving an allotment under paragraph (1) shall use the allotted funds for innovative assistance programs described in subparagraph (B).

(B) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subparagraph (A) include—

(i) technology programs related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(ii) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that—

(I) are tied to high academic standards;

(II) will be used to improve student achievement; and

(III) are part of an overall education reform program;

(iii) promising education reform programs, including effective schools and magnet schools;

(iv) programs to improve the higher order thinking skills of disadvantaged elementary school and secondary school students and to prevent students from dropping out of school;

(v) programs to combat illiteracy in the student and adult populations, including parent illiteracy;

(vi) programs to provide for the educational needs of gifted and talented children;

(vii) hiring of teachers or teaching assistants to decrease a school, school district, or statewide student-to-teacher ratio; and

(viii) school improvement programs or activities described in sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATE-WIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(4) HOLD HARMLESS REQUIREMENTS.—

(A) STATES.—Notwithstanding any other provision of this section, no State that selects the option described in subsection (a)(1)(A) for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the State is, or all local educational agencies in the State are, eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(B) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding any other provision of this section, no local educational agency for which the option described in subsection (a)(1)(B) is applicable for a fiscal year shall receive an amount under this section for the fiscal year that is less than the amount the local educational agency is eligible to receive pursuant to the provisions of law described in subsection (e) for the fiscal year.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the applicable funding that remains after making the reservation under subsection (b)(1) and allotments under subsection (c) for a fiscal year, the Secretary may make awards according to the provisions of law described in subsection (e), to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of applicable funding available to carry out the provisions of law described in subsection (e) for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such provision.

(e) APPLICABLE FUNDING.—

(1) DEFINITION.—In this section, the term "applicable funding" means all funds not used to carry out paragraph (2) for a fiscal year that are appropriated for the Department of Education for the fiscal year to carry out programs or activities under the following provisions of law:

(A) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(B) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(C) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(D) Titles II, III, and IV of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6121 et seq., 6171 et seq., and 6191 et seq.).

(E) Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621 et seq.).

(F) Section 3122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6832).

(G) Sections 3132 and 3136 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 and 6846).

(H) Section 3141 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6861).

(I) Part B of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6891 et seq.).

(J) Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.).

(K) Part D of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6951 et seq.).

(L) Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.).

(M) Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.).

(N) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(O) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 311 et seq.).

(P) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(Q) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(R) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(S) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(T) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(U) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(2) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated to carry out the provisions of law described in paragraph (1) (other than subparagraphs (A), (B), and (O) of paragraph (1)) for each fiscal year to make payments to eligible recipients under such provisions pursuant to any multiyear award made under such provisions prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(f) CENSUS DETERMINATION.—

(1) IN GENERAL.—Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students that are in the school district served by the local educational agency for an academic year.

(2) PRIVATE SCHOOL STUDENTS.—In carrying out paragraph (1), each local educational agency shall determine the number of private school students described in such paragraph for an academic year on the basis of data the agency determines reliable.

(3) SUBMISSION.—Each local educational agency shall submit the total number of public and private school children described in this paragraph for an academic year to the Secretary not later than February 1 of the academic year.

(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under this subsection for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency

would have received if the agency had submitted accurate information under this subsection.

**SEC. 02. DIRECT AWARDS OF PART A OF TITLE I FUNDING.**

(a) DIRECT AWARDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary shall award the total amount of funds appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for a fiscal year directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

The Secretary shall make awards under this section for a fiscal year only to local educational agencies that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(b) AMOUNT.—Each local educational agency shall receive an amount awarded under this subsection for a fiscal year equal to the amount the local educational agency is eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(c) APPLICABILITY.—The provisions of this section shall not apply—

(1) for fiscal year 1999, if the total amount appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than \$7,694,000,000;

(2) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than \$7,875,000,000;

(3) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than \$8,064,000,000;

(4) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than \$8,251,000,000; and

(5) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than \$8,426,000,000.

(d) REQUIREMENTS.—

(1) ELIGIBLE SCHOOL ATTENDANCE AREAS.—A local educational agency shall use funds received under this section only in eligible school attendance areas determined in accordance with section 1113 of the Elementary and Secondary Education Act of 1965 other than subsection (c) of such section.

(2) ELIGIBLE PUPILS.—A local educational agency shall use funds received under this section—

(A) in the case of a school that meets the criteria described in section 1114(a)(1), to serve all pupils in the school; and

(B) in the case of a school that does not meet such criteria, to serve the children attending the school who are eligible children described in section 1115(b).

**SEC. 03. DIRECT AWARDS OF BILINGUAL EDUCATION FUNDING.**

(a) STATE OPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b)(2), each State shall notify the Secretary regarding the State's election to receive the State's portion of the funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq., 7511 et seq., and 7541 et seq.) according to one of the following options:

(A) STATE BLOCK GRANT OPTION.—The State may receive the funding pursuant to a State allotment described in subsection (c)(1)(A).

(B) LOCAL BLOCK GRANT OPTION.—The State may direct the Secretary to send the funding

directly to local educational agencies in the State that serve the recipients in the State under parts A, B, and C pursuant to a local allotment described in subsection (c)(1)(B).

(C) FEDERAL STATUTE OPTION.—The State may receive the funding according to the provisions of law described in subsection (e).

(2) OPTION REQUIREMENTS.—

(A) IN GENERAL.—A State shall select an option described in paragraph (1)—

(i) within 1 year of the date of enactment of this Act;

(ii) pursuant to a majority vote of the State legislature; and

(iii) with the concurrence of the Governor.

(B) FAILURE TO SELECT AN OPTION.—

(i) IN GENERAL.—If a State legislature meets within 1 year of the date of enactment of this Act and fails to select an option in accordance with this subsection, the Secretary shall award the applicable funding pursuant to paragraph (1)(B).

(ii) LEGISLATURE WHICH DOES NOT MEET.—If a State does not select an option described in paragraph (1) in accordance with this subsection because the State legislature does not meet within 1 year of the date of enactment of this Act, the State may select, at the first meeting of the State legislature after such date, any such option in accordance with this subsection, which option shall take effect for the fiscal year that begins after such meeting.

(C) CHANGES.—

(i) BLOCK GRANTS.—If a State selects the option described in subparagraph (A) or (B) of paragraph (1), the State may alter the selection made under paragraph (1) only once and only after receiving the funding for 3 years pursuant to the option described in such subparagraph.

(ii) FEDERAL STATUTE OPTION.—Subject to clause (i), if a State selects the option described in paragraph (1)(C) for a fiscal year, the State may select the option described in subparagraph (A) or (B) of paragraph (1) for the succeeding fiscal year.

(3) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for each fiscal year to make payments to eligible recipients under such parts pursuant to any multiyear award under such parts made prior to the date of enactment of this Act. The payments shall be made for the duration of the multiyear award.

(4) DEFINITIONS.—In this section—

(A) the term "State" means each of the several States of the United States and the District of Columbia; and

(B) the term "outlying area" means the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(b) RESERVATION AND APPLICABILITY.—

(1) RESERVATION.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, the Secretary shall reserve 1 percent to make awards to the Bureau of Indian Affairs and the outlying areas according to their respective needs for assistance under this section.

(2) APPLICABILITY.—The provisions of this section shall not apply—

(A) for fiscal year 1999, if the total amount appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year is less than \$362,000,000;

(B) for fiscal year 2000, if the total amount so appropriated for the fiscal year is less than \$370,000,000;

(C) for fiscal year 2001, if the total amount so appropriated for the fiscal year is less than \$379,000,000;

(D) for fiscal year 2002, if the total amount so appropriated for the fiscal year is less than \$388,000,000; and

(E) for fiscal year 2003, if the total amount so appropriated for the fiscal year is less than \$398,000,000.

(c) BLOCK GRANTS.—

(1) ALLOTMENTS.—

(A) STATES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each State selecting the option described in subsection (a)(1)(A) in an amount that bears the same relation to such total amount of funds as the amount all entities in the State received under such parts for fiscal year 1998 bears to the total amount all entities in all States received under such parts for fiscal year 1998.

(B) LOCAL EDUCATIONAL AGENCIES.—From the total amount of funds appropriated to carry out parts A, B, and C of title VII of the Elementary and Secondary Education Act of 1965 for a fiscal year that are not used to carry out subsection (a)(3) for the fiscal year, and are not reserved under subsection (b)(1) for the fiscal year, the Secretary may make allotments to each local educational agency in a State selecting the option described in subsection (a)(1)(B) in an amount that bears the same relation to such total amount of funds as the amount all recipients in the area served by the local educational agency received under such parts for fiscal year 1998 bears to the total amount all recipients in all areas served by all local educational agencies received under such parts for fiscal year 1998.

(2) USE OF ALLOTTED FUNDS.—Funds awarded under this section shall be used to pay for enhanced instructional opportunities for limited English proficient children and youth, that may include—

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) salaries of personnel, including teacher aids, who have been specifically trained, or are being trained, to provide services to limited English proficient children and youth;

(C) tutorials, mentoring, and academic or career counseling for limited English proficient children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used;

(E) basic instructional services that are directly attributable to the presence of limited English proficient children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(F) such other activities, related to innovative programs described in subparagraphs (A) through (E), as the Secretary may authorize.

(3) STATE FUNDING RULE.—

(A) ADMINISTRATIVE EXPENSES AND STATEWIDE ACTIVITIES.—A State that receives an allotment under paragraph (1)(A) for a fiscal year may use not more than 5 percent of the allotted funds for the fiscal year for administrative expenses or statewide activities.

(B) STATE FUNDING RULES.—A State that receives an allotment under paragraph (1)(A)—

(i) may, at the State's discretion, place limits on the use of the allotted funds; and

(ii) subject to subsection (f), may allocate the allotted funds to public and private entities within the State as the State determines appropriate.

(d) FEDERAL STATUTE OPTION.—

(1) IN GENERAL.—From the total amount of funds appropriated to carry out parts A, B, and C of the Elementary and Secondary Education Act of 1965 for a fiscal year that remain after carrying out subsection (a)(3) for the fiscal year, making the reservation under subsection (b) for the fiscal year, and making allotments under subsection (c) for the fiscal year, the Secretary may make awards according to the provisions of such parts A, B, and C, respectively, to State and local recipients, in States making the election described in subsection (a)(1)(C).

(2) PERCENTAGE REDUCTIONS.—The Secretary, after making the allotments under subsection (c) for a fiscal year, shall reduce the total amount of funding available to carry out such parts A, B, and C for the fiscal year, for any State selecting the option described in subsection (a)(1)(C), by an equal percentage for each such part.

(e) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prohibit a local educational agency from serving limited English proficient children simultaneously with students with similar educational needs, in the same educational settings where appropriate; and

(2) to mandate a particular type of curriculum or educational method for limited English proficient children and youth, which decisions—

(A) shall be the sole responsibility of the State educational agency, local educational agency, or other State or local recipients; and

(B) shall be made in accordance with applicable State law.

#### SEC. 4. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) IN GENERAL.—Each local educational agency that receives assistance under sections 01 or 03 shall provide for the participation of children enrolled in private schools in the activities and services assisted under sections 01 or 03, respectively, in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504, 14505, and 14506 of such Act (20 U.S.C. 8893, 8894, 8895, and 8896).

(b) PART A OF TITLE I FUNDING.—Each local educational agency that receives assistance under section 02 shall provide for the participation of children enrolled in private schools in the activities and services assisted under section 02 in the same manner as the children participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to section 1120 such Act (20 U.S.C. 6321).

#### SEC. 5. ACCOUNTABILITY.

(a) STANDARD APPLICATION AND REPORTING FORMS.—The Secretary shall develop standard forms for applications for assistance under this title and for reporting with respect to activities assisted under this title. In developing the forms, the Secretary shall ensure that not more than 2 percent of the assistance provided to an entity under this title is used to complete the forms.

(b) PUBLIC INPUT.—Each entity receiving assistance under this title shall—

(1) involve parents and members of the public in planning for the use of funds provided under this title; and

(2) disseminate to the public reports regarding the use and effects of funds provided under this title.

#### SEC. \_\_\_\_06. DEFINITIONS.

In this title—

(1) 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); and

(2) the term "Secretary" means the Secretary of Education.

#### SEC. \_\_\_\_07. CONSTRUCTION.

Nothing in this title shall be construed to supersede the authority of a State or State educational agency over State education policies.

#### MURRAY AMENDMENT NO. 2295

Mrs. MURRAY proposed an amendment to the bill, H.R. 2646, *supra*; as follows:

At the end, add the following:

#### TITLE \_\_\_\_—SENSE OF CONGRESS

##### SEC. \_\_\_\_01. SENSE OF CONGRESS.

Congress makes the following findings:

(1) Qualified 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 help the parents further their children's education.

(2) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than the students in larger classes, and that those achievement gains persist through at least the 8th grade. For example:

(A) In a landmark 4-year experimental study of class size reduction in grades kindergarten through grade 3 in Tennessee, researchers found that students in smaller classes earned significantly higher scores on basic skills tests in all 4 years and in all types of schools, including urban, rural, and suburban schools.

(B) After 2 years in reduced class sizes, students in the Flint, Michigan Public School District improved their reading scores by 44 percent.

(3) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children. One study found that urban 4th-graders in smaller than average classes were  $\frac{3}{4}$  of a school year ahead of their counterparts in larger than average classes.

(4) Smaller classes allow teachers to identify and work sooner 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 outcomes by reducing class sizes in the early grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions and if teachers received intensive, continuing training in working effectively in smaller classroom settings.

(7) State certified and licensed teachers help ensure high quality instruction in the classroom.

(8) According to the National Commission on Teaching and America's Future, the most important influence on student achievement is the expertise of their teachers. One New York City study comparing high- and low-achieving elementary schools with similar student characteristics, found that more than 90 percent of the variation in achievement in mathematics and reading was due to differences in teacher qualifications.

(9) Our Nation needs more qualified teachers to meet changing demographics and to help students meet high standards, as demonstrated by the following:

(A) Over the next decade, our Nation will need to hire over 2,000,000 teachers to meet increasing student enrollments and teacher retirements.

(B) 1 out of 4 high school teachers does not have a major or minor in the main subject that they teach. This is true for more than 30 percent of mathematics teachers.

(C) In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or mathematics teacher who holds a degree in that field.

(D) In 1991, 25 percent of new public school teachers had not completed the requirements for a license in their main assignment field. This number increased to 27 percent by 1994, including 11 percent who did not have a license.

(10) We need more teachers who are adequately prepared for the challenges of the 21st century classroom, as demonstrated by the fact that—

(A) 50 percent of teachers have little or no experience using technology in the classroom; and

(B) in 1994, only 10 percent of new teachers felt they were prepared to integrate new technology into their instruction.

(11) Teacher quality cannot be further compromised to meet the demographic demand for new teachers and smaller class sizes. Comprehensive improvements in teacher preparation and development programs are also necessary to ensure the effectiveness of new teachers and the academic success of students in the classroom. These comprehensive improvements should include encouraging more institutions of higher education that operate teacher preparation programs to work in partnership with local educational agencies and elementary and secondary schools; providing more hands-on, classroom experience to prospective teachers; creating mentorship programs for new teachers; providing high quality content area training and classroom skills for new teachers; and training teachers to incorporate technology into the classroom.

(12) Efforts should be made to provide prospective teachers with a greater knowledge of instructional programs that are research-based, of demonstrated effectiveness, replicable in diverse and challenging circumstances, and supported by networks of experts and experienced practitioners.

(13) Several States have begun serious efforts to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring qualified teachers.

(14) 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-qualified.

##### SEC. \_\_\_\_02. SENSE OF CONGRESS.

It is the sense of Congress that Congress should support efforts to hire 100,000 new teachers to reduce class sizes in first, second, and third grades to an average of 18 students per class all across America.

#### HUTCHINSON AMENDMENT NO. 2296

Mr. HUTCHINSON proposed an amendment to amendment No. 2295 proposed by Mrs. MURRAY to the bill, H.R. 2646, *supra*; as follows:

Strike all after "TITLE \_\_\_\_" and insert the following:

#### —SENSE OF CONGRESS

##### SEC. \_\_\_\_01. FINDINGS.

Congress makes the following findings:

(1) The people of the United States know that effective teaching takes place when the people of the United States begin (A) helping children master basic academics, (B) engaging and involving parents, (C) creating safe and orderly classrooms, and (D) getting dollars to the classroom.

(2) Our Nation's children deserve an educational system which will provide opportunities to excel.

(3) States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars.

(4) Several States have reported that although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

(5) While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom; further, it is thought that only 85 percent of funds administered by the Department of Education for elementary and secondary education reach the school district level; and even if 65 percent of Federal education funds reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

(6) American students are not performing up to their full academic potential, despite the more than 760 Federal education programs, which span 39 Federal agencies at the price of nearly \$100,000,000,000 annually.

(7) According to the Digest of Education Statistics, in 1993 only \$141,598,786,000 out of \$265,285,370,000 spent on elementary and secondary education was spent on instruction.

(8) According to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers.

(9) Too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth.

(10) Getting 95 percent of Department of Education elementary and secondary education funds to the classroom could provide approximately \$2,094 in additional funding per classroom across the United States.

(11) More education funding should be put in the hands of someone in a child's classroom who knows the child's name.

(12) President Clinton has stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now."

(13) President Clinton and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across the United States and that the people of the United States must ask fundamental questions about how our Nation's public school systems' dollars are spent.

(14) President Clinton and Vice President Gore agree that in an age of tight budgets, our Nation should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy.

##### SEC. \_\_\_\_02. SENSE OF CONGRESS.

It is the sense of Congress that the Department of Education, States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our Nation's children in their classrooms.

## COATS AMENDMENT NO. 2297

Mr. COATS proposed an amendment to the bill, H.R. 2646, *supra*; as follows:

At the end add the following:

**TITLE —ADDITIONAL INCENTIVE TO MAKE SCHOLARSHIP DONATIONS**

**SEC. —. ADDITIONAL INCENTIVE TO MAKE DONATIONS TO SCHOOLS OR ORGANIZATIONS WHICH OFFER SCHOLARSHIPS.**

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

“(m) TREATMENT OF AMOUNTS PAID TO CERTAIN EDUCATIONAL ORGANIZATIONS.—

“(1) IN GENERAL.—For purposes of this section, 110 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

“(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if the amount—

“(A) is paid in cash by the taxpayer to or for the benefit of a qualified organization, and

“(B) is used by such organization to provide qualified scholarships (as defined in section 117(b)) to any individual attending kindergarten through grade 12 whose family income does not exceed 185 percent of the poverty line for a family of the size involved.

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) QUALIFIED ORGANIZATION.—The term ‘qualified organization’ means—

“(i) an educational organization—

“(I) which is described in subsection (b)(1)(A)(ii), and

“(II) which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law, or

“(ii) an organization which is described in section 501(c)(3) and exempt from taxation under section 501(a).

“(B) POVERTY LINE.—The term ‘poverty line’ means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

“(4) TERMINATION.—This subsection shall not apply to contributions made after December 31, 2002.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

**SEC. —. CLARIFICATION AND EXPANSION OF MATHEMATICAL ERROR ASSESSMENT PROCEDURES.**

(a) TIN DEEMED INCORRECT IF INFORMATION ON RETURN DIFFERS WITH AGENCY RECORDS.—Section 6213(g)(2) (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

“A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer on the return with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN.”

(b) EXPANSION OF MATHEMATICAL ERROR PROCEDURES TO CASES WHERE TIN ESTABLISHES INDIVIDUAL NOT ELIGIBLE FOR TAX CREDIT.—Section 6213(g)(2), as amended by title VI of this Act, is amended by striking “and” at the end of subparagraph (J), by striking the period at the end of the subparagraph (K) and inserting “, and”, and by adding at the end the following new subparagraph:

“(L) the inclusion on a return of a TIN required to be included on the return under section 21, 24, or 32 if—

“(i) such TIN is of an individual whose age affects the amount of the credit under such section, and

“(ii) the computation of the credit on the return reflects the treatment of such individual as being of an age different from the individual’s age based on such TIN.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. —. CERTAIN CUSTOMER RECEIVABLES INELIGIBLE FOR MARK-TO-MARKET TREATMENT.**

(a) CERTAIN RECEIVABLES NOT ELIGIBLE FOR MARK TO MARKET.—Section 475(c) (relating to definitions) is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULES FOR CERTAIN RECEIVABLES.—

“(A) IN GENERAL.—Paragraph (2)(C) shall not include any note, bond, debenture, or other evidence of indebtedness which is non-financial customer paper.

“(B) NONFINANCIAL CUSTOMER PAPER.—For purposes of subparagraph (A), the term ‘non-financial customer paper’ means any receivable—

“(i) arising out of the sale of goods or services by a person the principal activity of which is the selling or providing of non-financial goods and services, and

“(ii) held by such person or a related person at all times since issue.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 4-taxable year period beginning with such first taxable year.

**MCCAIN AMENDMENT NO. 2298**

(Ordered to lie on the table.)

Mr. MCCAIN, submitted an amendment intended to be proposed by him to the bill, H.R. 2646, *supra*; as follows:

At the appropriate place, insert the following:

**SEC. —. MULTILINGUALISM STUDY.**

(a) FINDINGS.—Congress finds that even though all residents of the United States should be proficient in English, without regard to their country of birth, it is also of vital importance to the competitiveness of the United States that those residents be encouraged to learn other languages.

(b) RESIDENT OF THE UNITED STATES DEFINED.—In this section, the term “resident of the United States” means an individual who resides in the United States, other than an alien who is not lawfully present in the United States.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States (referred to in this section as the “Comptroller General”) shall conduct a study of multilingualism in the United States in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The study conducted under this section shall ascertain—

(i) the percentage of residents in the United States who are proficient in English and at least 1 other language;

(ii) the predominant language other than English in which residents referred to in clause (i) are proficient;

(iii) the percentage of the residents described in clause (i) who were born in a foreign country;

(iv) the percentage of the residents described in clause (i) who were born in the United States;

(v) the percentage of the residents described in clause (iv) who are second-generation residents of the United States; and

(vi) the percentage of the residents described in clause (iv) who are third-generation residents of the United States.

(B) AGE-SPECIFIC CATEGORIES.—The study under this section shall, with respect to the residents described in subparagraph (A)(i), determine the number of those residents in each of the following categories:

(i) Residents who have not attained the age of 12.

(ii) Residents have attained the age of 12, but have not attained the age of 18.

(iii) Residents who have attained the age of 18, but have not attained the age of 50.

(iv) Residents who have attained the age of 50.

(C) FEDERAL PROGRAMS.—In conducting the study under this section, the Comptroller General shall establish a list of each Federal program that encourages multilingualism with respect to any category of residents described in subparagraph (B).

(D) COMPARISONS.—In conducting the study under this section, the Comptroller General shall compare the multilingual population described in subparagraph (A) with the multilingual populations of foreign countries—

(i) in the Western hemisphere; and

(ii) in Asia.

(d) REPORT.—Upon completion of the study under this section, the Comptroller General shall prepare, and submit to Congress, a report that contains the results of the study conducted under this section, and such findings and recommendations as the Comptroller General determines to be appropriate.

**LEVIN (AND BINGAMAN)  
AMENDMENT NO. 2299**

Mr. LEVIN (for himself and Mr. BINGAMAN) proposed an amendment to the bill, H.R. 2646, *supra*; as follows:

Beginning on page 2, line 9, strike all through page 10, line 21, and insert:

**SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.**

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

“(4) CONTRIBUTION LIMIT.—The term ‘contribution limit’ means \$500 (\$2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).”

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(B) Section 4973(e)(1)(A) is amended by striking “\$500” and inserting “the contribution limit (as defined in section 530(b)(5)) for such taxable year”.



(b) **WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.**—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

“The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).”

(c) **CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.**—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking “The maximum amount which a contributor” and inserting “In the case of a contributor who is an individual, the maximum amount the contributor”.

(d) **NO DOUBLE BENEFIT.**—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

“(D) **DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.**—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.”

(e) **TECHNICAL CORRECTIONS.**—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

“(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.”

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

“(8) **DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.**—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.”

(2)(A) Section 530(d)(1) is amended by striking “section 72(b)” and inserting “section 72”.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

“(9) **EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.**—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.”

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by adding at the end the following new clause:

“(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.”

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) **TECHNICAL CORRECTIONS.**—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

**SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.**

(a) **IN GENERAL.**—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

“(3) **SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.**—

“(A) **IN GENERAL.**—If any portion of the qualified tuition and related expenses to which this subsection applies—

“(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

“(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting ‘50 percent’ for ‘20 percent’.

“(B) **TERMINATION.**—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

**ASHCROFT (AND OTHERS)  
AMENDMENT NO. 2300**

Mr. ASHCROFT (for himself, Mr. HAGEL, and Mr. NICKLES) proposed an amendment to amendment No. 2299 proposed by Mr. LEVIN to the bill, H.R. 2646, *supra*; as follows:

Strike all after “SEC.” and insert the following:

**101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.**

(a) **TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.**—

(1) **IN GENERAL.**—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

“(2) **QUALIFIED EDUCATION EXPENSES.**—

“(A) **IN GENERAL.**—The term ‘qualified education expenses’ means—

“(i) qualified higher education expenses (as defined in section 529(e)(3)), and

“(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

“(B) **QUALIFIED STATE TUITION PROGRAMS.**—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account.”

(2) **QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.**—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

“(4) **QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.**—

“(A) **IN GENERAL.**—The term ‘qualified elementary and secondary education expenses’ means—

“(i) expenses for tuition, fees, academic tutoring, special needs services, books, sup-

plies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

“(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

“(B) **SPECIAL RULE FOR HOMESCHOOLING.**—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

“(C) **SCHOOL.**—The term ‘school’ means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.”

(3) **SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.**—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

“(D) **SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.**—

“(i) **IN GENERAL.**—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

“(ii) **SPECIAL OPERATING RULES.**—For purposes of clause (i)—

“(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

“(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i).”

(4) **CONFORMING AMENDMENTS.**—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking “higher” each place it appears in the text and heading thereof.

(b) **MAXIMUM ANNUAL CONTRIBUTIONS.**—

(1) **IN GENERAL.**—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(2) **CONTRIBUTION LIMIT.**—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

“(5) **CONTRIBUTION LIMIT.**—The term ‘contribution limit’ means \$500 (\$2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).”

(3) **CONFORMING AMENDMENTS.**—

(A) Section 530(d)(4)(C) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(B) Section 4973(e)(1)(A) is amended by striking “\$500” and inserting “the contribution limit (as defined in section 530(b)(5)) for such taxable year”.

(c) **WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.**—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) **CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.**—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) **NO DOUBLE BENEFIT.**—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

"(E) **DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.**—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(f) **TECHNICAL CORRECTIONS.**—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) **DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.**—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) **EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.**—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(g) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) **TECHNICAL CORRECTIONS.**—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

#### **SEC. 102. PROHIBITION ON FEDERALLY SPONSORED TESTING.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) High State and local standards in reading, mathematics, and other core academic subjects are essential to the future well-being of elementary and secondary education in the United States.

(2) State and local control of education is the hallmark of education in the United States.

(3) Each of the 50 States already utilizes numerous tests to measure student achievement, including State and commercially available assessments. State assessments are based primarily upon State and locally developed academic standards.

(4) Public Law 105-78, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, ensures that Federal funds may not be used to field test, pilot test, implement, administer, or distribute in any way, any federally sponsored national test in fiscal year 1998, requires the National Academy of Sciences to conduct a study to determine whether an equivalency scale can be developed that would allow existing tests to be compared one to another, and permits very limited test development activities in fourth grade reading and eighth grade mathematics in fiscal year 1998.

(5) There is no specific or explicit authority in current Federal law authorizing the proposed federally sponsored national tests in fourth grade reading and eighth grade mathematics.

(6) The decision of whether or not the United States implements, administers, disseminates, or otherwise has federally sponsored national tests in fourth grade reading and eighth grade mathematics or any other subject, will be determined primarily through the normal legislative process involving Congress and the respective authorizing committees.

(b) **PROHIBITION ON FEDERALLY SPONSORED TESTING.**—Part C of the General Education Provisions Act (20 U.S.C. 1231 et seq.) is amended by adding at the end the following:

#### **"SEC. 447. PROHIBITION ON FEDERALLY SPONSORED TESTING.**

"(a) **GENERAL PROHIBITION.**—Notwithstanding any other provision of Federal law and, except as provided in sections 305 through 311 of Public Law 105-78, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, funds provided to the Department of Education or to an applicable program under this Act or any other Act, may not be used to develop, plan, implement (including pilot testing or field testing), or administer any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

"(b) **EXCEPTIONS.**—Subsection (a) shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6) et seq.), and administered to only a representative sample of pupils in the United States and in foreign nations."

#### **LANDRIEU AMENDMENT NO. 2301**

Ms. LANDRIEU proposed an amendment to the bill, H.R. 2646, *supra*; as follows:

Strike section 101, and insert the following:

#### **SEC. 101. BLUE RIBBON SCHOOLS.**

(a) **PROGRAM AUTHORIZED.**—

(1) **RECOGNITION.**—The Secretary of Education is authorized to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence and demonstrated a high level of quality.

(2) **DESIGNATION.**—Each school recognized under paragraph (1) shall be designated as a "Blue Ribbon School" for a period of 3 years.

(b) **AWARDS.**—

(1) **AMOUNT.**—The Secretary shall make an award for each school recognized under subsection (a) in the amount of \$50,000.

(2) **SPECIAL RULE.**—If the Secretary is prohibited from making an award directly to a school, the Secretary shall make such award to the local educational agency serving such school for the exclusive use of such school.

(3) **PRIVATE SCHOOLS.**—Awards for private schools recognized under subsection (a) shall be used to provide students and teachers at the schools with educational services and benefits that are similar to, and provided in the same manner as, the services and benefits provided to private school students and teachers under part A of title I, or title VI, of the Elementary and Secondary Education Act of 1965.

(4) **LIMITATION.**—The Secretary shall not make more than 250 awards under this section for any fiscal year.

(5) **WAIT-OUT PERIOD.**—The Secretary shall not make a second or subsequent award to a school under this section before the expiration of the 3-year designation period under subsection (a)(2) that is applicable to the preceding award.

(c) **APPLICATIONS AND TECHNICAL ASSISTANCE GRANTS.**—

(1) **APPLICATIONS.**—Each school desiring recognition under subsection (a)(1) shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) **TECHNICAL ASSISTANCE GRANTS.**—The Secretary is authorized to award grants to States to enable the States to provide technical assistance to schools desiring recognition under subsection (a)(1).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)) \$125,000,000 for each of the fiscal years 1999 through 2003.

(2) **TECHNICAL ASSISTANCE GRANTS.**—There is authorized to be appropriated to carry out subsection (c)(2) \$2,000,000 for each of the fiscal years 1999 through 2003.

#### **KEMPTHORNE AMENDMENT NO.**

2302

Mr. KEMPTHORNE proposed an amendment to amendment No. 2301 proposed by Ms. LANDRIEU to the bill, H.R. 2646, *supra*; as follows:

Strike all after the first word, and insert the following:

#### **101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.**

(a) **TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.**—

(1) **IN GENERAL.**—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) **QUALIFIED EDUCATION EXPENSES.**—

"(A) **IN GENERAL.**—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

“(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account.”

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

“(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

“(A) IN GENERAL.—The term ‘qualified elementary and secondary education expenses’ means—

“(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

“(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

“(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

“(C) SCHOOL.—The term ‘school’ means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.”

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

“(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

“(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

“(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

“(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i).”

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking “higher” each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by

adding at the end the following new paragraph:

“(5) CONTRIBUTION LIMIT.—The term ‘contribution limit’ means \$500 (\$2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).”

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(B) Section 4973(e)(1)(A) is amended by striking “\$500” and inserting “the contribution limit (as defined in section 530(b)(5)) for such taxable year”.

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

“The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).”

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking “The maximum amount which a contributor” and inserting “In the case of a contributor who is an individual, the maximum amount the contributor”.

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

“(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.”

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

“(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.”

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

“(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.”

(2)(A) Section 530(d)(1) is amended by striking “section 72(b)” and inserting “section 72”.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

“(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.”

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by adding at the end the following new clause:

“(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.”

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

## SEC. 102. STUDENT IMPROVEMENT INCENTIVE AWARDS.

Section 6201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7331) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking “and” after the semicolon;

(B) in paragraph (2), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(3) student improvement incentive awards described in subsection (c).”; and

(2) by adding at the end the following:

“(c) STUDENT IMPROVEMENT INCENTIVE AWARDS.—

“(1) AWARDS.—A State educational agency may use funds made available for State use under this title to make awards to public secondary schools in the State that are determined to be outstanding schools pursuant to a statewide assessment described in paragraph (2).

“(2) STATEWIDE ASSESSMENT.—The statewide assessment referred to in paragraph (1)—

“(A) shall—

“(i) determine the educational progress of students attending public secondary schools within the State; and

“(ii) allow for an objective analysis of the assessment on a school-by-school basis; and

“(B) may involve exit exams.”.

LEVIN (AND BINGAMAN)

AMENDMENT NO. 2303

Mr. LEVIN (for himself and Mr. BINGAMAN) proposed an amendment to amendment No. 2299 proposed by Mr. LEVIN to the bill, H.R. 2646, supra; as follows:

At the end of the amendment add the following:

Section 101 is null and void.

## SEC. . MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

“(4) CONTRIBUTION LIMIT.—The term ‘contribution limit’ means \$500 (\$2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).”

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(B) Section 4973(e)(1)(A) is amended by striking "\$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) **WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.**—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) **CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.**—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) **NO DOUBLE BENEFIT.**—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) **DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.**—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) **TECHNICAL CORRECTIONS.**—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) **DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.**—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) **EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.**—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) **TECHNICAL CORRECTIONS.**—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

On page 21, between lines 9 and 10, insert:

**SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.**

(a) **IN GENERAL.**—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

"(3) **SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.**—

"(A) **IN GENERAL.**—If any portion of the qualified tuition and related expenses to which this subsection applies—

"(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

"(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching, paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'."

"(B) **TERMINATION.**—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

**PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC**

**JEFFORDS EXECUTIVE AMENDMENT NO. 2304**

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an executive amendment intended to be proposed by him to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) UNITED STATES GOVERNMENT DISCUSSIONS WITH FOREIGN GOVERNMENTS REGARDING POSSIBLE FURTHER ENLARGEMENT OF NATO.—

(i) **FINDINGS.**—The Senate finds that—

(I) the President has consistently stated that the current round of accession to the North Atlantic Treaty will not be the last and that the door to membership will remain open;

(II) the following nine Partnership for Peace countries have begun the formal application process to join NATO: Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Slovakia, Slovenia, and the Former Yugoslav Republic of Macedonia;

(III) the following 15 countries have sought a closer relationship with NATO by joining

the Partnership for Peace: Armenia, Austria, Azerbaijan, Belarus, Finland, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Sweden, Switzerland, Turkmenistan, Ukraine, and Uzbekistan; and

(IV) Croatia has expressed interest in NATO membership;

(ii) **ANNUAL REPORTS.**—Prior to the deposit of the United States instrument of ratification, and annually thereafter, the President shall submit a report to the Senate on the status of discussions concerning NATO membership for Partnership for Peace countries and other countries that have expressed interest in NATO membership, including—

(I) the expected timetable for those countries to meet the criteria for NATO membership; and

(II) a discussion of how the functioning of NATO would be altered if those countries were included.

Mr. JEFFORDS. Mr. President, today I am submitting an amendment to the resolution to ratify the accession of Poland, Hungary, and the Czech Republic to the North Atlantic Treaty Organization (NATO). This amendment addresses future new membership in the alliance.

28 countries in central Asia and eastern Europe that have applied for NATO membership or may aspire to join at a future date when they can meet NATO criteria. Today we are considering extending the NATO security umbrella to only three countries—Poland, Hungary, and the Czech Republic. It is important that we have a clear understanding that the expansion process may go much further than this initial round.

In January 1994, the Administration adopted the Partnership for Peace program to provide a framework for NATO's evaluation of states that are considered to be candidates for alliance membership. In addition to the first three countries invited to join NATO, nine other Partnership for Peace countries have begun the formal application process for membership—Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Slovakia, Slovenia, and the Former Yugoslavia Republic of Macedonia. Moreover, another 15 countries have expressed an interest in NATO by joining the Partnership for Peace. These countries include Armenia, Austria, Azerbaijan, Belarus, Finland, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Switzerland, Turkmenistan, Ukraine, and Uzbekistan. Although not associated with Partnership for Peace, Croatia has expressed hope that they too will be admitted some day.

The extensive territory covered by these NATO hopefuls begs for more information on the nature and mission of the alliance in the future. My amendment would require an annual report to the Senate on United States Government discussions with the governments of each of these countries on their possible accession. The reports would include the expected timetable for those

countries to meet the criteria for NATO membership and how the Administration believes the functioning of NATO would be altered if they were to become a member.

Just how far are we willing to extend the NATO alliance? I am not questioning whether Poland, Hungary, and the Czech Republic deserve to become alliance members. All three have made remarkable gains since the end of the Cold War. But in the future, other of these 25 nations will meet the criteria to join NATO and may be no less deserving of membership. Now is the time for the Senate to begin thinking about the long-term indications of a decision to open NATO's doors to the East.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 22, 1998, to conduct a hearing on the nomination of Donna Tanoue, of Hawaii, to be a member and chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

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

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 22, 1998, at 10 a.m. for a hearing on the nominations of G. Edward DeSeve to be Deputy Director for Management of the Office of Management and Budget, and Deidre Lee to be Administrator of the Office of Federal Procurement Policy for the Office of Management and Budget.

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

##### COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 22, 1998 at 10:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on the nomination of James K. Robinson to be assistant attorney general for the criminal division.

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

##### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources and the House Committee on Education and the Workforce be authorized to meet for a joint hearing on Individuals with Disabilities Education Act during the session of the Senate on Wednesday, April 22, 1998, at 10:30 a.m.

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

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. COVERDELL. Mr. President, the Committee on Veterans' Affairs would

like to request unanimous consent to hold a markup on the nomination of Togo D. West, Jr., to be Secretary of the Department of Veterans Affairs. The markup will take place in S216, of the Capitol Building, after the first scheduled vote in the Senate after 3 p.m. on Wednesday, April 22, 1998.

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

##### SPECIAL COMMITTEE ON AGING

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on April 22, 1998 at 1 p.m. for the purpose of conducting a hearing.

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

##### SUBCOMMITTEE ON COMMUNICATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 22, 1998, at 9:30 am on section 706 and bandwidth issues.

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

##### SUBCOMMITTEE ON MANUFACTURING

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Manufacturing Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 22, 1998, at 2:30 pm on virtual manufacturing.

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

##### SUBCOMMITTEE ON SOCIAL SECURITY

Mr. COVERDELL. Mr. President, the Finance Committee Subcommittee on Social Security and Family Policy requests unanimous consent to conduct a hearing on Wednesday, April 22, 1998, beginning at 10 a.m. in room 215 Dirksen.

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

##### SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Judiciary Committee, and the Senate Select Committee on Intelligence be authorized to hold a joint hearing during the session of the Senate on Wednesday, April 22, 1998 at 2:30 p.m. in room 226, Senate Dirksen Office Building, on: "Chemical and Biological Weapons Threats to America: Are We Prepared?"

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

#### ADDITIONAL STATEMENTS

##### IN RECOGNITION OF GILDA'S CLUB, METRO DETROIT

• Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to the April 30, 1998 Grand Opening of the new, and permanent, home of

Gilda's Club, Metro Detroit in Royal Oak, Michigan. Gilda's Club is a support community for men, women and children who are living with cancer as well as their families and friends.

Gilda's Club is named for the late comedienne Gilda Radner, a Detroit native who died at the age of 42 after a courageous fight against cancer. Gilda first became known for her portrayals of irreverent characters on "Saturday Night Live." She also appeared on Broadway and in movies. Shortly before she died, Gilda wrote "It's Always Something," a book about her experience living with cancer. Gilda's Club was born from Gilda Radner's wish for all people with cancer to have as strong a support group as she had.

Gilda's Club aims to provide a friendly, residential haven for cancer patients and their friends and families. In this home-like setting, people living with or affected by cancer can share their experiences, participate in workshops and lectures, and attend social events. Gilda's Club is designed to enhance medical treatment with the emotional and social support which can be so crucial for those living with the disease.

Thousands of people from communities throughout Michigan pulled together to make Gilda's Club's permanent home a reality. Many organizations and businesses have hosted fundraising events and have committed their own money to the cause. A comedy event is held once a year to raise funds for Gilda's Club, and thousands of people walk in the Annual 5K Gilda's Club Family Walk and Block Party. In 1997, this event involved more than three thousand walkers and raised more than \$175,000.

Mr. President, people living with cancer have long been able to rely on gifted and dedicated doctors to help them fight the disease which affects their bodies. Gilda's Club, Metro Detroit offers a critical supplement—emotional uplift—to the care cancer patients receive from their physicians. By promoting hope and healing, Gilda's Club will have an impact on thousands of people. I hope my colleagues will join me in recognizing the efforts of the many people who have made Gilda's Club, Metro Detroit possible, and in extending our prayers and high hopes to everyone who walks through its doors. •

#### THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 21, 1998, the federal debt stood at \$5,518,978,332,463.05 (Five trillion, five hundred eighteen billion, nine hundred seventy-eight million, three hundred thirty-two thousand, four hundred sixty-three dollars and five cents).

One year ago, April 21, 1997, the federal debt stood at \$5,352,734,000,000 (Five trillion, three hundred fifty-two billion, seven hundred thirty-four million).

Five years ago, April 21, 1993, the federal debt stood at \$4,257,526,000,000

(Four trillion, two hundred fifty-seven billion, five hundred twenty-six million).

Ten years ago, April 21, 1988, the federal debt stood at \$2,499,121,000,000 (Two trillion, four hundred ninety-nine billion, one hundred twenty-one million).

Fifteen years ago, April 21, 1983, the federal debt stood at \$1,243,863,000,000 (One trillion, two hundred forty-three billion, eight hundred sixty-three million) which reflects a debt increase of more than \$4 trillion—\$4,275,115,332,463.05 (Four trillion, two hundred seventy-five billion, one hundred fifteen million, three hundred thirty-two thousand, four hundred sixty-three dollars and five cents) during the past 15 years.●

#### JUSTICE FOR THE PEOPLE OF CAMBODIA

● Mr. LEAHY. Mr. President, last week, the mastermind of one of this century's most horrific crimes against humanity died apparently peacefully in his sleep. Pol Pot, founder and leader of the Khmer Rouge, architect of the grisly genocide which claimed at least one million Cambodian lives between 1975 and 1979, died at the age of 73. While some may see Pol Pot's death as final closure on one of the most shockingly brutal and despotic reigns in history, his death should not absolve the international community from seeking justice for the people of Cambodia.

The scars from Pol Pot's four-year reign of terror remain in Cambodia, and on the face of humanity. History will judge us. Did they do enough? Did they do what they could? Did they even care? If those assessments were written today, the community of nations would be found wanting. The fact that Pol Pot lived to his dying day having never been punished for his crimes is the best evidence of that.

When Pol Pot and his Khmer Rouge captured the Cambodian capitol of Phnom Penh in April 1975, he and his lieutenants began a barbaric campaign to exterminate intellectuals, foreigners, bureaucrats, merchants, and countless others who did not fit Pol Pot's vision of a "pure" Cambodia. Many thousands more were forced into slave labor camps, eventually dying from starvation, torture, and disease. I have met some of the survivors of that nightmare who escaped to Thailand and ultimately resettled in the United States, including in Vermont. They are a living tribute to the invincibility of the human spirit.

Four years later in 1979 Pol Pot and the Khmer Rouge were forced from power, but they left behind a ghastly swath of death and carnage that counted at least one million Cambodians dead and a country that to this day is trying to cope with the ghosts of that era. Virtually every Cambodian now alive knows or is related to someone who perished under the Khmer Rouge.

Although Pol Pot was the architect of the killing fields of Cambodia, those

in his inner circle were responsible for carrying out his commands. Many of Pol Pot's chief lieutenants still roam the Cambodian countryside, reportedly along the Thai border. Men like Khieu Samphan, former President of Kampuchea; Nuon Chea, former second in command and someone described as Pol Pot's "alter ego;" and Ta Mok, a Khmer Rouge leader whose portfolio included killing Cambodians who had worked for the old Lon Nol government. Ta Mok was nicknamed "the Butcher."

The wanton killing did not end decades ago. In 1996 British mine clearer Christopher Howes and his Cambodian interpreter, Houn Hourth, were abducted by Khmer Rouge soldiers and later led to a field and shot in the back. According to recent reports of interviews with Khmer Rouge officials, aides close to Pol Pot ordered the killing. Mr. Howes posed no threat to Pol Pot or the Khmer Rouge. He was in Cambodia working to make the country safer for the Cambodian people by helping remove one-by-one the millions of landmines sown in the fields. Today, Cambodia is infested with mines which continue to maim and kill the innocent.

I am encouraged that the Administration appears ready to seek some formal mechanism to bring to justice key members of Pol Pot's inner circle. A number of possible approaches have been suggested, including a war crimes tribunal for Cambodia like the existing tribunal for the former Yugoslavia, or an international penal tribunal that includes Cambodian participation. These ideas and others merit further discussion as we examine appropriate ways to seek justice for the Cambodian people.

The United Nations has also named a three-person team to investigate the remaining Khmer Rouge leaders. This too, is an encouraging sign.

Whatever it takes, we must not let the fact that Pol Pot eluded justice diminish our resolve to apprehend and punish the members of his inner circle who are also guilty of crimes against humanity. History will judge us harshly if we turn our backs now.

I ask unanimous consent that two editorials be printed in the RECORD.

The editorials follow:

[From The New York Times, April 17, 1998]

#### POL POT ESCAPES JUSTICE

Pol Pot, elusive to the end, died just as the world finally seemed to be serious about bringing him to justice. No punishment, however, could have fit the evil he committed. From 1975 to 1979, Pol Pot's Khmer Rouge wiped out a large fraction of Cambodia's people, and left the rest with a country submerged in violence and pain.

The Khmer Rouge regime was surely the most bizarre in modern history, its philosophy made up of one part Maoism and three parts paranoia. It emptied the cities and marched Cambodians to the countryside to starve on state farms. Having an education, or even wearing glasses, could get one killed as a class enemy. Thousands of Khmer Rouge's own cadres were forced to confess to spying and tortured to death. There is probably no adult in Cambodia today unscarred

by the loss of a close relative. Political life, too, is still poisoned. The nation's spectacular misrule stems in part from the scarcity of educated people and the political habits learned in four years of terror.

The Vietnamese invasion that ousted the Khmer Rouge in 1979 forced Pol Pot and his men into the jungle, where they continue to wage a guerrilla war to this day. Many Khmer Rouge troops have received amnesty and become wealthy and influential members of Hun Sen's Government, including Mr. Hun Sen himself. Pol Pot's death will rob investigators of the chance to try him and to hear about the crimes of Khmer Rouge leaders who are still in positions of power.

Pol Pot, who became a Communist while on a scholarship in Paris in the early 1950's, never apologized. In an interview last October, the only one he had granted since 1978, he said that whatever he had done he did for his country. He disputed that millions had died but acknowledged that hundreds of thousands had. Those killings were necessary, he said, because the Vietnamese wanted to assassinate him and swallow up Cambodia. His conscience was clear.

This was said by an old man so weakened by malaria and stroke that he could barely walk. He always had a gentle manner and soft voice, and in the interview smiled constantly. He did not seem a man who could have presided over the deaths of more than a million people. Three months before the interview, however, the Khmer Rouge put him on trial, not for the crimes of his regime but for his murder of a political rival and the man's family. The camera showed the Khmer Rouge troops watching the trial chanting robotically, "Crush, crush, crush." He, of course, had taught them that. The soft-spoken old man of the interview was a mirage. His disciples showed who Pol Pot really was.

[From The Washington Post, April 17, 1998]

#### AFTER POL POT

The reported death of Pol Pot in the Cambodian jungle means that one of this century's most egregious mass murderers will not stand trial or be held accountable for his crimes. But it should not mean that Pol Pot's accomplices now will be let off the hook, and it does not mean that other nations with an interest in Cambodia's future should ease their pressure for a restoration of democracy there.

Between 1975 and 1979 more than 1 million and probably closer to 2 million Cambodians were executed or died from the effects of torture, deliberate starvation and brutal overwork. Pol Pot was the nation's communist leader at the time; he presided over the deaths of one-fifth of his population. But he was not alone. According to painstaking documentation assembled by the Cambodia Genocide Project at Yale University (partially funded by the State Department), a standing committee, on March 30, 1976, formally established an integrated national network of extermination centers. These were responsible for an estimated 1 million deaths of people who are now buried in 20,000 mass graves. Eight to 10 members of that committee are still alive and at large.

The tendency on the part of the international community will be to abandon efforts to bring to trial those guilty of crimes against humanity. With Pol Pot gone, attention will fade; some believe his colleagues killed him for just that reason. Moreover, some of Pol Pot's onetime comrades are in league with Cambodia's current leader, Hun Sen. It would make diplomats' jobs easier to let them be. It would also be an affront to justice and to Cambodia's many victims.

The same international fatigue is emerging with respect to Hun Sen, who seized



power in a coup last July. Officials from the United States, Japan, Cambodia's neighbors and other nations will meet in Bangkok on Sunday to decide whether to resume some aid to his regime, at least to help organize an election he wants to hold in July. Hun Sen hopes the election will legitimize his authoritarian rule. Some in Bangkok will want to go forward because Hun Sen has allowed deposed prime minister Prince Ranariddh to return to Cambodia, supposedly a gesture of reconciliation.

But political killings of Ranariddh supporters continue, and no one has been brought to justice for more than 40 past murders; Hun Sen's opponents live in fear and with limited access to the media; no impartial courts or electoral commission exist. Until these conditions change, a credible election is impossible. The United States and its allies should not put themselves in the position of blessing any other kind. •

#### EARTH DAY 1998

• Mr. DOMENICI. Mr. President, I would like to take the opportunity to address our environment and energy resources this Earth Day 1998.

My perspective is derived from my quarter-century in the United States Senate, wherein I have devoted much of my time to environmental and energy concerns. When I started my tenure here in 1973, the commemoration of Earth Day was three years young. During the ensuing years, I have witnessed great strides towards the improvement of our nation's environment. We are uniquely fortunate to be prosperous enough to consciously choose to promote environmental concerns and conserve resources. This Earth Day 1998 should focus on creating ways to not only continue these improvements in our own country, but also assist other nations in improving their ability to protect the world's environment. The earth is currently the only home we all share.

I would like to think that I have contributed to the continuing United States environmental improvement during my years of public service. I actively participated in the multi-year debate on the 1977 amendments to the Clean Air Act, and I am pleased to say, played a key role in shaping the 1990 amendments which has reaped substantial decreases in air pollutants since the first Earth Day in 1970.

Through passage of the Clean Water Act and reauthorization of the Safe Drinking Water Act, the United States of America has vastly improved the quality of its rivers, lakes, and coastal waters, and has the safest drinking water in the world. Communities, while suffering some hardships, have been able to decrease emissions, provide clean, safe public areas for their citizens, and still remain a world economic leader. We have learned that costly regulation is not the solution, but co-operation with and incentives for the business community, as well as providing local control over local concerns, improves everyone's way of life.

It is from the vantage point of my years of service in environmental and

energy issues that I speak today about the divergence in regulation and policy from the best interests of our global climate. Several examples can be gleaned from the recent debates regarding emission standards and the global climate change document which emerged from Kyoto, Japan in December.

Remember, since 1970, air pollution in this country has been steadily declining, despite the fact that the U.S. population has increased by almost 30% and vehicle travel has more than doubled. Now, I believe anyone will tell you they want clean air. However, one must also realize that any environmental improvement comes at some economic cost in our industrialized world. The United States may be responsible for 20 percent of the world's carbon dioxide emissions, but it also responsible for producing 26 percent of the world's goods and services. And we still have some of the most stringent environmental standards around. We need to keep finding ways to improve air quality, while maintaining a standard of living that is envied the world over.

American cities have just recently been able to achieve the stringent air quality standards, and air quality is improving. In my home state of New Mexico, Albuquerque was one of the first U.S. cities to be removed from the list of violators of national carbon monoxide standards. Let's let all communities continue to improve, rather than impose strict and costly new air quality standards before we know that they are based in sound science.

I believe that many of my distinguished colleagues here in the Senate know I have long been a strong proponent of basing governmental decision making on sound science. Indeed, in both the Clean Air Act Amendments of 1990 and the Safe Drinking Water Act of last Congress, I fought hard to make sure "sound science" provisions were included in the legislation as a matter of policy. There has been some question about the scientific validity of the global warming theory. Theories do change. It was not all that long ago that my children were being taught in school that we were approaching another ice age.

However, assuming that global climate change is occurring and emissions need to be reduced to improve the global climate, what is the logic of exempting developing countries from any global treaty aimed at reducing those emissions? Many developing countries, like China or India, are predicted to rapidly exceed developed countries' emission levels. Shouldn't every country be bound to reduce their carbon dioxide emissions? Why should this country bear the burden in this inequitable arrangement that will not reduce net emissions levels?

Do not misunderstand me. We all have to live on this planet; we all should live well and live in a clean environment. I do not believe these goals

are contradictory. Progress is not a curse. This nation is blessed to be leaders in Environmental protection and to also enjoy modern conveniences. I do applaud the fact that the climate change debate has focused some attention on looking to alternative and cleaner fuel sources.

I do sometimes find it ironic that those environmental activists who speak the loudest about a dirty environment oppose development of the safest, cleanest energy source available in quantities to sustain our modern needs: nuclear energy.

As we leave the 20th Century and head for a new millennium, we truly need to confront these strategic energy issues with careful logic and sound science.

We live in the dominant economic, military, and cultural entity in the world. Our principles of government and economics are increasingly becoming the principles of the world. We can afford a clean world. As developing countries try to emulate our nation's success, we will find ourselves competing for resources that fuel modern economics.

I have pledged to initiate a more forthright discussion of nuclear policy. We often define environmental debates in terms of "us versus them." When it comes to global environment there is no them. We are all environmentalists. Nobody belittles the fundamental need for clean air and water. Some activists make their cause all-important, from whichever direction they come, and do not focus on what is right or fair. I believe that the emotional response is not always the logical alternative.

As Chairman of the Senate Budget Committee, I have faced criticism from both sides on some of my positions. Now, the President has outlined a program to reduce U.S. production of carbon dioxide and other greenhouse gases below 1990 levels by some time between 2008 and 2012. Unfortunately, the President's goals are not achievable without seriously impacting our economy.

Our national laboratories have studied the issue. Their report indicates that to get to the President's goals we would have to impose a \$50/ton carbon tax. That would result in an increase of 12.5 cents/gallon for gas and 1.5 cents/kilowatt-hour for electricity—almost a doubling of the current cost of coal or natural gas-generated electricity. However, Nuclear energy can help meet the global goal.

I was very disappointed that the talks in Kyoto did not include any serious discussion about nuclear energy. As I have pointed out before, in 1996 alone, nuclear power plants prevented the release of 147 metric tons of carbon, 2.5 million tons of nitrogen oxides, and 5 million tons of sulfur dioxide into the atmosphere. Nuclear power is now only providing 20% of the United States' electricity, but those utilities' emissions of greenhouse gases were 25% lower than they would have been from fossil fuels.



In the aspect of recognizing nuclear energy as a clean, economic fuel alternative, the United States has thus far failed to take the lead. Other countries, such as France, Japan, and Russia, have recognized the importance of nuclear energy sources. And there are many more beneficial uses of nuclear technologies, from the destruction of dangerous organisms in our food to enjoying healthier lives from medical procedures dependent on nuclear processes. The notation on our calendar should read that today, Earth Day, is the day we should begin to catch up with other countries that have prudently decided to use more nuclear power because it is good for the environment and makes good sense.

I realize, however, that we cannot address the issue of nuclear energy without discussing the problem of nuclear waste. This should not deter us from a prudent course; we must, and we can, find ways to address nuclear waste safely. Currently there are exciting scientific ideas being developed to utilize the 60-75% of energy available in spent nuclear fuel rods while still reducing the half-life of residual material.

I encourage debate this Earth Day on ways to improve the world's economy while maintaining a clean environment. Exploring nuclear energy issue is but one way. And indeed, the issue of energy use and environment is pertinent on more than one day a year. Let us just reflect on the possibilities for the new millennium as we proudly review our past successes.●

#### THE J.P. "COTTON" KNOX FAMILY—A 20TH CENTURY AMERICAN FAMILY

● Mr. DURBIN. Mr. President, I rise today to pay tribute to a great 20th century American family from the state of Illinois—the J.P. "Cotton" Knox family. Through the industrial age, the Great Depression, two world wars, and presidents from Teddy Roosevelt to Bill Clinton, the Knox family has spanned the American Century. We take a moment today to reflect on their history and their contribution to our nation.

It all began with J.P. "Cotton" Knox, born November 16, 1880, and his wife Esther Loretta Knox, born April 11, 1885—both in Sangamon County, Illinois. They started courting at the turn of the century, married in 1907 and lived on a small farm west of Curran in Sangamon County where J.P. shucked corn by hand in the moonlight.

During the first quarter of the 20th century, the family grew rapidly. Thomas Dickerson, J.P. and Esther's first child, was born July 8, 1908. James Donald came next on November 24, 1909 and was followed by Kathryn Loretta on May 9, 1912, John Louis on July 23, 1914, Charles Carroll on November 21, 1916, Lawrence William on January 26, 1919, Howard Eugene on March 29, 1921, Paul Edward on January 18, 1923, and Joseph Patrick on February 10, 1925.

Each child was born healthy and at home except for Howard Eugene, who was born in the hospital because of a scarlet fever epidemic.

In the second quarter of the 20th century, the family struggled through the Great Depression along with the rest of the nation. Kathryn had grown old enough that she was able to serve as relief pitcher and back-up quarterback for her mother. J.P. was elected Coroner of Sangamon County in 1932 and instilled in his children the importance of voting because it was a duty and a privilege as an American.

Perhaps the most remarkable chapter in the family's history came when the United States entered World War II following the bombing of Pearl Harbor in December 1941. Thomas, the oldest, was 33 and married with three children when the war began. As CEO of Doyle Freight Lines based in Saginaw, Michigan, he was declared an essential man in an essential industry. The Governor of Michigan appointed him as coordinator of transporting supplies to military bases in certain Midwest states. After the war, he was listed in Who's Who in the Midwest.

The other brothers, one by one, joined the military, even though some could have remained on the homefront. Lawrence, who worked in the FBI in Washington, was exempt from military service but chose to enlist in the Marines. Joseph was the last child left home with J.P. and Esther. He could have applied for a deferment but chose to serve with the approval of his parents. Three weeks after graduating from high school in 1943, he was in the Navy. Carroll was the only brother who did not go overseas, and served as a medical corpsman in the Navy in San Diego, California. Of the seven brothers who served, three were in the Navy, three in the Army and one in the Marines.

J.P. and Esther would have been all alone had it not been for Kathryn and her three children who lived with them when Kathryn's husband joined the Navy. Kathryn provided tremendous support to her parents, who had a lot to worry about with six of their eight sons in harm's way. She kept their morale high until, amazingly, all seven of the Knox boys in the military returned home safely with honorable discharges after the war. Combined, they gave 20 years, six months of service, including nearly 13 years overseas.

The third quarter of the 20th century had just begun when J.P. passed away in 1951. He was eulogized with a one-quarter page editorial by V.Y. Dallman, editor of the Illinois State Register in Springfield, Illinois. Esther passed away in 1972. All nine children were employed in various fields and raising families of their own. Joseph followed in his father's political footsteps, serving several terms as Clerk of the Circuit Court of Sangamon County and Public Health Commissioner for the City of Springfield. To this day, he insists the voters were not voting for

him, but rather for the Knox family. His was simply the name that happened to be on the ballot.

In the last quarter of the 20th century, three of the Knox children passed away—Thomas in 1986, Howard in 1987 and Louis in 1993. Six siblings remain—all in reasonably good health.

As the 21st century approaches, we wish the Knox family well and thank them for their service to the country and the state of Illinois. And I ask that my statement be included in the RECORD so that future generations of the J.P. "Cotton" Knox family will know that their forebears were proud to be Americans and proud to serve their nation.●

#### THE 83D ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. TORRICELLI. Mr. President, I rise today to commemorate the 83d anniversary of the Armenian genocide. On this sad occasion, my thoughts and sympathies are with the Armenian people as they remember the horrors of the events 83 years ago.

It is with a great sense of sorrow that we mark the 83d year since the tragic genocide and exile of the Armenian people. The senseless murder and expulsion of 1.5 million Armenians through a staged campaign of the Turkish Ottoman Empire has been one of the most sobering events in modern history. The Armenian Genocide has the unenviable distinction of being the first genocide in the 20th century. This fact alone underscores the seriousness of the events between 1915 and 1918, and it should remind us of the need to keep all those who perished during the Genocide alive in our memory.

We pause now to ensure that the Armenian Genocide will never slip into the recesses of history. While humankind has the ability to sponsor acts of great kindness and sacrifice, we also have the capacity for great evil. Along with the Holocaust, the Armenian Genocide signifies our ability to promote evil, but if we close our eyes to the tragedies of the past, we risk the chance of repeating them in the future.

Sadly, the Armenian American community has its roots in the Armenian Genocide. Many individuals living here in the United States either lost family members at the hands of the Ottomans, or are survivors themselves. They have risen above adversity to become prominent and successful citizens despite a tragic past. The Armenian American community has been vocal in expressing its anguish about the Genocide. It is my hope that their perseverance in marking this event each year, as well as our own efforts here in the United States Senate, will be enough to allow us to remember the lessons of the Genocide. We are constantly forced to relearn the effects of evil unchecked, but I hope, in this case, we will be guided to a better future.●

## NGAWANG CHOEPHEL

• Mr. LEAHY. Mr. President, Secretary Albright is planning to travel to China soon to discuss a wide range of important issues with Chinese officials. Her trip is in anticipation of a subsequent visit by President Clinton. On her agenda will be the issue of human rights, and I want to use this opportunity to remind other Senators of the case of Ngawang Choephel, a Tibetan ethnomusicologist and former Middlebury College student. Mr. Choephel came to this country on a Fulbright Scholarship, and in September 1995 he was arrested in Tibet for making a film about traditional Tibetan music and dance. On December 26, 1996, just one month after I spoke to Chinese President Jiang Zemin personally about Mr. Choephel, he was sentenced after a secret trial to 18 years in prison.

This case goes to the heart of our ongoing difficulties with the Chinese Government on human rights. I have repeatedly asked for, and never received, a shred of evidence that Mr. Choephel was engaged in any illegal or political activity. His crime, it appears, was that he was Tibetan and wanted to preserve Tibetan culture.

Mr. President, every country has the right to prosecute individuals who engage in conduct that threatens the safety of others. But no country has the right to violate internationally recognized human rights which are the rights of all people regardless of nationality. As long as a person can be imprisoned for doing nothing more than making a film about Tibetan culture, our relations with China will continue to suffer. By releasing Mr. Choephel, the Chinese Government would risk nothing, but it would represent an important step to those of us who are looking for credible signs that the Chinese Government genuinely wants to improve its human rights record.

An April 21, 1998 editorial in the Rutland Daily Herald notes the release of Chinese dissident Wang Dan, and calls for the release of Ngawang Choephel. I ask that excerpts of the editorial be printed in the RECORD.

## DON'T FORGET TIBET

The release of a leading dissident by the Chinese government has shown the Chinese leadership to be willing to make the right political gestures in anticipation of a visit later this spring by President Clinton.

Now is a good time to remind the Chinese that Americans believe Tibet to be an important human rights issue and that future relations with the United States would be improved by better treatment of Tibet. It is a good time, too, to remind the Chinese of a Tibetan with a Vermont connection who has been sentenced to serve 18 years in jail.

Ngawang Choephel had fled Tibet with his mother when he was 2 years old. He eventually found his way to Middlebury College where he was a student of ethnomusicology. He returned to Tibet to record the music and dance of his native land, but he was arrested in the summer of 1995 and sentenced to 18 years.

Releasing one or two well-known dissidents is not enough to establish a record of respect for human rights when other thousands remain behind prison walls for crimes no more offensive than the recording of folk songs.

Ngawang Choephel is just one among thousands who remain behind. As long as he is not forgotten, Clinton and the Chinese may also remember how much more needs to be done before China has established itself as a nation with proper respect for the rights of the individual. •

## THE CONTENT OF UNITED STATES ENGAGEMENT WITH CHINA

• Mrs. FEINSTEIN. Mr. President, on April 3, 1998 I addressed a conference at Stanford University on the subject of "The Content of U.S. Engagement with China." This conference, on an issue which I believe to be of paramount importance, was convened by The Center for International Security and Arms Control and the Institute for International Studies in conjunction with the Stanford University and Harvard University Preventive Defense Project. I thought my colleagues would find my remarks to be of interest, and I ask that they be printed in the RECORD.

The remarks follow:

## ENGAGING CHINA: THE DIRECTION OF THE FUTURE

For the last twenty years I have believed that the single most important undeveloped bilateral relationship in the world is the relationship between China and the United States of America. And I have been puzzled as to why so little attention has been given to its development.

Now, after many years of little presidential interaction between Washington and Beijing, President Clinton's decision to move up his visit to China from November to June I think means that each President is looking at the relationship in a different way. And I believe that this Administration is now ready to fully engage China.

So, what does engagement mean? What should be the content of such a policy? How should it be carried out? And why has it taken so long?

While the debate between engagement and containment with China is by no means dead, this clear and unequivocal effort to engage Beijing now at the highest level marks an historic turning point in U.S.-China relations—and what may well be the most defining bilateral relationship of the coming century.

As we move forward in this new effort at engagement, it is worthwhile to explore the issue of why it has been so difficult to reach this point, and then discuss what "engagement" should look like, and some of the practical steps the United States can take to carry out this effort.

## OBSTACLES TO A SUSTAINED POLICY OF ENGAGEMENT

Anyone who has participated in China policy debates in recent years knows first-hand how difficult it has

been to sustain any goal-oriented, consistent policy of engagement. Several reasons come to mind.

First is the events at Tiananmen Square on June 4, 1989. Just as Tiananmen Square was a much more significant event for China than the Chinese government would like to admit, it also substantially impacted the ability of the U.S. to pursue a policy of engagement.

For many Americans, the events of June 4, 1989 remain their dominant view of modern China—a view shaped by horrifying pictures of tanks advancing on students and workers, and the one white-shirted, slight man, clutching a shopping bag, defiantly facing down an advancing tank. These images are etched indelibly on the minds of virtually everyone who saw the extensive television coverage. It left a mark of unvarnished brutality on the government of China and on the People's Liberation Army. Many in this country came to view China as nothing more than a brutal dictatorship.

From that day on in Washington, China policy became event-driven, lurching from one crisis to the next—every media revelation on human rights, every trade dispute, every diplomatic confrontation over Taiwan, the future of Hong Kong, and the plight of Tibetans. U.S. policy toward China was held hostage daily by whatever "message" we were sending to respond to a particular issue—from the summary and prolonged detention of students involved in Tiananmen Square, to the incarceration of Harry Wu, to the arbitrary imprisonment of scholars and dissidents. Issues like prison labor, and abortion dominate the views of certain members of Congress to this very day.

Secondly, Americans have trouble accepting a non-elected government as a legitimate partner, particularly when that government is Communist. American political instincts are so entrenched when it comes to communism that they often override even our own stated interests. Perhaps this is due to the long Cold War with the Soviet Union. But Americans remain distrustful of a "Red China" despite the fact that China has adopted Western-style market capitalism and is reaching out to the West. Many in Congress see the tight control over political expression and unjust incarceration of dissenters as that which should be the controlling factor of our foreign policy with China.

Thirdly, China's modernization of its military, its increasing nationalism, and the military saber-rattling toward Taiwan in reaction to the Cornell visit of Lee Teng-hui—which culminated in a tense show of force involving missile launches and aircraft carriers—encouraged many here to vilify China as the new Evil Empire and likely military adversary. The book *China Can Say No* introduced a very real element of hostility, and the American corollary, *The Coming Conflict with China*, argued, in response, that conflict is indeed inevitable, that the Beijing government

should be contested and weakened, and that the U.S. policy demeanor should be one of "cold encounters."

Lost in all of this, largely because of the ignorance of so many Americans about the history and culture of China, has been the progress made in China toward a dramatically improved standard of living and freer lifestyle for so many tens of millions of people. One has but to consider the China of the Cultural Revolution, with the enormous loss of life and freedom suffered during the period of the "Gang of Four," to understand that the gains and changes that have been made in China are more profound than those that have occurred in virtually any large country anywhere else in the world in such a short twenty year period of time.

One point driven home to me is that most Americans have remarkably little knowledge of China's 5,000-year history, its culture, and its governance. When I was studying history here at Stanford, taking a course in modern China, the professor said to me, "Beware, Dianne, Americans do not understand China." That is absolutely correct. It does not register on most Americans that China, throughout its history, has been governed by one man—usually a despotic emperor, and then revolutionary war heroes. As Jiang Zemin said to me a couple of years ago in Beijing: "The U.S. cannot expect a country ruled by man for 5,000 years to make the transition to a rule of law overnight."

China's humiliation at the hands of European powers during the Opium Wars, its subsequent isolation from the West for over 100 years, and then its suffering at the hands of the Nationalists, the Communist Revolution, and the Cultural Revolution, and the ramifications of all of these events on its people, are largely unknown to Americans.

I was amazed to learn that a poll conducted during the transition of Hong Kong to Chinese sovereignty showed that only 12 percent of Americans knew that Hong Kong was, prior to the transition, governed by Great Britain. Most thought Hong Kong to be an independent entity being returned to China. This lack of knowledge makes it difficult for many Americans to understand why development of this relationship is so complex and important to our national interest.

Additionally, the fact that our own government is divided with one party charting foreign policy from the White House and the other trying to dictate it from Congress does not make a consistent policy easy to achieve. That division does, however, facilitate the opportunity for individuals and interest groups to weigh in heavily with the Congress with whatever agenda they may have to criticize the Administration. The easiest path, of course, is to do little in the face of this criticism and lack of understanding. To some extent, this same ambivalence is mirrored

on the Chinese side. Since the visit of Lee Teng-hui to the United States, we have seen the impact of rising Chinese nationalism, not just as a leadership issue, but as a deeply felt conviction throughout the countryside.

It is my deep belief that China today is America's most important undeveloped bilateral relationship, and that our own national interests suggest that whoever is President must be committed to engage this rising giant on an ongoing and consistent basis, regardless of other pressing domestic and international issues. China policy cannot afford a sense of drift, long periods of inaction, or even a fear of spelling out the importance of engagement and all of its ramifications and pluses to the American people.

#### DEFINING ENGAGEMENT: A STRATEGIC PARTNERSHIP

So what should a policy of engagement be? First of all, it should be a policy that is clear, consistent, and goal-oriented. It should be aimed at developing the trust, mutual respect, and—most importantly—the dialogue and diplomacy necessary to accomplish two things: 1) minimize the likelihood of conflict between the United States and China, and 2) encourage China's development as an open, responsible, and stable world leader capable of helping maintain a safe and secure Asia. If there is going to be appreciable progress toward this goal in the next 10-15 years, it will come about through the development of a strategic partnership between the United States and China.

This strategic partnership must be based, first and foremost, on a recognition of shared security interests, including: a stable and secure Western Pacific, in which all countries have secure borders and are at peace; eliminating the spread of weapons of mass destruction; stable economic conditions in the Asian-Pacific region; and the free flow of commerce and people through Asian and global sea lanes.

This strategic partnership must also be based on mutual trust, developed over time, through repeated contact and constant communication. Mutual trust requires the development of a common understanding that the interests of one side do not threaten the other; an understanding by the United States that China's rising strength need not necessarily pose a threat to the U.S.; and an understanding by China that the U.S. role in Asia is not aimed at containing China or preventing it from playing its rightful role in the region.

Finally, this strategic partnership must be based on a set of mutual understandings about issues of importance to each side, especially the issue of Taiwan, non-proliferation, and agreed-upon rules of trade.

Taiwan: The most critical area of shared understanding must be Taiwan. The new Chinese Ambassador in Washington, Li Zhaoxing, recently met with me in my office and reiterated un-

equivocally that the key issue remains Taiwan. Beyond that, all issues are negotiable. So, the United States' adherence to the "One China" policy, and the principles set forth in the three Sino-American Joint Communiqués, remain the bedrock of any American policy of engagement.

Specifically, the U.S. should make sure China understands that the United States is committed first and foremost to a peaceful resolution of the Taiwan issue, brought about through talks between the Chinese and the Taiwanese. In this regard, we can take encouragement from the fact that Cross-Straits discussions are expected to resume in Beijing later this month for the first time since mid-1995.

As a matter of American policy, we need to be vigilant in ensuring that the United States will do nothing to support Taiwanese independence, and will consistently encourage Taiwan to pursue a course of moderation and avoid provocative acts. At the same time we must make clear that we will not countenance any military action against Taiwan, and that any aggressive action is clearly adverse to U.S. national interests.

Nuclear Nonproliferation: China's need for constant reassuring regarding U.S. intentions toward Taiwan mirrors American concerns about Chinese efforts at stopping the spread of weapons of mass destruction. The U.S. and China have achieved some equilibrium on the issue of Taiwan, and have moved much closer to a common understanding on the issue of non-proliferation.

China today has signed or is now supporting virtually every multinational treaty and agreement on nuclear non-proliferation, including the Nuclear Non-Proliferation Treaty, the Comprehensive Test Ban Treaty, most recently by joining the Zangger Committee to control and monitor exports of nuclear technology. And, at the summit in October, China committed not to engage in any new nuclear cooperation projects with Iran, fulfilling a longtime U.S. policy goal.

There are still questions about whether or not China has fully turned the corner in its approach to nuclear non-proliferation, but the signs are encouraging. China has been supportive of U.S. efforts to halt nuclear proliferation in North Korea and is participating in the four-party talks and supportive of the Agreed Framework. China has also agreed to cease assistance to any unsafeguarded nuclear facility, which is especially critical in the case of Pakistan. Today, both India and Pakistan are capable of launching nuclear devices in a matter of days, and hopefully China now understands that it makes little sense to have a group of states with major nuclear weapons capacity just over its borders.

Now is the time for the United States, when President Clinton goes to China in June, to propose a cooperative approach to nonproliferation as a major initiative with President Jiang

Zemin. The United States can build on the successes already achieved by seeking to encourage China to become a full member of the Missile Technology Control Regime (MTCR), which will require China to abide, not just by the regime's guidelines, but by the technology transfer restrictions contained in its annexes. This is key to a non-proliferation agreement.

Trade: Special attention should be paid to the dynamics of the U.S.-China trade relationship, because the trading relationship, with its domestic ramifications, is such that it can undermine other aspects of a strategic partnership. Hence, there is a real need for a shared understanding and agreement on the rules of trade between the two parties. It is clear that a major United States interest is to have China—which will soon be the world's third-largest economy and growing at unprecedented rates of GDP—abide by the same rules of trade as the rest of the international community.

To that end, a major goal of our policy of engagement should be to encourage China's participation in international economic regimes, and, most notably, the World Trade Organization. As Nicholas Lardy of the Brookings Institution has written, the United States goal of China's accession into the WTO on "commercially viable terms" must dovetail with a realistic assessment of how fast China can achieve the standards necessary for full membership.

A phase-in period is no doubt appropriate given the enormous changes the Chinese economy will have to endure, especially if China continues to show good faith and is moving in the right direction—as the new Premier Zhu Rongji seems inclined to do.

As a further encouragement for China to make the necessary adjustments in its trade practices, Congress might end the application of the Jackson-Vanik amendment to China, thereby making China's MFN status permanent. I intend to cosponsor legislation later this year with the chairman of the Senate Finance Committee, Senator WILLIAM ROTH of Delaware, and others, which would guarantee that upon China's accession to the WTO under terms agreed to by the United States, China's MFN status would be made permanent. If necessary, the legislation could be structured so that Jackson-Vanik could be reinstated if China failed to meet its commitments under the WTO. But the important thing is to end the unnecessary and disruptive practice of subjecting the entire U.S.-China relationship to an annual review.

There are other steps the United States can take to ensure a further deepening our strategic partnership with China in the trade area. Each year, the leaders of the world's great industrialized democracies meet in what has been known as the G-7 and, now that Russia is a participant, the Summit of the Eight. These leading na-

tions meet to discuss their common interests and agendas in world economics, trade, and security.

While China is not yet a democracy, it is a rising power in Asia and the world, and, as such, should interact with this summit. As with Russia, full membership is not necessary at the outset. But China's potential role in shaping global peace and economic stability should be recognized and encouraged. It would serve the interests of the United States and our allies at this summit to be able to discuss with Chinese leaders how China and the Western powers can interface and work together.

Most observers agree that China has played a helpful role in responding to the financial crises gripping much of Asia, and there is good reason to be very seriously concerned. Despite a decline in foreign investment and Chinese exports, China has held the line against pressure to devalue its currency, and has pledged to offer financial assistance to its troubled neighbors. China also has pledged to continue and accelerate its reform of state-owned enterprises and the restructuring of its government, with full knowledge that it will have to deal with probable social disruption as a result. This responsible international economic behavior, which has been praised by Secretary of the Treasury Robert Rubin, bodes well for the strategic partnership we are trying to build.

When I first went to China twenty years ago, virtually all businesses were owned by the state. Today, about 25 percent is owned privately, 25 percent is cooperative, and about 50 percent is still owned by the central government.

These highly subsidized state-owned enterprises are hugely inefficient, but they employ tens of millions of people. Zhu Rongji is determined to shut down these white elephants. As he closes them, unemployment is sure to increase. Already in China there is a huge unemployed migrant population in the millions, moving from city to city, with little hope and little opportunity. As these reforms are carried out and inefficient companies are shut down, the situation that the Chinese have the most concern about, instability, is a real possibility. Also, there is growing unrest in minority areas. These events together will test China's commitment to reform, but the early indications are that the commitment of the new Prime Minister is strong.

#### STEPS TOWARD MUTUAL TRUST

The strategic partnership we are trying to build requires the development of a sense of mutual trust. I do not believe this can be accomplished at secondary levels, but rather must be developed over time, leader to leader, with a lot of listening needed on the U.S. side—something we are not very accomplished at doing. This takes time and persistence. There will be setbacks. But I do not believe that second-level delegations sweeping into Beijing for a

day or two, giving ultimatums, can accomplish much. To this end, the United States and Chinese leaders need to develop methods of ongoing communication. It is amazing to me to know that, from the resumption of diplomatic relations with China in 1978 until the present day, there has been no red telephone—no ability for the two leaders to talk, exchange information, or discuss points of concern. Hard to believe, but true.

I will never forget visiting Jiang Zemin at Zhongnanhai in August of 1995 and having him tell me that he did not know of the U.S. decision to grant a visa to Lee Teng-hui to visit Cornell University until he read about it in the newspaper—and I saw it written all over his face, the loss of face. The Chinese believed that they had been reassured in May of that year—just weeks before—that such a visit would not take place. When it did, the relationship was shaken to its foundation, culminating in Chinese missile exercises aimed at intimidating Taiwan and U.S. aircraft carriers being sent to the Taiwan Strait.

I am also of the view that it is possible, perhaps even probable, that the ministries of China often act independently of Beijing, such as in the case of the sale of \$75,000 worth of ring magnets to Pakistan. I know that in the case of the intellectual property debate, information was given by the government of Guangdong Province to Beijing indicating that all pirate CD factories in the province had been closed, when they had not.

These cases are small examples of when conversations, and a sharing of key information at critical times, between the leaders of each country—outside of the foreign ministries—can prevent all kinds of difficulties. That is why I am so pleased that a telephone link between the two leaders is set to become operational in May of this year. Other forms of direct contact are important as well. The exchange of visits between the two presidents we are now seeing should be made an annual occurrence. In addition, regular, ongoing high-level visits from both sides at the Secretary of State/Foreign Minister level, as well as cabinet-level visits in other important areas of mutual interests, are vital to developing understanding and trust.

These senior-level talks must also be supplemented by working-level committees that meet at least twice yearly in each other's capitals to discuss non-proliferation, transnational threats such as narcotics trafficking and terrorism, economic cooperation, trade issues, science and technology cooperation, and human rights. Many of our trade disputes with China—over phytosanitary standards, or the calculation of the trade imbalance and what can be done to improve the imbalance, for instance—will never be settled unless there is continuing, ongoing dialogue at both the senior and working levels.

A lack of communication can assert itself in big and small ways. In January of 1996, Sam Nunn, JOHN GLENN, and I met with the Chinese Defense Minister, Chi Haotian, in Beijing. After discussing the tensions in the Taiwan Strait, I asked him if there were any other direct problems between our countries. He said, "Yes, there was one—the problem of U.S. military overflights of Chinese territorial waters." He indicated that some American fighter planes were flying too close to the Chinese coast and may have violated Chinese airspace. From Beijing, I then called Secretary of Defense William Perry. He indicated that he would look into it right away and take care of it, which he did. The U.S. and the Chinese side were able to reach an understanding on these flights fairly easily.

But this incident really showed me the danger inherent in the absence of ongoing communication. Secretary Perry also recognized this gap, and he began a very important process of building an expanded military-to-military dialogue, a process which I strongly support and believe should be continued. In the last two years, there has been an exchange of visits by the Defense Ministers, occasional meetings between officers of the two sides, and a handful of port visits. All are healthy.

The October summit helped to advance this process with an agreement on regular high-level and mid-level exchanges, between both officers and specialists in each country's war colleges. An agreement was also reached on a communication system to avoid accidental encounters between U.S. and Chinese naval forces at sea. This military-to-military dialogue is important. In order to broaden and deepen these exchanges, the United States might conduct some joint exercises with the Chinese military—perhaps initially just search-and-rescue, or disaster relief cooperation—a priority.

Another aspect of a strategic partnership is to combat the transnational criminal threats—such as terrorism, drug trafficking, and alien smuggling—that disrupt each of our societies, and the Chinese have been very cooperative in these efforts. Hopefully, the two presidents will build on this cooperation in June by reaching agreement to allow the U.S. to station DEA agents in China, and perhaps an FBI placement.

This cooperation could be combined with law enforcement-related exchanges in modern investigative techniques, forensics, case-building, and proper training in crowd control techniques. It should be remembered that, until recently, the Chinese had no local police and relied on the army in many domestic situations, including Tianamen Square in 1989.

#### HUMAN RIGHTS AND ENGAGEMENT

One cannot talk about what should be contained in a policy of engagement of China without discussing how human rights policies should interact with other aspects of U.S.-China pol-

icy. The truth is that the human rights situation in China remains deeply disturbing. Fundamental freedoms—expression, political activity, assembly, and religion—remain sharply restricted no matter what the Chinese say. Dissidents continue to languish in prison. Arbitrary arrest, torture, and the imprisonment of political prisoners continue.

The situation is even worse in Tibet, which remains a troublesome and unfathomable issue. There is no question but that the Chinese have continued to harden their policies against the Tibetan people. This has taken the form of a crackdown on dissent (merely to have a picture of the Dalai Lama in a home is a cause for arrest), and brutalizing those who do not conform. Han Chinese continue to build a major Chinese presence in the capital of Lhasa, which is rapidly looking more Chinese than Tibetan. Most discouraging, the Chinese maintain their refusal to meet with the Dalai Lama, despite his repeated assurances that he has discarded Tibetan independence as a point of contention.

This issue has been a very personal one for me. I was initially brought into the Tibet issue by my husband, Richard Blum, who has been a longstanding friend of His Holiness the Dalai Lama and first introduced me to him in 1978. In 1979, when I became Mayor of San Francisco, I was the first American official to receive His Holiness. So the issue has become a very personal one for me. Nine years ago, Richard and I began a small quest. That was to arrange a meeting between the Chinese leadership and His Holiness. In 1991, we first carried letters to the Chinese leadership from the Dalai Lama. These discussions have continued for several years.

Then, last September, I thought there was going to be a breakthrough. I was asked by Beijing to come to China to deliver a written message and proposal from the Dalai Lama, which I had been holding since June. We flew to Beijing on a weekend and presented the letter to President Jiang Zemin. The meeting did not go well, and I was very disappointed after it. But before I left Beijing, I received word that the door was not closed to the Dalai Lama's offer. And I have held out hope that there is still an opportunity to capitalize on this offer.

Then, very recently, I saw an article distributed by Xinhua, which falsely depicts the position of the Dalai Lama. The article cites a recent issue of the journal *China's Tibet*. The article says: "The Dalai Lama has never sought genuine talks with the Central government of China in the last ten years." The article goes on to repeat accusations that the Dalai Lama is working to split Tibet from China and is seeking Tibetan independence.

Simply put, these charges are not true. The Dalai Lama has repeatedly made statements, publicly and privately, that should have long since sat-

isfied Chinese concerns. And I, personally, have delivered two of them—one in 1991, and one last September.

Until recently, I have been unable to say anything about this, because these contacts have been basically private. But on March 10 of this year, the Dalai Lama released a statement, which goes to the heart of this subject. The Dalai Lama's statement, while acknowledging some progress in human rights in China, says:

In stark contrast to these positive aspects of development in China proper, the situation in Tibet has sadly worsened in recent years. Of late, it has become apparent that Beijing is carrying out what amounts to a deliberate policy of cultural genocide in Tibet. The infamous "strike hard" campaign against Tibetan religion and nationalism has intensified with each passing year.

Further on in the statement, the Dalai Lama makes clear what he is seeking from the Chinese leadership:

With regard to a mutually acceptable solution to the issue of Tibet, my position is very straightforward. I am not seeking independence. As I have said many times before, what I am seeking is for the Tibetan people to be given the opportunity to have a genuine self-rule in order to preserve their civilization and for the unique Tibetan culture, religion, language, and way of life to grow and thrive. My main concern is to ensure the survival of the Tibetan people with their own unique Buddhist cultural heritage. For this, it is essential, as the past decades have shown clearly, that the Tibetans be able to handle all their domestic affairs and to freely determine their social, economic, and cultural development.

In light of this background, I propose three directions for U.S. policy on human rights in China:

First, the Tibet issue should be elevated to the highest priority of the U.S. human rights agenda. Just a few months ago, the Secretary of State appointed Gregory Craig to be the State Department's Special Coordinator for Tibet. The United States should launch a major initiative, as part of President Clinton's visit, to convince the President of China that he should take the Dalai Lama at his word, and sit down and meet with him. After all, the Dalai Lama is the spiritual leader of some six million Tibetans, and as such, his view and proposals deserve to be heard by the government of his people.

Secondly, the United States must also actively promote and help China develop the rule of law, which is the most important guarantor of individual freedoms. A truly independent judiciary, which it is not now, due process of law, and modern civil, criminal, and commercial codes are all vital to this effort. The Administration has already proposed a new \$5 million program, which I strongly support, to be administered under the auspices of the Asia Foundation for this purpose. This program can be the single most important thing we can do to make major changes possible in the area of human rights.

Finally, the United States should continue to press for the release of political dissidents, for reform of the prison system, the abolition of child

labor and prison labor, and increased religious tolerance. There has been some progress, first with Wei Jingsheng's release, and more recently with Wang Dan's.

#### WHAT KIND OF CHINA?

The key question that a policy of engagement attempts to address is: What kind of China do we hope to be dealing with in 2015? As most of our deepest partnerships around the world are with democratic nations, the ideal answer of course is that we would see a fully democratic China. But the history of transitions to democracy suggests to us that China may not have made that entire transition in another decade or two. Yet if the current trends toward openness and individual freedoms in Chinese society continue, I believe it will happen, probably along the Taiwan model.

Specifically, we should be looking for the following:

- an increasingly open country and society, with sharply reduced barriers to interaction with the West;

- a China in which the people have a voice in their governance, at the local, provincial, and even national level—which is now beginning with the widespread village elections initiative;

- a China in which the rule of law, due process, an independent judiciary, and modern civil, criminal, and commercial codes, and the protection of individual rights have been firmly established as the basis of human endeavor; and,

- a responsible leadership, which allows itself to be held accountable for its decisions and actions, both at home and abroad, and is willing and able to ensure its own peace and stability, and play a role in establishing peace and security all along the Pacific Rim.

I deeply believe in engaging China fully. And as China changes—and it will—engagement will become both easier to practice and easier to build support for at home. All those who are pursuing this effort have the United States best interests at heart. •

#### CONGRATULATING U.S. ARMY RESERVE ON ITS 90TH ANNIVERSARY AND RECOGNIZING CONTRIBUTIONS OF STROM THURMOND, PRESIDENT PRO TEMPORE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 213 submitted earlier today by Senator HELMS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 213) congratulating the United States Army Reserve on its 90th anniversary and recognizing the important contributions of STROM THURMOND, the President Pro Tempore of the Senate, who served with distinction in the United States Army Reserve for 36 years.

The Senate proceeded to consider the resolution.

• Mr. HELMS. Mr. President, the resolution that I am offering today, along with 28 other Senators, is intended to commemorate the 90th Anniversary of the United States Army Reserve and to honor the soldiers who have served in the USAR, including our good friend and Senate President pro tempore, Senator STROM THURMOND, who served with distinction as an Army Reservist for 36 years.

Winston Churchill once remarked that "the reservist is twice the citizen." Indeed, the accolade "twice the citizen" serves as the title of the definitive history of the U.S. Army Reserve that was written by the late Colonel Richard B. Crossland and Colonel James T. Currie, whose assistance was invaluable in drafting this resolution. The concept that reservists fulfill multiple roles as citizens in their community while simultaneously training for war and other military operations was never more true than today.

Today's Army Reserve of almost 487,000 Ready Reserve and Standby Reserve soldiers and 600,000 Retired Reserve soldiers is a far cry from its predecessor, the Medical Reserve Corps, which was authorized by statute on April 23, 1908. On that date, President Theodore Roosevelt signed an act "to Increase the Efficiency of the Medical Department of the United States Army." The act provided for the commissioning of a few hundred Reserve medical doctors, in order to avert future shortages of officers, such as the one that had occurred during the Spanish-American War.

Mr. President, since that modest beginning, the USAR has grown to become a community-based force with over 1200 facilities across the United States and more than 2000 units in the United States and its territories.

While comprising only about 20 percent of the Army's organized units and receiving only about 5 percent of the Army's budget, today's Army Reserve includes 46 percent of the Army's combat service support (CSS) assets and more than a quarter of the Army's combat support (CS) assets. These assets include medical, engineer, transportation, civil affairs, legal, military police, and psychological operations units which are essential to any military operation.

From World War I when the USAR contributed more than 160,000 soldiers to the United States Army, through World War II, Korea, Vietnam and Desert Shield/Desert Storm, the soldiers of the USAR have been ready when the President called upon them.

Even today, as we spend more and more of our limited defense resources on so-called "contingency operations" and "operations other than war," the soldiers of the USAR and their families are making the sacrifices necessary to serve their country.

Each year, the Army Reserve deploys approximately 20,000 soldiers to 50 countries worldwide on a variety of missions. In Bosnia alone, the Army

Reserve has contributed almost 15,000 citizen-soldiers, representing more than 70% of the Army's reserve component mobilization.

Mr. President, I recently received a letter from Colonel Herbert N. Harmon (USMCR), National President of the Reserve Officers Association, who suggested that I introduce this resolution. I am honored to do so.

Mr. President, it is appropriate that Senator THURMOND and the citizen-soldiers of the USAR be honored on the occasion of the Army Reserves 90th Anniversary on April 23, 1998. For, in many ways, Senator THURMOND's service as a reservist is the story of the consummate citizen-soldier.

His remarkable record of service as a reservist began in 1924 when he received a commission as a Second Lieutenant in the Infantry. By the time he transferred to the Retired Reserve in 1965, Senator THURMOND had risen to the rank of Major General, the highest rank available to a Reserve Officer.

Then First Lieutenant Thurmond volunteered the day war was declared against Germany even though his position as a South Carolina Circuit Judge exempted him from service in World War II. He received a commission in the active Army, became a member of the First U.S. Army and was attached to the 82nd Airborne Division for the Normandy invasion. It was during that action that he sustained an injury for which he was awarded a Purple Heart.

While serving in Europe, Senator THURMOND served in all battles of the First Army, which fought through France, Belgium, Holland, Luxembourg, Czechoslovakia, and Germany. In addition to the Purple Heart, he received numerous other awards and commendations for his heroism and valor, including the Legion of Merit, the Bronze Star Medal with V device and the Army Commendation Ribbon just to cite a few.

Mr. President, it would be difficult to overstate Senator THURMOND's contribution to the security of our country and our gratitude for his exceptional service. Suffice it to say that he is, perhaps, the single most qualified person ever to serve as the Chairman of the Senate Armed Services Committee and that I am honored to have had the privilege of serving with him for these past 25 years.

I am also grateful for the service and the sacrifices of the soldiers who willingly serve in, and the families who support, the Army Reserve. Their dedication, commitment, and accomplishments are properly noted on this occasion.

Mr. President, I urge Senators to support this resolution and to join me in honoring Senator THURMOND and the soldiers of the United States Army Reserve. It's the right thing to do and I am confident that Senators will agree.

I ask that the letter from Col. Herbert N. Harmon be printed in the RECORD.

The letter follows:

RESERVE OFFICERS ASSOCIATION  
OF THE UNITED STATES,  
Washington, DC, April 14, 1998.

Hon. JESSE HELMS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR HELMS: On April 23, the United States Army Reserve will observe the 90th anniversary of its founding as the first federal Reserve force established by the Congress. During those 90 years the Army Reserve has served proudly and effectively as a full partner in our nation's Army. Indeed, today it is no exaggeration to say that the Army cannot conduct any sustained operation without the support of the Army Reserve. It is appropriate that the contributions of our Army Reserve be recognized on this occasion.

Enclosed is a draft resolution that congratulates the Army Reserve on its 90th birthday; commends the citizen-soldiers of the USAR for their service and sacrifice; and recognizes Senator Strom Thurmond, President Pro Tempore of the Senate, and former national president of this association, who served with distinction for 36 years in the Army Reserve, rising to the rank of major general. We ask that you introduce this resolution honoring the Army Reserve and Senator Thurmond.

We thank you for your support of our men and women in uniform and for your support of this resolution honoring the Army Reserve and Senator Thurmond. If we may be of assistance to you in this matter, please let us know.

Sincerely,

HERBERT N. HARMON,  
Colonel, USMCR,  
National President.●

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution be agreed to; the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 213

Whereas the United States Army Reserve was created by statute on April 23, 1908;

Whereas the United States Army Reserve was the first of the Federal reserve forces created by Congress;

Whereas the United States Army Reserve has played a major role in the defense of this country for 90 years;

Whereas many notable Americans have served with distinction in the United States Army Reserve, including Presidents Harry S. Truman and Ronald W. Reagan, the current Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, Brigadier General Theodore Roosevelt, Jr., Major General William J. Donovan (Director of the Office of Strategic Services during World War II), Drs. Charles H. Mayo and William J. Mayo, and Captain Eddie Rickenbacker;

Whereas the President Pro Tempore of the Senate, Strom Thurmond, who received the Purple Heart for injuries received while participating in the Normandy invasion with the 82d Airborne Division on D-Day, served with distinction in the United States Army Reserve for 36 years, rising to the rank of Major General;

Whereas the United States Army Reserve contributed more than 160,000 soldiers to the United States Army during World War I;

Whereas the United States Army Reserve was recognized by General George C. Mar-

shall for its unique and invaluable contributions to the national defense during World War II;

Whereas more than 240,000 soldiers from the United States Army Reserve were called to active duty during the Korean War;

Whereas 35 units of the United States Army Reserve were sent to Vietnam, where they served honorably and well;

Whereas the United States Army Reserve contributed more than 90,000 soldiers to Operations Desert Storm and Desert Shield in 1990 and 1991;

Whereas the United States Army Reserve has contributed more than 70 percent of the reserve soldiers mobilized in support of Operation Joint Endeavor/Joint Guard in Bosnia;

Whereas the United States Army Reserve constitutes a very high percentage of the mission essential combat support and combat service support forces of the Army;

Whereas the Army cannot go to war without the 1,100,000 trained Ready Reserve and Retired Reserve personnel of the United States Army Reserve;

Whereas the United States Army Reserve is a community-based force with over 1,200 facilities in communities across the United States; and

Whereas the United States Army Reserve has made these contributions to the security of our country in return for a very small percentage of the Army budget: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the United States Army Reserve on the occasion of the 90th anniversary of its establishment on April 23, 1908;

(2) recognizes and commends the United States Army Reserve for the selfless and dedicated service of its past and present citizen-soldiers who have preserved the freedom and national security of the United States; and

(3) recognizes Strom Thurmond, the President Pro Tempore of the Senate, for 36 years of service with distinction in the United States Army Reserve.

#### COMMENDING THE GRAND FORKS HERALD

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 214 submitted earlier today by Senators CONRAD, DORGAN and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 214) commending the Grand Forks Herald for its public service to the Grand Forks area and receipt of a Pulitzer Prize.

The Senate proceeded to consider the resolution.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating thereto be placed at the appropriate place in the RECORD.

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

The resolution (S. Res. 214) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 214

Whereas the residents of the Grand Forks area in North Dakota and Minnesota experienced the most devastating floods in 500 years during April 1997;

Whereas more than 50,000 residents of the Red River Valley area were severely displaced for months by the flooding;

Whereas the offices of the Grand Forks Herald, whose newspaper has a daily circulation of 37,000, were displaced by the floods and moved to various locations to publish the newspaper, including the University of North Dakota and Marvel Elementary School, and the paper was printed by the St. Paul Pioneer Press of St. Paul, Minnesota, to enable the paper to maintain continuous publication;

Whereas the Grand Forks Herald publisher Mike Maidenberger, editor Mike Jacobs, and more than 70 staff members, whose lives were turned upside down by the floods, never failed to publish an edition of the newspaper during the floods, sometimes hitting a circulation of 117,000 and keeping the community together even though the paper's facilities were totally destroyed;

Whereas the Grand Forks Herald was honored with journalism's most prestigious award, the Pulitzer Prize for public service, for its extraordinary efforts to continue publishing during the severe flooding; and

Whereas the dedication and devotion of the Grand Forks Herald to the community made an extraordinary difference in the lives of many people during the flooding by helping to maintain a sense of stability during this terrible natural disaster: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Grand Forks Herald and its staff for their dedication to community and excellence in public service; and

(2) congratulates the newspaper on being selected to receive one of our Nation's most coveted awards for public service, the Pulitzer Prize.

#### CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002 AND 2003

Mr. COVERDELL. Mr. President, I ask unanimous consent that the previously agreed to amendment No. 2180 be modified with the changes that are at the desk and, further, that the modification be agreed to.

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

The previously agreed to amendment (No. 2180), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

#### SEC. . GENERAL PROHIBITION ON THE USE OF MARIJUANA FOR MEDICINAL PURPOSES.

It is the sense of the Senate that the provisions of this resolution assume that no funds appropriated by Congress should be used to provide, procure, furnish, fund or support, or to compel any individual, institution or government entity to provide, procure, furnish, fund or support, any item, good, benefit, program or service, for the purpose of the use of marijuana for medicinal purposes, except that this section shall not apply to medical research and investigational new drug programs under the jurisdiction of the Food and Drug Administration.



## ORDERS FOR THURSDAY, APRIL 23, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, April 23. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of H.R. 2646, the Coverdell A+ education bill.

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

Mr. COVERDELL. Mr. President, I further ask unanimous consent that at 9:30 a.m., the Senate immediately proceed to a rollcall vote on or in relation to the Coats amendment. Further, that following that vote, the Senate proceed to a vote on or in relation to the Kempthorne amendment. I further ask unanimous consent that if the Kempthorne amendment is agreed to, the Kempthorne amendment be modified to reflect a first-degree form and the Senate proceed to an immediate vote on or in relation to the Landrieu amendment.

Further, I ask unanimous consent that there be 2 minutes of debate before each vote and no amendments be in order to these votes.

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

## PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, following a series of stacked rollcall votes at 9:30 a.m., there appears to be up to four additional first-degree amendments remaining in order to the Coverdell education bill: the Bingaman amendment, the Boxer amendment, the Levin amendment and an amendment by Senator DODD.

It is hoped that these amendments will be offered and debated in a timely fashion so that final passage can occur by early afternoon tomorrow. Therefore, Senators should expect rollcall votes throughout Thursday's session in order to finish this important piece of legislation or any other legislative or executive items cleared for action.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6 p.m., adjourned until Thursday, April 23, 1998, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 22, 1998:

## DEPARTMENT OF STATE

WILLIAM DAVIS CLARKE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

GEORGE WILLIFORD BOYCE HALEY, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

KATHERINE HUBAY PETERSON, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

## FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL FARBMAN, OF VIRGINIA  
JOHN RICHARD TABER, OF ALASKA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## AGENCY FOR INTERNATIONAL DEVELOPMENT

JEFFREY D. BELL, OF NEVADA  
HERBERT B. SMITH, JR., OF DELAWARE

## DEPARTMENT OF STATE

ALBERTA G.J. MAYBERRY, OF OKLAHOMA  
GERALDINE H. O'BRIEN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## AGENCY FOR INTERNATIONAL DEVELOPMENT

JULIE M. ALLAIRE-MACDONALD, OF NEW HAMPSHIRE  
CARRIE V. DAILEY, OF ILLINOIS  
CELESTINA M. DOOLEY-JONES, OF SOUTH DAKOTA  
RICHARD LABROT EDWARDS, OF OREGON  
WILLIAM KING ELDERBAUM, OF FLORIDA  
W. JAMES GOHARY, OF TEXAS  
GARDENIA M. HENLEY, OF NORTH CAROLINA  
CAROLYN NIVENS HUGHES, OF NORTH CAROLINA  
MARIE CARELL LAURENT, OF FLORIDA  
PETER A. MALNAK, OF FLORIDA  
ALLAN A. MCKENNA, OF TEXAS  
MICHELE A. MOLONEY-KITTS, OF WYOMING  
GREGORY EDWIN VINCENT PICUR, OF FLORIDA

## DEPARTMENT OF STATE

LYNNE G. PLATT, OF CONNECTICUT

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## DEPARTMENT OF STATE

JOHN LOWELL ARMSTRONG, OF MINNESOTA  
CHARLIE H. ASHLEY III, OF TEXAS  
DAVID MARK BIRDSEY, OF NEW JERSEY  
DAVID NOEL BRIZZEE, OF IDAHO  
DAVID BURGER, OF VIRGINIA  
JILLIAN LESLIE BURNS, OF NEVADA  
DANIEL LEE CHASE, OF VIRGINIA  
KAY CRAWFORD, OF ILLINOIS  
JOEL EHRENDREICH, OF WISCONSIN  
SILVIA EIRIZ, OF NEW YORK  
THOMAS R. FAVRET, OF PENNSYLVANIA  
ALICE K. FUGATE, OF TEXAS  
TIMOTHY MICHAEL HANWAY, OF CALIFORNIA  
BONITA G. HARRIS, OF TEXAS  
PATRICK MICHAEL HEFFERNAN, OF NEW HAMPSHIRE  
LINDA R. HOOVER, OF INDIANA  
TINA S. KAIDANOW, OF NEW YORK  
THOMAS ALEXANDER KELSEY, OF FLORIDA  
JESSICA E. LAPENN, OF NEW YORK  
MARK W. LIBBY, OF CONNECTICUT  
JOHN DAVID LIPPEATT, OF CALIFORNIA  
REBEKAH J. LYNN, OF CALIFORNIA  
KARIN L. MELKA, OF CALIFORNIA  
PHILLIP RODERICK NELSON, OF VIRGINIA  
ELISHA EDWARD NYMAN, OF WASHINGTON  
TIMOTHY JOEL POUNDS, OF FLORIDA  
JOEL RICHARD REIFMAN, OF TEXAS  
DAVID W. RENZ, OF VIRGINIA  
ROBERT KENNETH SCOTT, OF MARYLAND  
ELIZABETH ANNE SHARRIER, OF VIRGINIA  
ERIC ALLAN SHIMP, OF IOWA  
NAN FORSYTH STEWART, OF OREGON  
DEAN RICHARD THOMPSON, OF MARYLAND  
PHILIP ALAN THOMPSON, OF ARKANSAS  
LYNNE M. TRACY, OF WASHINGTON  
KURT FREDERICK VAN DER WALDE, OF VIRGINIA  
THOMAS J. WALSH, OF VIRGINIA

## HAROLD G. WOODLEY, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KARIN L. BALDWIN, OF VIRGINIA  
WILLIAM QUINN BEARDSLEE, OF COLORADO  
TODD M. BLUHM, OF VIRGINIA  
MICHELE A. BRADFORD, OF MARYLAND  
EDWARD BENNETT LLOYD BURKHALTER, OF VIRGINIA  
CLAUDIA MARIA COLEMAN, OF TEXAS  
THOMAS P. DINEEN, OF VIRGINIA  
GERALD A. DONOVAN, OF DELAWARE  
DANIEL WRIGHT EMORY, OF VIRGINIA  
LAURIE A. FARRIS, OF VIRGINIA  
DANIEL L. FOOTE, OF CALIFORNIA  
ANDREA FRANCA GASTALDO, OF TEXAS  
CATHERINE S. GILL, OF VIRGINIA  
RICHARD L. GREENE, OF NEW YORK  
DEIRDRE VICTORIA GROLL, OF MARYLAND  
GAYLE J. S. HALLMAN, OF VIRGINIA  
MICHAEL J. HAZEL, OF WASHINGTON  
BRIAN GEORGE HEATH, OF NEW JERSEY  
RICHARD CHARLES HEGGER, OF MONTANA  
JERRY W. HILL, OF VIRGINIA  
VIRGINIA MEADE BEDELL HOTCHNER, OF VIRGINIA  
MATTHEW G. JOHNSON, OF CALIFORNIA  
DEENA JOHNSONBAUGH, OF WASHINGTON  
JON C. KARBUR, OF VIRGINIA  
LUKE KAY, OF MICHIGAN  
MARY MARGARET KNUDSON, OF COLORADO  
DOUGLAS KREMER, OF NEW YORK  
JENNIFER LEE LANGSTON, OF CALIFORNIA  
INGRID D. LARSON, OF MARYLAND  
DENNIS H. LEIGHTON, OF WASHINGTON  
DENIS MARK MANDICH, OF VIRGINIA  
BRIAN M. MARKLEY, OF VIRGINIA  
JOE C. MAYES, III, OF VIRGINIA  
DAVID R. MCCAWLEY, OF CALIFORNIA  
MEREDITH C. MCEVOY, OF MINNESOTA  
ANGELA M. MINER, OF VIRGINIA  
TESS ANNETTE MOORE, OF TEXAS  
LEIGH ANNE MUGISHIMA-BUSHERY, OF VIRGINIA  
MATTHEW D. MURRAY, OF MARYLAND  
ROBERT STEVEN NEUS, OF NEW JERSEY  
SCOTT MCCONNIN OUDKIRK, OF VIRGINIA  
RICHARD W. PABST, OF VIRGINIA  
JACQUELINE K. PAYNE, OF VIRGINIA  
BRIAN W. PEPPER, OF VIRGINIA  
KRISTA A. PETERSON, OF NEW MEXICO  
USHA PITTS, OF THE DISTRICT OF COLUMBIA  
ARTHUR J. PYRAK, OF VIRGINIA  
SCOTT REMINGTON, OF ARIZONA  
JEFFREY JAMES ROBERTSON, OF CALIFORNIA  
JEFFREY ROBERT ROSENBERG, OF VIRGINIA  
MAUREEN SHAHEEN, OF VIRGINIA  
MATTHEW L. SHIELDS, OF VIRGINIA  
NANCY L. SMITH, OF VIRGINIA  
THERESA A. RENNER SMITH, OF MARYLAND  
RICHARD WILLIAM SNELSIRE, OF TEXAS  
STEPHEN WILLIAM THOMPSON, OF OREGON  
SOLINUU P. TOPALIAN, OF VIRGINIA  
WALTER RANDALL TOWNSEND, OF TEXAS  
NANCY W. VAN SPEYBROECK, OF CALIFORNIA  
RUBY P. VINAL, OF VIRGINIA  
LIAN VON WANTOCH, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE DECEMBER 24, 1995:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JUDYT LANDSTEIN MANDEL, OF THE DISTRICT OF COLUMBIA  
MARY C. PENDLETON, OF VIRGINIA

## NATIONAL LABOR RELATIONS BOARD

LAURENCE J. COHEN, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN, RESIGNED.

## WITHDRAWAL

Executive message transmitted by the President to the Senate on April 22, 1998, withdrawing from further Senate consideration the following nomination:

## NATIONAL LABOR RELATIONS BOARD

JOHN C. TRUESDALE, OF MARYLAND, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 2, 1998.